This article analyzes discursively putative sources of trauma among members of the American Catholic community in the wake of revelations in early 2002 of (a) what has inaccurately and euphemistically been termed “sexual abuse of minors” (in most instances, in actuality homosexual statutory rape) by a relatively small number of priests, (b) consequent but unpublicized civil liability settlements reached between victims and the ecclesiastical superiors of the offending priests, typically in the absence of criminal prosecution, and (c) the pervasive aura of secretiveness within a context that includes (d) the requirements of the Code of Canon Law that governs the Catholic church and (e) the requirements of criminal law concerning both the notification of law enforcement authorities of alleged criminal violations and the subsequent “tracking” of pedophiles, both statutory and other rapists, and certain other sex offenders under the terms of Megan’s Law. It is proposed that the victims of trauma radiate outward beyond primary victims and their families (secondary victims) to include the entire Catholic population (tertiary victims) and that the sources of trauma include an excessive theological emphasis on adolescent sexuality via the Virgin Birth as well as an unwillingness on the part of clerical leaders to abide by the dictates either of Canon or criminal law. An etiology to explain the psychodynamics of homosexual statutory rape (or even “ephebophilia”) by priests, anchored in Fenichel’s (1945) speculations about the genesis of psychosexual pathology among (sexually inexperienced but palpably) narcissistic adult males and incorporating the contribution of Catholic doctrine on the Virgin Birth, is presented. Varied roles for mental health professionals in the wake of the crisis are indicated. [Brief Treatment and Crisis Intervention 2:341–372 (2002)]

KEY WORDS: ephebophilia, pedophilia, statutory homosexual rape, adolescent sexuality, celibacy, Roman Catholic clergy.

There is no going back to the old idea that ready-made solutions can be handed down by authority. . . . Now authority’s role is to set up the conditions in which a solution can be sought by the church, that is, the community. In most cases there will be no final solution, only a continual attempt to adjust to a perpetually evolving situation. This is a far cry from what used to be in the church.

—Most Rev. Denis Hurley, Archbishop (Retired), Durban, South Africa
The crisis in American Catholicism that erupted in the early months of 2002 seemed to rest on two complementary pivots: The endemic difficulty in distinguishing sin from crime that peculiarly and differentially affects members of the Roman Catholic hierarchy and the exemption from the laws of the nation governing crime that members of the hierarchy appeared at least implicitly to have granted both to their subordinates and to themselves. Arrogance and betrayal sounded its principal themes.

According to early reports, fully 25% of the nation's population (or something approximating 70 million people) identified themselves in the 2000 United States Census as Roman Catholics. As many studies of the disparity between religious self-identification and religious observance have demonstrated, that statistic does not begin to translate into 70 million regular church attendees. It is commonly speculated that no more than 30% of those who identify themselves as Catholics are more than occasionally observant. Still, 70 million is a very large number. At minimum, that statistic means that one in four Americans answers “Catholic” on a Census questionnaire because he/she has neither converted to another religion nor abandoned religious identity altogether; for many, it may mean no more than that. At maximum, however, that statistic may suggest that the perceptions, judgments, and/or moral decisions of a sizable proportion of citizens are either anchored in, or colored by, what are generally termed “the teachings of the Church.” There are many, many religious denominations that, in the 2000 Census, claim a membership of no more than 100,000. What peculiarly affects members of small religious denominations may not carry much import for the society at large, but what concerns 70 million (or even 21 million) citizens, even indirectly, cannot be readily dismissed.

During the early months of 2002, revelations concerning what was euphemistically termed the “sexual misconduct” of what is undoubtedly a very, very small proportion of the approximately 40,000 priests in the United States riveted the press and public alike. Absent the need for euphemism that seems to have gripped the society, “sexual misconduct” should more appropriately be termed “sex crimes” or, even more specifically, “homosexual statutory rapes.” Virtually none of the cases reported in the press involved physical force, the use of a weapon, or even gross intimidation, the conditions that define rape. Instead, the prototypical case followed a pattern that corresponds to seduction, beginning with the careful cultivation of a relationship over a long period of time, and usually involving flattery, exposure to sexually explicit stimuli (films, videotapes), and alcohol or other mood-altering biochemical substances, following the hoary template for the Bacchanalia of ancient Rome that guides many and many a seduction—along, to be sure, with assurances that God would not disapprove. What makes the tactics of seduction, and the seduction itself, sinful is that they violate the law of celibacy taken by every Roman Catholic priest. The same set of behaviors become criminal when (but only when) they involve victims below the age of consent as stipulated in law.

Some, but very few, of the offenders had been prosecuted criminally. Many had undergone what their ecclesiastical superiors had regarded as appropriate “spiritual reformation,” then been reassigned to pastoral duties in new locales, sometimes within the same diocese in which the offense(s) had taken place but sometimes in other geographically distant sites. With some frequency, appropriate surveillance—or what Clarke and Cornish (1985) would term “watchful guardianship”—was not provided...
because the new superior had not been informed (or so he claimed) of the reassigned priest’s earlier offending behavior.

Further revelations brought to light that the Church in the aggregate had paid, directly or through their liability insurers, very nearly $1 billion to settle liability claims filed in civil court by victims and their families, with $5 million the largest individual payment to a single victim unearthed by the press as of this writing (France, 2002). As is the custom in such situations, the Church or diocese (as technical defendant) typically declined to admit responsibility (without question, upon advice of counsel and in a legal stratagem analogous to entering a plea of nolo contendere in a criminal case), while the victim was simultaneously bound to silence. To many commentators, that process seemed very much like paying “hush money” to victims while concurrently ensuring anonymity to offenders. To judge by press commentary and by public protests by lay members of the Church, however disturbing the facts just recited may have proved, the aura of secretiveness on the part of the hierarchy (pastors, bishops, Cardinals) proved well nigh intolerable.

One aspect or another of the unfolding saga anchored the front page for at least 5 months. Three bishops resigned after they were named as defendants in civil suits for compensatory and punitive damages arising from sexual misconduct, although each denied guilt; many of the accused priests resigned or retired; a few were involuntarily removed. It appeared that very few of the offending clerics were being, or had been, prosecuted. (In many states, in fact, the statute of limitations for sex crimes did not permit prosecution once offenses committed decades earlier were revealed; in some cases, there were efforts in the legislature to remedy that ugly situation.) In a reversal of the usual pattern in which civil liability for criminal behavior ensues only after guilt has been established following prosecution and conviction, the relative handful of priests who had been, or were being, prosecuted more frequently had been arrested only after, and very likely because, the press had learned of civil liability payments made to, or sought by, victims (Burling, 2002). A typical scenario is revealed in a report posted by Reuters (2002), with identity and locale here concealed since criminal guilt remains sub judice as of this writing:

In Xxx, yesterday, a retired Roman Catholic priest pleaded not guilty to felony sexual misconduct involving 15 alleged victims and a 42-count indictment. The Rev. Yyyyy Zzzz could face up to 10 years in prison for each of 36 counts of indecent and immoral practice and up to five years for each count of sexual abuse. He worked at seven parishes since 1956, and is accused of abuse in 59 [civil liability] lawsuits against the Archdiocese. (p. A-2)

Because the members of the press collectively seem to regard anything that happened more than a month ago as ancient history, there were happily few references either to the charges that had been leveled in 1993 against a much beloved (and now deceased) Cardinal-Archbishop by a former seminarian who had resurrected repressed memories of his earlier sexual victimization after being “treated” by a “specialist” in the “recovery of repressed memories” whose special skills had been acquired in a single 3-hr workshop (the charges were later recanted), or to the resignation in 1990 of the priest who had two decades earlier founded a series of residential “crisis shelters” in several North American cities for runaway and/or abused youth, triggered by allegations of systematic homosexual rape of boys and young men in his care.

To rely on reports in the news media, officers of the Vatican and the Roman curia initially appeared to regard the emerging scandal as a specifically American phenomenon not requiring Papal intervention, notwithstanding that similar events (involving primarily, in those
cases, children who had been placed in child care institutions operated under Church auspices had occurred in Ireland, Canada, Australia, and England (Ostling, 2002a), or that roughly 2 years earlier, the widespread rape of nuns by priests in Africa had been documented in a series of reports that rivaled in gory detail the (now largely regarded as apocryphal) “awful disclosures” of Maria Monk about regularized nun-priest assignments in 1830s Montreal (Monk, Dwight, Slocum, & Hoyte, 1977). In early Spring, the Vatican convened a conference of the highest-ranking officers of the Church in the U.S., with results that can only be described as inconclusive. Not a few observers commented that it appeared that the Vatican hadn’t a clue as to either the character of the problem or its resolution.

For reasons that we shall never fully learn lest some enterprising soul decide to enact the role of “Xavier Rynne,” the Papal insider who wrote a “tell-all” series of articles for the New Yorker detailing political machinations preceding and during the Second Vatican Council (Rynne, 1986), the fizzling of the Rome conclave was followed by a summons from the National Council of Catholic Bishops in the United States to its members to convene in Dallas in June. There was to be but a single item on the agenda—sexual abuse of minors by priests—and firm new policies were promised. With all the fanfare one associates with political conventions, C-SPAN offered live dusk to dawn coverage, while CNN, Fox, and MSNBC provided summaries by the hour. Such “governance in the sunshine” surely proved a novel experience for bishops and cardinals accustomed by centuries of Church practice to operating by twilit fiat.

If the principal events under the “main tent” centered on homosexual statutory rape by priests, there were sideshows aplenty. In one of the nation’s largest archdioceses, an auxiliary bishop resigned after revelation of a series of amorous, putatively consensual, sexual liaisons with adult women. In another diocese, another auxiliary bishop resigned after revelation of a 20-year relationship with an adult male prostitute. In adjacent parishes in a third diocese, audits revealed the misappropriation of nearly $1 million in parish funds that had been channeled by the respective pastors to the benefit of their long-time adult male lovers, including in one case the purchase of a beach front home apparently to be devoted to trysting. Elsewhere, an archbishop who had become the leading spokesperson for the “liberal” wing of the American Church resigned after it was revealed that nearly half a million dollars in diocesan funds had been paid to his former male lover; somewhat cynically, he defended his action by claiming that, by depositing the fees and royalties he had earned during the period of his service as bishop, he had contributed to the diocesan coffers more than the sum paid to his lover. In Poland, an archbishop resigned after allegations of sexual harassment were made against him by several priests of his diocese (Ostling, 2002a). A criminal complaint was lodged against a prominent American Cardinal-Archbishop by a woman who, upon police investigation revealed, had been diagnosed as suffering florid psychosis, replete with delusions and hallucinations, for 2 decades, during which period she had launched many false accusations; the complaint was readily dismissed following investigation by police. Although such events pointed to actual or alleged violations of the vow of celibacy by clerics, whether homosexually or heterosexually, they appeared to have occurred by mutual consent; lacking the drama of either standard or statutory rape, they did not long remain fodder for the daily press. Indeed, even those cases involving embezzlement or other financial irregularities did not long hold press attention.

Some mental health professionals offered glib opinions about the genesis of homosexuality, or pedophilia, or both, and/or about the vicissitudes of perpetual celibacy; in the main, these
seemed relatively shallow. Because the overwhelming majority of priestly victims about whom information had become public were not of the “pre-pubescent” age specified in DSM-IV (American Psychiatric Association, 1994) as a criterion for a diagnosis of pedophilia, the more creative of these commentators discovered (or rediscovered) a “new” disorder variously spelled “ephebophilia” or “ebephilia” (Daw, 2002; Lothstein, 1990; Musser, Cimbolic, & Rosetti, 1995). Whatever the spelling, the “disorder” is held to arise primarily in those male persons whom specialists in criminal sexual behavior would call “chicken hawks”—that is, adult male homosexuals drawn to partners who present phenotypically as post-pubescent early adolescents, as powerfully depicted in Thomas Mann’s novella *Death in Venice*. The disorder apparently does not affect adult male heterosexuals who prefer that their partners be clad in “Bo Peep” costumes, so it cannot be invoked to explain the popularity of a Britney Spears across the age spectrum or the strong allure Vladimir Nabokov’s *Lolita* exerted upon Prof. Humbert Humbert.

Yet not only is that disorder not recognized by DSM-IV, it is cataloged neither in standard psychiatric nosology (Hinsie & Campbell, 1970; Stone, 1988) nor in typologies that litanize either criminal sexual behavior (Barnard, Fuller, Robbins & Shaw, 1989; Prendergast, 1991; Schwartz & Cellini, 1995) or noncriminal sexual dysfunction (Barlow, 1977; Leiblum & Rosen, 1989; Rosen & Beck, 1988). As Szasz (1987, 1993, 1994) has repeatedly argued with cogency and force, there is substantial intellectual, moral, and even clinical danger in the “creation” of a new category of mental disorder to correspond to behavior that society has deemed to be criminal, as was once the case with homosexuality. The clinical danger arises when one attempts to change behavior by means of therapeutic techniques rather than through application of legal sanctions that result in aversive reinforcement—that is, by “psychologizing” behavior that society has “criminalized.” That danger may increase disproportionately when, as in the case of statutory rape (or, since the voters’ revolt of 2000 in California, even the use of marijuana), what is materially criminal in one state may violate no law whatever in another; the statutory “age of consent” in any state signifies no more than what a particular group of legislators at a particular moment in time in response to one set of sociocultural and political factors deemed to represent the appropriate age at which one may yield to impulse or invitation without legal impediment, and it is subject to change at will by other legislators responding to alternate sociocultural and political factors (as, for example, in the case of the once nearly universal antimiscegenation laws); but that is another set of topics for another time.

Within the Catholic community, a nationwide organization of victims was established under the title Survivors’ Network of Persons Abused by Priests, with the unlikely acronym SNPAP, which one presumes is to be pronounced “sinn-pap” and is surely enough to drive one back to Freud’s analysis of slips of the tongue. A priest in a midwestern state who is himself a “survivor” announced the intention to open a retreat center for SNPAP members. And, of course, any group within the Church with an axe to grind went out of its way to perceive the crisis myopically through its own distorted prism. Such vile goings-on would never have occurred had we been heeded, argued those who favor a married priesthood; those who favor the ordination of women argued as vociferously for their position. Such interpretations constitute arrant nonsense, assert those who favor a return to the use of Latin in the Mass, believing as they do that the ills of humankind are attributable to noisy English ritual worship, with or without guitar accompaniment.

Almost no one, not even those who unfurled the ephebophilia banner, seemed to understand
that the pervasive emphasis in Roman Catholic theology on early adolescent sexuality—encompassed in the doctrine of the Virgin Birth, generally conceded by theologians to have occurred when Mary was 14 (not an unusual age within the relevant historical-cultural context of Judea in what turned out to be the first century Ado Dominii and evidenced in virtually every Catholic house of worship in the nation and perhaps world—might be expected to function systematically and systemically either or both to arrest or to focus psychosexual development in early adolescence. Once we recognize that, it is but a few conceptual steps to understand why early adolescents near pubescence may come to represent objects of sexual curiosity for that very small proportion of clergy for whom the vow of celibacy has ceased to hold stimulus value.

The Virgin Birth and the “Mystery” of Adolescent Sexuality

In their definitive work on normal and abnormal patterns of sexual arousal, Rosen and Beck (1988) identify as the “three major components of sexual deviation” of any sort, not only that sort of deviation that prefers same-gender, or adolescent or pre-adolescent partners: “(1) deviant sexual arousal, (2) deficits in heterosocial skills, and (3) deviations in gender role” (p. 215). Standard accounts of the etiology of homosexual pedophilia typically pivot on notions like “identification with the aggressor” in consequence of personal victimization in homosexual rape (or at least statutory rape) during childhood or adolescence, held to be a frequent if not quite invariable antecedent, and repetition-compulsion. If the Oedipal conflict is addressed at all in such accounts, it is typically relegated to a minor role. Instead, the standard sequence flows from unwitting victimization to affection for the offender to the compulsion to reenact. In such accounts, the ubiquitous Catholic emphasis on adolescent sexuality through the doctrine of the Virgin Birth is not reckoned. But once that emphasis is recognized, an alternate etiology is suggested.

If it seems a monumental logical leap from the age at which Mary conceived to homosexual statutory rape, permit me to attempt a bridge. When I was a young faculty member at the University of Notre Dame 40 years ago, I was asked to serve as a consultant to the motherhouse of a community of nuns in the Midwest. My task was to be “on call” on a 24-hr daily basis in order to conduct emergency evaluations of nuns who had been summarily dispatched from their assignments, typically in parochial schools, to the motherhouse as a result of behavior that, in the judgment of the local Sister Superior, was so outrageous as to engender scandal. Typically, the nuns whom I evaluated were approximately 30 years of age and had entered the convent immediately upon graduation from high school. In those days, there was an abundance of candidates for the convent and candidates were admitted immediately after high school, conditions that no longer obtain in today’s world. Nuns were typically assigned to teach on the basis of what amounted to a “normal school” education, so a nun aged 30 would usually have been a member of an order for 16 years and a teacher for approximately 10 years.

Typically, the behavior that Sister Superior had found scandalous involved developing a “particular friendship,” often memorialized in what can only be described as “mash notes,” with seventh- or eighth-grade students, usually male. If one puts himself or herself into the position of a Catholic parent of 40 years ago who learns that a nun has been writing to his or her child to the effect that she longs to look deeply into his eyes, run her fingers through his hair, is captivated by his changing voice, etc., one can fairly readily understand how such behavior might scandalize. Yet it is not in the least mysterious as to what psychological and psychodynamic mechanisms yield such behavior; regres-
sion provides an adequate starting point, and the failure to develop relevant “heterosocial skills” won’t be far behind. In at least one case, in which in retrospect we learned that signs of florid psychosis had long been in evidence, the decompensating nun addressed her notes not to Ralph, the name of the recipient, but rather to “Gabriel,” the name of the angel who is reported in the New Testament to have announced to Mary that she had been chosen to bear the Christ child.

What remains unknown in these cases is the precipitating event or events that awaken what one presumes to be an at least dormant (if not entirely extirpated) sexual interest, whether at the age of 30 or at any other age. But even if we grant that such a virtually unilinear paradigm may account for an exploratory sexual interest in adolescent males on the part of a nun coming apart at the mental seams, how does it apply to the errant priests of today’s headlines? In fact, would not application of that paradigm to priests essentially dictate girls rather than boys as objects of sexual interest?

Quite frequently, that an adolescent Catholic male has little or no interest in exploratory sexual behavior with either a same-gender or an opposite-gender partner is decoded both by the self and by significant others in the relevant domain in his life space as evidence of God’s calling to the religious life. Thus, it may happen that, if and when sexual interest is awakened in an adult priest, both regression and substitution occur and that the substitute object of sexual interest is a near-replicate of the self at the age of what should have been the emergence of sexual curiosity and/or activity had such not been muffled by religious directives (e.g., the “sixth precept of the Decalogue”), spiritual motives, or directives.

In the traditional psychodynamic schedule of psychosexual development (Alexander, 1948), the biological mother constitutes (for children of either gender) the prototype for all women; that is the irreducible circumstance upon which pivots the Oedipal conflict held to be universally experienced by males. But, for the observant Catholic male, future cleric or not, there is another prototype, the spiritual mother of humankind—the Virgin Mary, who also very conveniently embodies the “mystery” of adolescent sexuality. In Roman Catholic theology, a belief that defies rational explanation is termed a “mystery.” The notion of a triune God is one such mystery; how a virgin came to be with child even though, as the New Testament attests she averred in her own words, she “knew not man” is not far behind. Merely to illustrate the sort of heavily labored reasoning that can lead nowhere but to the conclusion that, indeed, such a conception seemed mysterious 2000 years ago and remains so today, we might consult the eminent Dominican theologian Reginald Garrigou-Lagrange (1994) as he wrestles with the problem, in the process presuming in fact to read God’s mind:

To make the terms of the problem still more precise, it should be noted that the maternity proper to a creature endowed with reason is not the maternity according to flesh and blood which is found in the animal kingdom, but something which demands by its very nature a free consent given by the light of right reason to an act which is under the control of the will and is subject to the moral laws governing the married state; failing this, the maternity of a rational being is simply vicious. But maternity of Mary was more than rational. It was divine. Hence her consent needed to be not free only, but supernatural and meritorious; and the intention of divine providence was that in default of this consent the mystery of the redemptive Incarnation would not have taken place. (p. 114)

To be sure, “mystery” may be too mild a term to describe the Virgin Birth; yet there it stands as the bedrock of Roman Catholic theology.

To cathect a sexual object who in any way
resembles the biological mother is terrifying enough to the sexually inexperienced adolescent male, and perhaps even more terrifying for the adult male whose sexual experience remains at, or below, the adolescent level. But to cathect a sexual object who in any way resembles the Virgin Mary surely awakens an id-directed, dually charged, unutterably sacrilegious Oedipal conflict.

It is understandable enough that, if psychosexual development has been arrested, the process will inevitably regress to that point at which it derailed in favor of pursuit of a religious vocation—for many priests, in adolescence. Yet all adolescent girls simultaneously fit two templates: the idealized mother of the Oedipal conflict and the Virgin Mary of mysterious maternity, the meta-idealized mother of humankind. How can the ego defend itself against the terror it would face were it even to contemplate sexual union with a girl in early adolescence? To follow Otto Fenichel’s (1945) general model, in order to escape such a dually charged but still unresolved Oedipal conflict, “Narcissistic men . . . may fall in love with . . . the reincarnation of themselves” as they were in adolescence. “These men do not love their partners . . . but rather they love in them . . . their own ego” (pp. 333–334). (For the priest who possesses the power to call Christ to immediacy on the altar of worship in the consecration of bread and wine, narcissism is clearly an occupational hazard; it should not surprise us that in some small proportion of cases narcissism expands to pathological extremes.) To defend itself against the unspeakable terror attached to cathecting the mysterious adolescent virgin, reminders of whom are everywhere encountered, the afflicted ego can but seek a substitute sexual object. Because normal psychosexual developmental experiences have been denied to the adolescent male who seems headed toward the religious life, there is little basis in adult life on which he can differentiate between genders as appropriate objects of love, affection, or carnal desire. In short, an adult male who has never himself previously experienced homosexual behavior, whether as victim, participant, or offender, and who may at base exhibit neither effeminacy nor an enduring homosexual orientation might defend himself against forbidden impulses toward sexuality involving adolescent female virgins by falling in love with the reincarnation of himself.

Among Catholic theological commentators, James Michael Lee (1962, p. 43) rather clearly underscored the inherent danger in the constant refrains that herald Mary’s virginity: “It is an odd fact that the Blessed Mother has become . . . almost totally the symbol of virginity, while theologically it is her Divine motherhood, a sex-laden fact, which is the source of Mary’s glory.” To complicate matters nicely, the doctrine of the Virgin Birth holds that impregnation occurred under supernatural conditions. Thus, adolescent heterosexuality, of which priests and laity are constantly reminded, is destined to remain “mysterious,” especially to those who are lifetime celibates.

Because they fail to reckon the effects of Roman Catholic theology on psychosexual development, implementing prototypical etiological accounts of the genesis of pedophilic homosexuality in screening programs designed to identify the potentially errant from among candidates for seminary training no less than in programs of treatment for errant clerics may avail very little. The alternate etiology sketched here addresses the Rosen-Beck criteria, follows Fenichel’s model for the translation of male narcissism into sexual paraphilia, and takes fully into account a central tenet in Catholic belief and practice. Yet it makes no empirically unwarranted assumptions about past homosexual victimization, “identification with the aggressor,” or “repetition-compulsion.”

As in the case of the errant nuns who began to relive their early adolescence with fantasies about eighth-grade boys, what remains un-
known is the precipitating event or events that awaken what one presumes to be dormant, channelized, sublimated sexual interest or curiosity. That the precipitant may be what happens during sacramental penance as the celibate priest goes about his sacred task of cleansing sinners of their sins is outrageously suggested later.

The Dallas “Charter,” Canon Law, Criminal Law

It is a matter of some irony that, on the same day on which the nationwide June 2002 Dallas synod of bishops adopted what was heralded as an “unprecedented” policy for dealing with the “sexual abuse of minors” (as, one supposes, only euphemistically distinct from the statutory rape of minors) by priests and other clergics (i.e., brothers and nuns), a jury in Omaha awarded $800,000 in damages to a former altar boy who had earlier been victimized (Ruff, 2002). In the description of the proceedings that led to the award, the Associated Press reported telegraphically on what must have been an interesting conflict between expert witnesses for each side:

Zabin [attorney for plaintiffs] argued that the mother and son suffer from post-traumatic stress disorder [resulting] from the abuse. He said that disorder could require a lifetime of mental treatments costing more than $350,000. William Johnson, a lawyer for the archdiocese, argued that mother and son suffered from mental anguish but not post-traumatic stress disorder and therefore did not warrant an award of more than $200,000. (p. B-2)

Notice that unlike many others whose offenses had been reported in the press, the offending priest in this case had not escaped the public humiliation of prosecution and conviction; indeed he had already served a prison term for the crime of sexual assault, and the Archdiocese of Omaha had already admitted its negligence in failing to supervise him properly. What was at issue in the Omaha trial, then, was not whether the offense had occurred, nor what corporate body bore ultimate responsibility—but merely how much money should change hands and why. And it was unquestionably to that very point that battling expert witnesses contended over the relative price tags that should appropriately be applied to “mental anguish” versus post-traumatic stress disorder. That one disorder or the other had arisen from the placing, upon the person of an adolescent who previously had no reason not to trust his priest implicitly and ultimately, of hands that had been consecrated to command bread and wine to transubstantiate into flesh and blood was no longer in doubt.

As widely reported in the press, the principal provisions in the Charter for the Protection of Children and Young People adopted by the bishops in Dallas (Fay, 2002) mandated that (a) allegations of sexual abuse by clergy should be reported to law enforcement authorities and (b) clerics found to have committed such acts should be disciplined by removal from clerical duties. As a codicil, the bishops (c) promised to deny admission to the priesthood (and, by extension, to membership in religious communities of monks, brothers, or nuns) to candidates deemed to be homosexual in their orientation. Finally, the Charter proposed that (d) in each diocese there be convened a group of clergy and lay people to advise the bishop of such matters as whether particular alleged offenses should be reported to law enforcement authorities. Such is essentially the “official” interpretation as conveyed by both the press in general and the diocesan weeklies in particular (Johnson, 2002). The charter requires Papal approval to come into full force and effect, and no decision was anticipated from the Vatican until early 2003 (France, 2002); by the end of summer, it was widely spec-
ulated—based on information provided by Vatican officials “who preferred not to be identified”—that the Pope’s approval was unlikely.

From a more critical (or perhaps jaundiced) perspective, however, it might be said that what the charter actually mandated was that (a) the bishops will no longer routinely and flagrantly violate the criminal laws of the United States; (b) they will in the future obey the explicit directives of the Roman Catholic Church contained in the Code of Canon Law; and (c) homophobia shall forthwith become formal, officially acknowledged Church policy. For anyone not utterly controlled by a knee-jerk reaction in favor of the institutional Church (expressed in some formulation such as “The bishop, as lineal descendant to the Apostles of Christ, can do no wrong”), it is really quite difficult to interpret such provisions as “unprecedented”; instead, for many, the charter seemed to yield too little, too late.

If such an interpretation seems harsh, consider this definition of misprision of felony from Black’s Law Dictionary (1990), with emphases added:

The offense of concealing a felony committed by another, but without such previous concert with or subsequent assistance to the felon as would make the party concealing an accessory before or after the fact. . . . Elements of the crime are that the principal committed and completed the felony alleged, that the defendant [i.e., the person accused of misprision] had full knowledge of that fact, that the defendant failed to notify the authorities and that the defendant took an affirmative step to conceal the crime. (p. 1000)

Next, consider the language of Canon 2359 of the Code of Canon Law, the corpus of Papal legislation that binds all members of the Church worldwide, as promulgated in 1917 by Pius IX and in full force and effect when most of the offenses that gripped the nation during the first half of 2002 were committed. Note particularly the unrelenting language that prescribes dire penalties but remains utterly silent about sending accused priests on retreat, reassigning them elsewhere, paying civil damages, or ensuring the silence of victims (Peters, 2001):

If they [clerics] engage in a delict against the sixth precept of the Decalogue with a minor below the age of sixteen, or engage in adultery, debauchery, bestiality, sodomy, pandering, incest with blood relatives or affines [sic] in the first degree, they are to be suspended, declared infamous, and deprived of any office, benefice, dignity, responsibility, if they have such. . . . (pp. 748–749)

It is virtually impossible for anyone with even a mildly open mind (that is, one not committed to the position that the present crisis is wholly attributable to busybody journalists with anti-Catholic axes to grind) to understand why priests, brothers, nuns, bishops, or even Cardinals should be held exempt from the laws that bind any ordinary citizen of the nation, including those laws that require citizens to report wrongdoing to law enforcement authorities. Indeed, it is instructive to note that, according to Ostling (2002a), religion editor of the Associated Press, a bishop became the first cleric in 150 years to be convicted of any crime in France precisely because he had “concealed knowledge that a priest was abusing children,” an offense that in the American legal tradition would be labeled misprision of felony. In at least one state, legislation was introduced to specifically compel Church officials to reveal possible or probable criminal sexual behavior by clerics, even at the expense of violating the hoary seal of the confessional, upon which all guarantees of confidentiality (as between attorney and client, psychotherapist and patient, etc.) are modeled (Grabowski, 2002). It is surely not self-evident
that new legislation is required beyond that already on the books that compel citizens to report crime, but what can legislators do but legislate? It only rarely occurs to legislators to question why laws already in place are not enforced—about which, in the present context, we shall say more later in this article.

It is even more difficult to understand why priests, brothers, nuns, bishops, and especially Cardinals should be held exempt from Papal laws that are meant to bind every member of the Roman Catholic Church everywhere. It should not escape notice that, within the week following conclusion of the Dallas meeting, groups of priests in several dioceses complained that the “one strike, you’re out” provision in the bishops’ charter seemed entirely too harsh for a religious group founded on the theme of redemption. The protesting priests claimed that they feared an avalanche of maliciously spiteful false accusations that would nonetheless wreak havoc with their careers even if demonstrated to be false, malicious, and spiteful; the script had already been written by E. M. Forster in *A Passage to India* nearly a century ago. (To be sure, the “normal” citizen falsely arrested will inevitably suffer damage to his or her reputation, even if fully exonerated. Only when that citizen can demonstrate—as did Richard Jewell following the bombing during the Atlanta Olympic Games in 1996 [see Pallone & Hennessy, 1998]—that his or her arrest was motivated by malice and did not result from nonmalicious interpretation of physical evidence or other “honest mistakes” by law enforcement officers can he or she seek redress in the civil courts. But that is part of the price one pays for living in a democratic society.) Yet the analogue conjured by the cavils of the priests’ groups is that of the layperson who deposes to the judge that he or she has committed only one homicide, or rape, or atrocious assault and thus deserves a second chance before a finding of guilt and the imposition of penalty. One wonders whether the complaining clerics had ever heard either of Canon Law or Megan’s Law.

And it is a matter of virtually ultimate irony that, within the same week, a grand jury in Massachusetts undertook an inquiry into the matter of whether a prominent Cardinal-Archbishop had violated the criminal code of that state by shielding one of the priests of his diocese (later convicted and now imprisoned) from prosecution over a very long period of time while simultaneously virtually granting him ready access to future prospective victims—indeed in a pattern the precise obverse of Megan’s Law. North of the border, in the wake of representations that the diocese could not afford to make the liability payments levied as the result of a suit for damages, a Canadian court ordered that the sacred gold vessels used in religious ceremonies be appraised in preparation for sale at auction.

**Only Heterosexual Celibates Need Apply**

It beggars the imagination utterly to understand why candidates who are prepared to embrace celibacy by sacrificing what might be or become, in the absence of the willingness to sacrifice, an inclination toward heterosexual behavior are preferable as seminarians to candidates who are prepared to embrace celibacy by sacrificing an inclination toward homosexual behavior—or, indeed, toward epicenitity. As Aldous Huxley (1952) reminds us repeatedly, Catholic theology holds that “actual grace” is a direct gift from the Almighty that enables one to resist “temptation.” Is it really the case that the bishops believe that they need to protect boys and men from possibly predatory priests, but that there is no need to protect girls and women? Or is the exclusionary policy but an example par excellence of the classic defense mechanism of reaction formation through which the bishops...
deny their own latent homosexuality? Or, as is more likely the case, is it simply that neither the bishops nor their advisors have the slightest notion of the scientific evidence for the neurobehavioral genesis of sexual orientation (LaVay, 1991)? Only some future “Xavier Rynne” will be able to answer those questions.

Reaction formation is the defense mechanism whereby we become extra-sensitive to those faults, behaviors, or proclivities in others that we very dimly recognize in ourselves. Healy, Bronner, and Bowers (1930) describe the mechanism as a defense against “certain infantile unsocialized trends which continue to persist in the unconscious.” Following Freud, Hinsie and Campbell (1970) note that the mechanism is frequently observed clinically in obsessive-compulsive neurosis, with the neurosis itself customarily focused on detecting, and perhaps extirpating, in others the (largely instinctual) fault or faults we either dimly perceive or fear in ourselves. The fire-and-brimstone posture toward extramarital sex (indeed, perhaps toward sexual behavior of any sort that is not intended solely for procreation) of the pastor in Somerset Maugham’s “Miss Sadie Thompson” who ends by raping the prostitute whom he has harangued for days about reforming her life is frequently cited as an exemplar of an ego ruled by reaction formation.

When applied to the present discussion, it is not difficult to understand why the bishops collectively would very strongly condemn not merely homosexual behavior but indeed homosexual orientation even in the absence of overt sexual behavior. Since priests vow themselves to celibacy, what should it matter that it is homosexual rather than heterosexual behavior that candidates promise to forego? The reasoning of the bishops on this point is even more convoluted than that of the early Fathers of the Church on hotly disputed theological questions—like the heresy of Arius in the fourth century concerning whether Christ was simultaneously both “truly” human and “truly” divine. Unless He was, He did not redeem humankind after Adam’s fall. Nor is it incidental that, unless it be accepted both that the Virgin Mary is Christ’s biological mother and that the Holy Spirit (and not St. Joseph) is the source of Mary’s impregnation, Christ was only human, rendering redemption impossible. The “mysterious” adolescent sexuality encompassed in the doctrine of the Virgin Birth, therefore, is absolutely central to traditional Catholic theology. By giving up heterosexual behavior, so the bishops posited, candidates for the priesthood are foregoing a “good,” while by giving up homosexual behavior they would merely be foregoing an “evil.” Huxley (1952) might argue differently, on the basis of an unavoidable conclusion drawn from unimpeachable doctrinal sources, that there is no virtue in not doing (that is, in sacrificing) that which is distasteful; contemporary behavioral scientists, like Firestone and Catlett (1999) to the contrary might interpret the willingness to sacrifice as issuing from what they call “the fear of intimacy.”

And what of the epicene, who, for one or another reason—which reason, following LaVay (1991), may indeed arise from unalterable neuroanatomy—has no sexual interest in either gender? Is he more or less worthy than a candidate who is forswearing a “good”? Indeed, especially in a Church that insists upon sexual abstinence before, and outside of, marriage, episcapitality during adolescence and early adulthood has traditionally been seen as one of the classic signs of God’s calling, as Yarhouse (2001) virtually alone among current mental health commentators seems to understand; is it to be swept aside on the basis of the Charter? What, one wonders, shall constitute the screening mechanisms whereby candidates of homosexual “orientation” who are nonetheless willing to commit to celibacy are to be turned away while only those similarly willing but of heterosexual orientation are to be welcomed? If the writers of Saturday
Night Live skits had any knowledge of the plethysmograph and its operation, one could conceive of arresting scenarios.

Before leaving the topic, we should further observe that extant psychometric instruments that claim to measure something approximating “gender inversion” tend to be organized instead around stereotypic characteristics and traits—and yet reflect a rather dated set of stereotypes at that. Thus, men who evince an interest in cooking (a stereotypic “womanly” activity) and women who evince an interest in astrophysics (a stereotypic “masculine” activity) are equally likely to be identified as “gender inverted”—and what in the world should we say to Wolfgang Puck or Dr. Sally Ride? Or is it really effeminacy that the bishops wish to seem to avoid in future seminarians? With greater relevance, we might also observe that the attributes typically associated with priests, or at least priests in the pastoral role—attributes like warmth, sensitivity, compassion, understanding, even nurturance—are surely not stereotypic masculine qualities in our society. Instead, the qualities that stereotypically define masculinity tend toward impulsivity masquerading as “decisiveness,” a consequent preference for action rather than thought, an insulation from emotion, even a certain hedonism—Clark Gable as Rhett Butler. One wonders whether the bishops collectively want to tell the world that only those candidates who look like Dad but behave like Mom need apply.

**Brother Gerald’s Manly Charms—and Those Who Noticed**

That some portion of priests periodically or even recurrently violate the vow of celibacy is scarcely a novel revelation among most American Catholics (Cozzens, 2000; Greeley, 1972). Yet, although the (Anglican) vicar and his acolyte have been mainstays in British fiction for two centuries, more typically it has not been homosexual but rather heterosexual activity on the part of clergy bound by a vow of celibacy that—for nearly a millennium after Heloise and Abelard (Gilson, 1960), 5 centuries after Urban Grandier and the Ursulines of Loudon (Huxley, 1952), and a century and a quarter after Father Amaro’s celebrated sins (de Queirós, 1985)—has intrigued and titillated. Though they represent violations of priestly vows as surely as do homosexual couplings, such heterosexual couplings fail to evoke a parallel sense of shock and betrayal. Why is it heterosexual couplings are more understandable, less deviant, less worthy of condemnation, more forgivable?

Permit me a brief, first-person excursion by way of illustration. In the early 1950s, Clark Gable (as Rhett Butler and otherwise) stood virtually unchallenged as the idol of the matinee habitué. Tall, broad of shoulder, rugged of manner, Gable bore little resemblance to the delicate, barely pubescent features of a Leonardo di Caprio or a Hugh Grant later to hold motion picture patrons in thrall. It is against the benchmark of a Clark Gable that I say categorically that Brother Gerald was movie-star handsome. Those of us to whom he taught French in a single-gender Catholic prep school knew it. So did our mothers, sisters, cousins, hoped-for girlfriends—and so did he. On a particularly optimistic day, we students might aspire, once we had need to shave on a daily basis, to the little-boy good looks of a James Dean (the di Caprio of his day) in some vague mid-range future, but we knew we were unlikely ever to compete with Brother Gerald.

In a cultural envelope when (in retrospect) discourse even among confidantes seemed vastly more circumspect than exchanges commonly overheard in public today and what seems like eons before Graham Greene (*The Power and the Glory*, *The Honorary Consul*), Henry Morton Robinson (*The Cardinal*), Tennessee Williams (*The Night of the Iguana*),
Colleen McCullough (*The Thorn Birds*), Gabriel Longo (*The Spoiled Priest*), and the priest-sociologist-novelist Andrew Greeley (*Ascent Into Hell*) rendered wayward heterosexuality on the part of Roman Catholic clerics a staple of the entertainment industry, you will understand how much we envied our French teacher when we overheard the frank appraisals emanating from our sisters, cousins, hoped-for girlfriends, and even mothers. Prophetically, we knew that we were unlikely ourselves ever to become the targets of such candid adulation or, to speak plainly, barely disguised carnal interest.

At a distance of 50 years, I know of utterly no transgression from his vows on Brother Gerald’s part involving anyone’s mother, sister, cousin, girlfriend, or anyone else (nor of any other transgressions, for that matter). But, at a distance of 50 years, I also know with an absolute certainty that, had such transgression occurred, it would have been utterly impossible to determine who enacted the role of seducer and who yielded as seduced.

Moreover, any such transgression would have been viewed by his Church as *sinful* behavior—and not only for Brother Gerald, but for any co-transgressor *beyond the age of 7*, long designated ecclesiastically as the age of reason at which an individual becomes personally responsible for the moral character of his or her behavior (and thus the appropriate age for the first reception of the sacrament of penance). Yet, under today’s criminal codes, such transgression would be regarded as criminal behavior only if the co-transgressor were below the age of sexual consent (typically 15 in most states) or if force or intimidation had been used—the pivotal conditions that define statutory rape and forcible rape, respectively. In some jurisdictions, under today’s codes transgressing with a willing or even patently seductive partner who is beyond the age of consent but over whom one holds formal authority (as in teacher-student, priest-penitent, policeman-arrestee, jailer-prisoner relationships) may violate specific strictures in the criminal law.

In other words, had my mother or my best friend’s older sister (for purposes of illustration, let her be over 21 and not a student) “set her cap” (in the now-archaic idiom of the day) for Brother Gerald and the two gone merrily off for a series of sybaritic lost weekends of fun and frolic, there would have been sin aplenty, but no crime at all.

The Catholic Church in America collectively seems not to be able clearly to delineate sin from crime, nor even to care very much about crime. And therein lies a major pivot for the continuing meltdown in the Church consequent upon revelation not only of improper sexual behavior by priests but of the incapacity and/or unwillingness of their superiors (that is, bishops) to construe that behavior as not only sinful but also criminal.

**Sin, Penance, Spiritual Reformation—Times Two**

Not unlike most other religions, Roman Catholicism regards as the appropriate and sequential remedies for sin penance, predicated upon a conscious admission of wrongdoing, followed by spiritual reformation, in which a “firm purpose of amendment” represents a key element. The sequence aims precisely at the redemption of the sinner; if they are implicated at all, punishment and incapacitation are incidental to the process of redemption. In contrast, society regards punishment and incapacitation (and sometimes restitution) as the appropriate remedies for crime; if spiritual reformation and/or redemption flow therefrom (as the Quakers of Pennsylvania seemed to believe when they transformed the prison into the penitentiary in the late 18th century), these represent secondary gains, not focal goals.

Had Brother Gerald sinned (or even suc-
cumbed to sinning) with our consenting, hypothetically adult but nonstudent partner, he most assuredly would have been declared “infamous” by his religious superiors. But it is unlikely that such declaration would have become generally available public knowledge—unless Brother Gerald himself had declared that he did not intend to return to a celibate clerical life, in which case he would have been dismissed in disgrace from his order. Otherwise, that declaration of infamy would have remained an open secret among and between his religious superiors and his confreres; we students might have snickered (albeit perhaps in envy) about public preenings and cavortings on the sandy beaches of the Chesapeake or elsewhere, as witnessed by friends of friends, but another cleric would have been assigned to teach French and that would have been that, at least publicly.

In camera, it would have been another story. Brother Gerald would have been bundled off to one of roughly a dozen “retreat centers” that specialize in the spiritual reformation of errant clerics. Either because there are more clerics who err in the direction of an insatiable thirst for alcohol than otherwise, or because it seems unthinkable to designate such institutions “sex assaulters’ shelters,” many such centers are contain in their name the word Cenacle, in remembrance of the room near Jacob’s Well in Jerusalem when Christ ate and drank the Passover meal with his Apostles the evening before his Crucifixion.

Nonetheless, then and now, the clientele of such centers include clerics who have sinned sexually, whether via presumably consensual encounters with adults (of either gender) or the (homosexual or heterosexual) statutory rape of minors. Many such centers are located in geographically isolated regions. Even though there are no locked cells or armed guards, there is simply no reasonable way to jump the wall, nor anywhere to go if one does, so incapacitation is implicit, but without the visible trappings. Then or now, Brother Gerald would have spent between six months and two years in a regimen of “spiritual exercises;” encompassing prayers, spiritual reading, frequent consultations with a “spiritual advisor” or “father confessor;” meditation, and perhaps mortification of the flesh through fasting or other privations. (At an earlier time, self-flagellation might have been added to the regimen of mortification.) Though such a center might incidentally have on staff one or more mental health professionals, they are conceptualized and operated as religious institutions, not as psychiatric hospitals or psychosocial rehabilitation centers; professional mental health care is thus likely to be provided only in acute circumstances.

If, within an allotted time frame, that regimen had not resulted in satisfactory spiritual reformation, the officials in charge of the center would have reported to Brother Gerald’s superior their judgment that he represents a hopeless case, a lost cause. In all probability, such a judgment would have yielded an involuntary separation from the clerical state. But, if an obverse judgment had been reached, Brother Gerald would have been pronounced fit to return to duty. Doubtless, his religious superiors would have assigned him to duties in a diocese other than that in which his transgressions took place and perhaps, but only perhaps, also taken additional steps to limit his contact with persons of the opposite gender. Although his infamy was unlikely to have been broadcast to his new confreres in any public way, nor was he likely to have been obliged to wear a scarlet letter on his cassock, nonetheless whispers, suppressed smiles, stifled laughter would surely have been in evidence.¹

Fifty years on, if the members of the hierarchy could have continued to have their way, if they had not been forced to abandon those clandestine practices, little would be different today. Lest we get ahead of ourselves: If such a fate had greeted Brother Gerald, what of his cotrans-
gressor—my (or your) sister, cousin, hoped-for girlfriend, even mother? The remedy for sin, the pathway to redemption for her, would have begun with sacramental confession, followed by imposition of an appropriate penance that surely would have included prayer but would also likely have included a regimen of spiritual reading upon which she may have been instructed to report regularly to her confessor. According to traditional Roman Catholic theology (Tanquerey, 1930), a valid confession requires both true contrition (that is, genuine sorrow not that one has broken a law made by humans, nor predicated on fear of punishment, but instead predicated on the certain knowledge that one has offended God) and a firm purpose of amendment. Doubtless, in an interesting variation of the “blame the victim” game that is practiced worldwide with victims of sexual assault (Pallone, 1990, pp. 41–44) but with the conscious intent to form and fortify that “firm purpose of amendment” central to contrition and upon which absolution depends, her confessor would have placed major emphasis on what the cotransgressor had contributed to her mutual sin with Brother Gerald. In the confessor’s mind, there likely would have arisen little doubt as to who functioned as seducer and who yielded as seduced. Indeed, as I have observed elsewhere (Pallone, 1986), a “fierce misogyny” characterizes Roman Catholic theology, nowhere more candidly expressed than in the 15th century Papal Bull that launched the Inquisition, which boldly proclaims that “Carnal lust is in woman insatiable” (Summers, 1971). Such a premise could scarcely lead her confessor to apportion the major share of guilt in her mutual sin with Brother Gerald to anyone save her.

In a day when the girls we escorted to formal dances at our Catholic prep school were liable to be turned away in disgrace unless clad in “Mary-Like Togs,” a commercial line of Victorian formal wear in which nary a backless or sleeveless design was to be found (one wonders how a Marxist commentator might interpret all that), there can be little doubt that the confessor would have shown substantial interest in the cotransgressor’s wardrobe. How often did she wear skirts that terminated less than two inches below the knee? Did she own a pair of patent leather shoes? If so, why? Was she accustomed to amplifying her bosom through the use of (shudder!) a padded or uplifted brassiere? All these things, the confessor would have explained patiently, represent proximate “occasions of sin,” for they elicit all manner of unspeakable fantasies among vulnerable males, not exempting those committed to the clerical state—perhaps not exempting the confessor himself. About what fantasies within the confessor were thereby fed, we may but speculate. And about what impulses were thereby activated and perhaps, following Fenichel’s (1945) model, then transferred from the adult female penitent to the “reincarnation of the self” we can only muse.

Lest you conclude that the old boy’s lost it with such a scandalous construction, let me recount an informal conversation a colleague and I had with a young priest at roughly the beginning of the second quarter of 2002. He communicated his newly emerging hesitancy in making the sort of physical contact with young boys of junior high school age he coached in various sports—the tap on the shoulder, the tousle of the hair, even the pat on the rump, along with a “Go get them, Tiger!” after a player has been thumped by a member of the opposing line—common among coaches and, so he firmly believes (as do we), devoid of sexual interest or intent of any stripe. In the seminary, he declared, we took a course that had to do with avoiding sexual temptation after ordination, but it did not address the matter of boys or men; instead, it focused on women and their attraction to the “forbidden fruit.”

That is, of course, no more than anecdotal evidence, and it may be scientifically unreliable
at that; our young priest’s recollections may be highly selective. Yet there seems a straight line between that statement and the proposition promulgated by Papal edict more than half a millennium ago that “Carnal lust is in woman insatiable”—with the clear implication that it is invariably the male of the species, from Adam onward, who is victimized.

Crime, Punishment, and Their Continuing Consequences

The scenarios just described would have ensued had Brother Gerald strayed through sexual congress with a willing partner beyond the age of consent as defined in the criminal code of the state (ranging, at present, from a low of 13 in one Southern state to a high of 17 in a state in the Northwest). Had he strayed through congress with a partner below the age of consent (that is, had his behavior constituted statutory rape), however, he would likely not have been dealt with very differently. Had he transgressed with an underage partner of the opposite sex, his partner might have been dealt with in sacramental confession a bit more mildly, but only a bit. Had he transgressed with an underage partner of the same sex, however, both he and the partner would have been judged substantially more harshly.

Yet, back then (as suggested in Figure 1), in neither case was transgression with an underage partner likely to be dealt with as a violation of the criminal law (humanity’s law, rather than or as well as, God’s law), reported to law enforcement authorities, and adjudicated through the criminal courts. Instead, the transgression would have been “encoded” by Brother Gerald’s religious superiors—and very likely by the parents of the “other,” whether a willing cotransgressor or an unwilling victim—as sin rather than crime, with the appropriate remedy “decoded” as spiritual reformation, whether times one or times two—that is, the remedy would not have been decoded as criminal prosecution leading to punitive incapacitation of the offender. At least tacitly, law enforcement authorities, including prosecutors and judges, seemed to have agreed that complaints of sexual misconduct (as, for that matter, of public drunkenness) implicating a cleric were to be handled not through the criminal justice system but instead navigated by hierarchical officers through Church channels and ecclesiastical procedures with such standards of evidence, right to counsel, etc., as are consonant with Canon Law in proceedings that are typically closed, confidential, and quite opaque. All of that is rather different from the constitutionally guaranteed procedures that govern criminal prosecution under the laws of the United States.

If that was the picture in the early 1950s, little had changed over the next quarter century. Still, in one diocese in New Jersey, the chancery office (the administrative echelon of the diocese) had voluntarily undertaken to notify the office of the county prosecutor whenever it learned of allegations of sexual misconduct between clerics and partners below the age of consent—that is to say, allegations of statutory rape. In 1976, a high-ranking priest in the diocese was accused of sexually “molesting” an altar boy. The chancery promptly notified the prosecutor, indicating the diocese’s intention to handle the case in the usual manner—to encode the behavior as sin, and to decode the required remedy as spiritual reformation leading to redemption. Imagine the shock waves at the chancery when the prosecutor demurred, asserting instead an intention to prosecute and, moreover, to seek a custodial sentence that would result in the incarceration of the offending priest in the state’s specialized prison for the treatment of criminal sexual psychopaths. The offenses to be charged were statutory rape, carrying a maximum sentence of 30 years, and, in consequence of the implicit parietal relationship between the alleged
offender and his victim, incestuous conduct, carrying a maximum sentence of 15 years. The prosecutor further communicated to the alleged offender and to the chancery that he intended to ask that the two sentences be served consecutively, so that, instead of a 2-year spiritual retreat on a remote hilltop in the company of well-educated peers and without guards or locked doors, the errant cleric faced a combined term of 45 years in what novelist Anthony Burgess famously termed the Great Unearthly Zoo.

Moreover, ecclesiastical investigations, but not public trials, are generally conducted in camera. The public trial of a priest for homosexual statutory rape then as now seemed a sure bet for sensationalist journalistic coverage in a major media market. Whether for that or other reasons, and although the chancery seemed embittered that the prosecutor intended to enforce the law, a plea bargain was struck whereby the offending cleric was allowed to plead guilty to a single count of incestuous conduct, resulting in a total term of 15 years. His time in custody could be further reduced if he made rapid progress in the program of “coerced” mental health treatment that awaited him at the specialized prison. Since there was no trial, public notice was limited to brief news stories in the first instance about the arrest and in the second about the sentence imposed after the court accepted the guilty plea to reduced charges.

In another world or at another time, the matter might have ended there. But the offending cleric was Hispanic, and, as dean of the cathedral (in essence, the pastor of the parish surrounding the cathedral, in contrast to the bishop who, although resident in the cathedral parish, is pastor to the entire diocese), at that time the highest-ranking Hispanic cleric in the state. And, despite the fact that the victim shared the same ethnic heritage, the Hispanic advocacy groups would wear none of it. Why,
they asked in press conferences and at public meetings, is it that there are at least six Anglo cleric is from this diocese who have committed the same sin but are now on retreat somewhere, while our compadre is to be treated like the criminal he is? (Some future demographer might indeed want to discern whether the tacit agreement on the part of law enforcement authorities that the criminal behavior of priests should be encoded as sins rather than crimes and dealt with by religious authorities rather than by the criminal justice system represented an artifact of the shared ethnic heritage that once characterized both police forces and the church hierarchy in the United States, so that it was certain to be bridged once ethnic disparity emerged in either, or in both.) Arguments of such candor could scarcely fail to ignite press interest; and so some small portion of the world came to know that the same behavior can be construed very differently by different people and that not everyone agrees with how the officers of the Roman Catholic Church construe the behavior of their clergy who stray from the path of righteousness.

So it came to pass that the specialized prison for sex offenders with which I have been affiliated for 27 years received its first priest-inmate, at least in modern memory. Once knowledge of his conviction—or, perhaps more accurately, of the unilateral decision of the prosecutor in one county to abrogate a long-standing silent agreement with Church authorities—became known, other prosecutions followed. At one time in the recent past, in a 740-bed facility, some 45 beds were occupied by clergymen, though not all from the Catholic faith and not all guilty of statutory homosexual rape.

In order to be released from that prison on parole, it is necessary that the inmate convince the people responsible for treating him, the superintendent of the institution, a “dangerousness review board” comprised of mental health professionals, and the state parole board that he (invariably “he,” for a huge set of reasons that might become topics for another discussion at another time) is capable of returning to the community in a crime-free lifestyle. In order to ensure accessibility to supervision by parole officers, the offender is ordinarily required to return to residence in the very county in which he either pled guilty or was convicted at trial; only in the rarest of circumstances, and typically only in certain cases of property crime (e.g., passing bad checks, but not robbery), another state may agree to accept responsibility for parole supervision. Those constraints essentially vitiate the practice of reassigning an errant priest to another, geographically distant diocese.

Among the prison mates of our “pioneer” Hispanic cleric was a twice-convicted child molester named Jesse Timmendequas; they overlapped for approximately two years. Our cleric made valiant efforts—first to combat his revulsion at being incarcerated at all, then to being incarcerated alongside “men of that kind,” next to attempt to hide his clerical identity, and ultimately to participate effectively in treatment. Anyone who doubts the redemptive power of incarceration for men of the cloth in consequence of crimes they have committed (rather than as “prisoners of conscience”) would do well to consult The Dark Night of the Soul, by the Spanish mystic St. John of the Cross (Kavanaugh & Rodrigues, 1991) or even Maugham’s (1992) The Razor’s Edge.

In rather sharp contrast, Timmendequas made little effort to do anything other than let time pass. Although the offense that earned him his second conviction for a sex crime (the attempted rape of a girl of 7, foiled by Boy Scouts on an overnight camp-out in a public park) should have, following a similar first conviction, netted him a 30-year sentence, charges were plea-bargained downward; he was sentenced to 7 years. Virtually from his entrance into the institution, he broadcast his intention to resist treatment in every possible way. As a result, he was never recommended for parole. Yet, at the expiration
of his sentence and despite the fact that neither the clinical staff responsible for his treatment nor the superintendent nor the dangerousness review board nor the state’s parole board believed he could safely be released into the community, no one had the authority to continue to confine him beyond the length of sentence imposed by the court. So Timmedequas was released at the expiration of his sentence, and not long thereafter 7-year-old Megan Kanka was raped and killed (Pallone, 1995).

As the world knows, in the aftermath of that brutal murder some variation of what has come to be known as “Megan’s Law” has been adopted in all 50 states, in the Federal criminal code, in the criminal code of the District of Columbia, and in some foreign countries. Despite opposition by civil libertarians, predicated in part on “double jeopardy” issues and in part on retroactive features in some versions, and by many mental health professionals (including the present writer), essential characteristics of the legislation were validated by the U.S. Supreme Court in the historic Kansas v. Hendricks decision of 1997 (17 S. Ct. 20720). “Megan’s Law” and its variants typically contain two principal provisions: (a) A mechanism whereby a sex offender due to be released from confinement, whether for punishment or for involuntary treatment, may thereafter be placed in a public forensic psychiatric hospital under terms of involuntary civil commitment; and (b) released offenders are required to register their addresses and places of employment with the relevant police departments, which, under certain circumstances may (and, in other circumstances, must) make such information public. Publication of that information may take the form of distributing flyers to neighbors in residential areas, posting notices at places of employment, and/or postings to the Internet. In one state, a citizen may dial ABUSERS and in another PERVERT, with the respective area code, to determine whether the new neighbor or the new clerk at the convenience store or the new personal trainer at the local gym is a Megan’s Law registrant. (And it is rumored that those with vivid imaginations and perhaps a streak of sadism have been known to add: If not, why not?)

In virtually any jurisdiction in the United States, such consequences follow the conviction of anyone, regardless of his or her clerical status, of the crime of statutory rape. Can we conceive of any diocese anywhere that would welcome a priest whose presence requires that a formal notice be posted at the church door to the effect that the pulpit is occupied by a convicted sex offender, be he rapist, statutory rapist, or merely an ephebophile? (Doubtless, a latter-day Nathaniel Hawthorne of The Scarlet Letter, Georges Bernanos of Diary of a Country Priest, or Graham Greene of The Power and the Glory could so conceive, and thereby provide us with superlative fiction.) But if that is so, what in the world have the bishops deceived themselves into believing they have given away by adopting a “one strike, you’re out” policy, especially when that policy in fact does no more than implement the provisions of Canon 2359, to which they have presumably been bound in any case, in a nation committed to enforcing Megan’s Law—also (and quite literally) in any case?

Obeying God’s Law, but Not Necessarily Humanity’s

If the reaction of some proportion of the girls and women with whom Brother Gerald came into casual contact—and perhaps also of some proportion of the boys and men, for the conscious response of envy among his students may have masked darker instincts that we could never admit to consciousness—constitutes one sort of cautionary tale, we travel to Poland in the early 1980s for another. It was a time of considerable political unrest, fomented by the formation of a labor federation named Solidarity un-
nder the leadership of an electrician at the ship-
yard in Gdansk named Lech Walesa. In some
large measure because the Cardinal-Archbishop
of Cracow had been elected Pope in 1978, Soli-
darity fairly quickly garnered the support both
of the Roman Catholic hierarchy of Poland and
of the Vatican. And the rest, as young people
like to say, is history.

In the short version of the conventional wis-
dom, the Communist government of Poland
acted decisively against Solidarity, since such an
organization violated the law; there was, in Po-
land at that time, no right of assembly nor of free
speech. Martial law was imposed and Walesa
and others imprisoned. But the Polish-born Pope
made common cause with Ronald Reagan, the
American president; both moral, technical, and
financial support were surreptitiously funneled
into Poland to support the “underground” rem-
nants of Solidarity; agitation by the Polish
Catholic community was thus enabled to con-
tinue; the Communist government of Poland fell
as the first domino, leading eventually to the
dissolution of the Eastern Bloc, the fall of the
Iron Curtain, the end of the Cold War. It is in-
controvertible that the triumph of Solidarity,
signalized by the abdication of the Kremlin-sup-
ported military dictator of Poland, proved the
linchpin in the collapse of the Soviet Union
itself. (Indeed, in the conventional account,
Mikhail Gorbachev’s recognition that the econ-
omy of Iron Curtain countries rested on a house
of cards typically rates little more than footnote;
but that also is another topic for another time.)
Surely none of that would have happened had
the Catholic bishops of Poland, aided and abet-
ted by their Supreme Pontiff in Rome, not defied
the laws of that nation. And most of the rest of
the world applauded their defiant disobedience,
so much so that the still-reigning Pope “is
rightly revered for helping bring down the god-
less Communists” (Keller, 2002).

Who can doubt that applause reinforces?
Why then would one expect any sense of obli-
gation to observe man-made laws that would re-
define sin as crime on the part of a hierarchy that
has been conditioned both by its long-held the-
ological convictions that its moral judgments are
invariably superior to those reflected in mere
“man-made” laws and by recent widespread
public applause for their defiant disobedience of
man-made laws that patently infringe basic hu-
man rights?

The thread that links this historical snippet
with the current situation in the American
Church is an inbred sense of superiority to the
“merely” civil law that very likely constitutes
part of the patrimony of the Roman Catholic
hierarchy. The traditional, historical judgment
of the Church is and has been that the laws of
God are clearly superior to those of mere hu-
mans—from which it follows as the night the
day that the Church is bound only by the for-
mer. As a corollary, any legitimate civil author-
ity derives not from the will of the people but
instead from God and his earthly representa-
tives. Catholic theology makes a great deal of
“apostolic succession,” the notion that each
bishop is a lineal descendant of Christ’s Apostles
and thus speaks with an authority to be super-
seded only by that of the Pope himself as the lin-
ual descendant of St. Peter, primus inter pares
among the Apostles. Given those premises, it is
not difficult to understand a posture that holds
that one’s perception on anything should be not
subordinated to civil authority. Moreover, if one
believes (as the Church surely does) that the
monarchical and even democratic societies of
the West in fact derive their perceptions of
good and evil, justice and injustice, from prin-
ciples contained in the Decalogue and if one be-
lieves (however myopically) that a single insti-
tution (the Church itself) has safeguarded those
principles for 2000 years, why should one be-
lieve oneself to be bound by laws that are merely
human—whether those laws require that vio-
lations of the criminal code be reported to
“civil” law enforcement authorities or even cede
to women rights over their own reproductive capabilities?

But surely there is a huge conceptual chasm between laws that are intrinsically unjust and laws that merely define civic duties. Was it not the patent obligation of the hierarchy to disobey or ignore the unjust laws that forbade freedom of speech and assembly in pre-Solidarity Poland? (Those who believe that the leaders of the Church in America have customarily responded to laws that are intrinsically unjust by disobeying or ignoring them, or by urging the laity to do so, would do well to consult Marian Anderson’s autobiography, *My Lord, What a Morning!* In contrast, and the decision of that unruly French court notwithstanding, is not a law that compels one to civic duty like reporting suspected crime and/or not obstructing the pursuit of justice of the same conceptual class as, say, a municipal ordinance that compels a homeowner to shovel the snow from a public walkway within a prescribed period of time? Prior to the meeting in Dallas, it appears that the bishops individually and collectively would have answered in the affirmative.

Arrogance and Moral Betrayal

However distressing, revelation of the statutory rape of pubescent or pre-pubescent boys by a small number of priests in geographically scattered dioceses did not alone trigger the current crisis. Rather, the crisis arose when the Catholic laity (and indeed the general public) learned of the inaction of religious superiors in reporting criminal behavior, of their colossal failure to take steps to prevent recidivation, of their willingness to pay “hush money” to victims (typically, and doubtless upon advice of legal counsel, through agreements that bind victims and their families to silence), and plain old stonewalling in what came to be perceived as an imperiously secretive and self-defensive fashion. According to *Newsweek*, of the nation’s 250 bishops “two-thirds have transferred offending priests into unsuspecting parishes” (France, 2002). Collectively, both before and after the Dallas Charter, the behavior of the bishops has seemed to constitute what may come to stand as the operational definition without equal of how to lose friends and alienate people.

Acts of moral betrayal pivoting on arrogance, on a sustained and pervasive sense that the ordinary rules and boundaries that govern human interaction and define the obligations of the citizen do not apply, seem everywhere evident. There is the betrayal of trust between priest and communicant that leads to sexual encounter, even when that sexual encounter is, more or less, consensual. Indeed, in an ecclesiastical variation of Eric Berne’s (1996) “Oh, You Kid” game, with whom else could “innocent” heterosexual (or even homosexual) flirtation be expected to remain “innocent”? (For the girl or woman in a flirtatious mood, surely not with the biological father or the male supervisor at work, with all those marginal undertones reminiscent of Electra and Agamemnon; but what of the Father who is not the father?) There is the betrayal of the vow made by the cleric to remain celibate, whether that vow is broken through sexual congress with a male partner or a female partner. That betrayal is compounded immeasurably when such congress violates positive law (rape or statutory rape) as well as canon law. It is further amplified when religious superiors cloak the entire set of behaviors in secrecy, replete with “hush money” for silence, rather than discharge their obligations as citizens by reporting prosecutable offenses to law enforcement authorities. That the attitude among a large proportion of the American Catholic laity is that they have been systematically betrayed by arrogant leaders is surely not difficult to understand.

And there is surely more than enough trauma to spread around. The most obvious victims are,
of course, the most obvious victims; and, as they emerge from a cloak of secrecy that has been self-imposed in order to join a public lawsuit for compensatory or punitive damages or legally imposed in view of a settlement already conveyed (or, God help us because anything can happen, perhaps are “outed” by some schismatic run-away from SNPAP), they are at risk for traumatization once again. These are the primary and secondary victims. We’ll find the tertiary victims further removed from clerical sin or crime, but nonetheless traumatized. They will include the young nephews of the young priest who told us of his seminary experiences that had prepared him to resist the snares and charms of the women of the parish hustling after forbidden fruit. A great bear of a man who both holds pastoral duties and teaches and coaches in the parish school, he spends as many free Sundays as he can with his sister, his brother-in-law (a uniformed police officer), and his two nephews. One can readily imagine the four males rough-housing in the back yard in a game of two-on-two touch football. Yet our young friend has told us that he no longer feels free as a coach to make the sort of harmless physical contacts that are signs of male-bonding, an older man with a younger one. Who will explain to his nephews that their uncle has suddenly come to fear physical contact with them? How, in later years, will they interpret their uncle’s sudden withdrawal of affection? Will they see in that withdrawal some dark impulse their uncle strove to control?

Trauma radiates outward, and it will eventually touch the entire Catholic population. One homemade remedy for trauma is to avoid remisiscent people, places, and things; another is to reach out for the social support of a familiar network. But the memory-evoking people, places, and things are precisely what constitute for many Catholics the familiar network; the American Catholic community is presently splintering around the crisis itself, and some believe it cannot avoid breaking into fragments. Will Ireland provide a template for the future? It has been widely reported that, over a period of 30 years, regular attendance at worship has declined from 40% of the Catholic population to a mere 10% in that prototypically Catholic nation. Once a “priest factory” for the rest of the world, only one priest was ordained in Ireland in the year 2001 (Ostling, 2002a). If religious observance no longer matters to 90% of the Catholic population, is it also the case that Catholic social and moral teaching no longer matter? If so, by what are they being replaced? Should the current crisis produce a similar effect in America, shall we expect sizable migrations of the Catholic population to other faith groups, into hedonism, or into apostasy? And what consequences, traumatic and otherwise, shall be thereby engendered in the society at large?

Secrecy, Imperiousness, Financial Betrayal

We have touched the matter of civil financial liability only tangentially. Although most of the settlements acknowledged during the first half of 2002, reported to hover near $1 billion in the aggregate, have been made in situations involving statutory homosexual rape, with or without either prior or subsequent public prosecution, now that the floodgates have opened there is no legal barrier that impedes claims by adult “partners” of either gender seeking monetary redress for the consequences of “seduction”—nor, indeed, by the disenfranchised partners of their partners seeking redress for alienation of affection. To that sum can be added the residual costs of vastly increased insurance premiums properly demanded by liability carriers. One way or another, those costs will be borne by the Catholic laity.

Doubtless formal adjudication of guilt in a criminal court very greatly facilitates successful
pursuit of a civil claim for compensatory and punitive damages for rape or statutory rape. But both jury awards and out-of-court settlements in some large measure vary according to whether Church officials have responded with transparency or secrecy to allegations of criminal sexual behavior by clerics. Indeed, a fairly convincing argument is to be made that a major opportunity for monetary damage control was lost because church leaders did not have in place a policy for invoking the criminal justice system with its extensive and well-honed investigative apparatus upon the merest hint of clerical misbehavior—thus obviating any hint of stonewalling. Instead, the leadership continued to prefer to deal with sin rather than crime. Whether the bishops’ newly adopted charter, yet to be approved by the Vatican, can restore confidence that they genuinely intend to abide by the laws of the nation is a tale that some future Xavier Rynne will tell. As the priests who protested that provision in the bishops’ charter well understand, the downside risk to reporting allegations of criminal sexual behavior to law enforcement is to debilitate the accused as soon as he is arrested, even though a decision as to guilt or innocence will not be made for months to come. But the opportunity for damage control presents itself here as well. Should such investigation fail to yield evidence that supports prosecution, Church officials would be better justified in “anonymously” transferring accused clerics to other dioceses.

That such a staggering sum has been paid in compensatory and punitive liability payments and thus diverted from the purposes for which monies had been contributed by the laity (whether the payments came directly from diocesan treasuries or by means of monumentally increased liability insurance premiums) has not failed to evoke a sense of financial betrayal joined to a sense of moral betrayal. The aggregate sum reached such titanic proportions at least in some measure because the bishops by and large stonewalled and/or dithered, often (it is to be presumed) on the morally repugnant advice of their attorneys. In one by-now famous case, a diocese disingenuously argued in court that it should not be responsible for damage payments because much of the fault for the victimization arose from the failure of parents to properly supervise their teenage son; in another well-publicized case, another diocese argued that it should not be held financially responsible for the statutory rape of an altar boy by a foreign priest in residence in a parish near the local Catholic university where he was studying because he was, after all, not really a priest of the diocese; in a third case, in response to reporters’ questions about a class action lawsuit brought by 18 alleged victims, the public relations officer for a diocese dismissed the “suit’s claims [as coming] from the distant past” (Phillips, 2002).

Stonewalling, dithering, and morally repugnant legal ploys have congealed to fan rage into wholesale conflagration. In many dioceses, groups of prominent laymen formed financial oversight bodies that urged that the laity no longer contribute to the coffers of their churches through weekly collections at worship. As this is written, the first national assembly of the “Voice of the Faithful” has just concluded. As recounted by Ostling (2002b), the organization issued a rousing call to “stop enabling through financial support the power structures responsible for the horrific consequences of the scandal and cover-ups.” The organization also announced plans to establish corporate bodies with full public accountability that would function as alternate avenues for the collection of contributions ordinarily made through local parishes and dioceses (O’Neill, 2002), with pledges to use the money to support schools, hospitals, and other Catholic social institutions—but not for “hush money,” for legal fees, nor, pointedly, for the limousines and palaces of bishops.

That call grew with the report that a diocese in
the South had “forgiven” its business manager, a layman, for embezzling $400,000 in Church funds. Despite clear evidence not only of financial betrayal but of unmistakably criminal behavior, the business manager was nonetheless permitted to resign. Since no prosecution ensued, he has retained his license as a CPA and is practicing elsewhere. Of course, consistent with encoding the behavior as sin rather than as crime, the malefactor has promised to repay the $400,000 he embezzled by making restitution at the rate of $200 per month. With the customary journalistic aversion to numerators and denominators, the Associated Press report failed to observe that, at that rate, the debt will be satisfied in 167 years. But the report did not fail to observe that the arrangement had been approved by a former bishop who resigned “after acknowledging in 1998 that he had molested five boys” (Barton, 2002, p. A-4). Had the theft been encoded as the crime it was, prosecution and conviction would not have been the sole sequela. In addition, the malefactor would surely have lost his CPA license; the insurance company that had underwritten the surety bond that covered his activities as the diocese’s financial officer would have been required to reimburse the diocese for its loss. As it is, that loss can only be rectified through additional contributions from the laity; and, with his license intact in an inverted analogue to the situation of a Megan’s Law registrant, the malefactor is free to continue the practice of his profession, whether honestly or dishonestly, without special oversight. In one metropolitan daily with a large circulation, that story ran cheek by jowl with another summarizing a report by the survivors’ network recounting failure in several dioceses to implement the terms of the Dallas Charter despite convincing evidence of guilt on the part of offending clerics extending for several years (Superville, 2002). Yet a silver lining seemed visible—both stories ran not on page 1 but on page 4.

Contrition by the Bishops?

*The Razor’s Edge* (Maugham, 1992) is, at base, the tale of a young American’s pursuit of sanctity during the uneasy peace between the two great wars. Its central character, Larry, has not heard the voice of Christ, as did the Apostles, urging that he “sell all you have, give to the poor, and come follow me.” Yet selling all and giving to the poor is precisely what he does anyway. His spiritual epiphany comes not in a Christian church in the West but instead in a Hindu hermitage in India. Along the way, however, he lives through many “dark nights of the soul.” In one of the most powerful scenes in the novel, Larry encounters in the coal fields of the Ruhr valley a fellow miner whom he learns is a defrocked priest “on the run.” From what or whom, Larry asks, are you fleeing—the police, church authorities, even an aggrieved husband? The response: from forgiveness.3 Maugham does not tell us whether the forgiveness from which the defrocked priest is fleeing is human or divine.

In the Roman Catholic lexicon, divine forgiveness pivots on contrition. Contrition, in its turn, requires that the contrite person recognize that he or she has committed sin. Despite the fact that, according to the *Newsweek* report (France, 2002), two-thirds of the nation’s bishops have in fact protected offending priests, the public has as yet heard no convincing expression of contrition from them. Is it that the bishops do not recognize their own role in the crisis and thus feel they have nothing to be contrite about? Indeed, by treating offending priests as sinners and making provision for their spiritual reformation and eventual redemption, have not the bishops precisely fulfilled their duties in a church that is founded squarely on redemption? (At a time when one seminary after another has been closed or merged as a result of a lack of candidates for the priesthood, one of my Marxist
colleagues might interpret things rather differently.) By exercising restraint, as doubtless advised both by their attorneys and their insurers, have not the bishops precisely fulfilled their duties to avoid scandal and/or panic among the faithful?

Catholics believe that a priest acquires upon ordination the power to confer divine forgiveness for sins. Bishops are not only empowered by their church to confer divine forgiveness themselves but further to ordain others and thus also empower others to confer divine forgiveness. If, as theologian Garrigou-Lagrange famously remarked, the earth is but a few ticks old by the cosmic clock, what difference that we have ignored some man-made laws about reporting allegations of criminal behavior, especially when our motive in so ignoring has been better to attend to the salvation of souls, the redemptive function that defines the Church and our roles in it? In that context, should we long wonder whether the bishops may simply have forgotten how to go about asking for “merely” human forgiveness?

And, in a curious way, we return to our starting point—sin versus crime.

Summary and Implications

Near mid-century, Hans Küng (1962), the eminent Swiss theologian who was once a favorite of the Vatican but later silenced (largely for questioning the doctrine of papal infallibility), urged that the motto of the Church should be *ecclesia semper reformanda*—the Church is ever in need of reform. Contemporaneously, the celebrated Jesuit theologian Karl Rahner (1959) proposed that steps be taken deliberately to engender “healthy clerical-lay tensions” so as to elicit “meaningful and uninhibited encounters.” The events of the first half of 2002 leave no doubt that the Church in America is in need of reform. Nor can there be any doubt that tensions between the clergy and the laity have been elicited with a vengeance. Judgment as to whether those tensions will prove healthy or destructive can only be left to that future Xavier Rynne, whoever he or she may be.

This article has analyzed discursively sources of trauma among members of the American Catholic community in the wake of revelations in early 2002 of (a) what has inaccurately and euphemistically been termed “sexual abuse of minors” (in actuality in most instances, homosexual statutory rape) by a relatively small number of priests, (b) consequent but unpublicized civil liability settlements reached between victims and the ecclesiastical superiors of the offending priests, typically in the absence of criminal prosecution, and (c) the pervasive aura of secretiveness within a context that includes (d) the requirements of the Code of Canon Law that governs the Catholic church and (e) the requirements of criminal law concerning both the notification of law enforcement authorities of alleged criminal violations and the subsequent “tracking” of pedophiles, both statutory and other rapists, and certain other sex offenders under terms of Megan’s Law.

It has been proposed that the victims of trauma radiate outward beyond primary victims and their families (secondary victims) to include the entire Catholic population (tertiary victims) and that the sources of trauma include an excessive theological emphasis on adolescent sexuality via the Virgin Birth as well as an unwillingness on the part of clerical leaders to abide by the dictates either of Canon or criminal law. An etiology to explain the psychodynamics of homosexual statutory rape (or even “ephebophilia”) by priests, anchored in Fenichel’s (1945) speculations about the genesis of psychossexual pathology among (sexually inexperienced but palpably) narcissistic adult males and incorporating the contribution of Catholic doctrine on the Virgin Birth, has been presented.

Mental health, psychological service, and so-
cial service professionals will have a variety of roles to play as the crisis continues. These include, but are not limited to:

- First-response crisis intervention and long-term treatment for primary and secondary victims of illicit sexual behavior by clerics, whether violative of criminal law or of canon law;
- First-response crisis intervention and long-term treatment for offending clerics, whether in correctional institutions or outpatient clinics;
- Assessment of the consequences (extent of trauma) among primary and secondary victims in connection with liability proceedings;
- Development and validation of screening instruments and modalities to identify candidates for the priesthood who are or are not likely to abide by the vow of celibacy;
- Development and validation of screening instruments and modalities to identify candidates for the priesthood who are likely both not to abide by the vow of celibacy and to violate the criminal law (by committing rape or statutory rape);
- Education of the laity, the clergy, and clerical leadership on the differences between homosexual orientation, homosexual behavior, effeminacy, and epicenity;
- Development and implementation of methodologies for effectively monitoring and supervising same-gender and cross-gender interactions between clerical personnel and laity.

Afterword: Informed Guesswork About Incidence

No enumerative census obtains numbers that can provide an accurate count either of sexually active priests, of priests who have ever in their lifetimes had sexual experiences, nor of priests who have transgressed the vow of celibacy with “partners,” whether above or below either the age of consent formally specified in the *Codex of Canon Law* that binds all Roman Catholics worldwide or the age of statutory consent contained in the criminal codes of the various states. The press has quoted or misquoted various figures, in some cases ranging as high as 50% of priests who are, or have at some past time, had some sexual experience of some sort (Cozzens, 2000; Jenkins, 2001; Plante, 1999; Sipe, 1995), perhaps even before entering the seminary. When one searches for the raw data, however, they prove both elusive and “soft” (i.e., based on estimate rather than on enumeration).

With the inability to understand the relationship between numerator and denominator that appears to be endemic to journalists, 10% or “nearly 10%” has rather frequently (and quite erroneously) been reported as the proportion of priests guilty of sexually assaulting minor children.

Yet, when one traces that proportion to its origin, it apparently derives from two pieces of data that are not related as numerator and denominator. The raw data are these: In a certain diocese, 90 priests have been identified as having been accused of sexually assaulting minors during the past 50 years; in the same diocese at present, there are 975 priests. Even prescinding from the capital point that accusation differs from the adjudication of guilt, whether under Canon Law or under criminal law or both, it is clear that 975 does not represent the appropriate, or even logical, denominator. Instead, the denominator should represent the aggregate of any and all priests who have served in that diocese over the period of half a century.

With greater restraint and relying on such empirical data as are available, Berry (2000) believes the figure closer to 2%. In my own conversations with the press (Canacci, 2002), I
have cited a figure of between 1% and 1.5%, with that estimate deriving from what we know about the relative incidence of “chicken hawks” (adult males who seek phenotypically post-pubescent adolescents as sexual partners) among the membership of Big Brothers and among those who volunteer as coaches for Little League teams, as Scout leaders, and the like. (There is a countervailing issue, in the proportion of Big Brothers, coaches, Scout leaders, and the like who are motivated in part by the search for vulnerable single mothers; but that too is another topic for another time.)

Still, there are something on the order of 46,000 ordained priests presently in the United States. According to the Associated Press (Ostling, 2002c), by July 31 of this year, 300 had been “taken off duty over abuse allegations.” That figure does not differentiate between those guilty of homosexual statutory rape, rape, or consensual sexual interaction with adults of either gender. Thus, the figure of 300 includes both the Brother Geralds who succumbed to the blandishments of those (of either gender) who found their manly charms compelling as well as the “ephebophiles” whose crimes enkindled the crisis; and there is simply no empirically defensible way in which to apportion that figure among and between types of errancy. If my conservative (but empirically defensible) estimate is reasonably accurate, there are to be expected 460 to 690 criminally offending “ephebophiles” among the nation’s priests; if Berry is correct, that number expands to 920. In contrast, the 10% commonly cited in the press suggests that there are 4,600 priests out there incessantly stalking young boys, and the scare tactics are in place to expand that number almost indefinitely—at least until the newest scandal from another quarter begins to claim press attention.

Notes

1. In August 2002, some 2 months after promulgation of the Dallas Charter, the Conference of Major Superiors of Men, an organization representing the senior officers of religious orders of priests and brothers in the nation, held its annual meeting. Inevitably, the matter of implementation of the Charter took front and center in the attention of journalists covering the event. In many published accounts, the heads of the orders were portrayed as adopting a posture of deviance toward the Charter and the bishops who constructed it. Only in a few reports were the decisions of the leaders reported in appropriate context. The headline accompanying the Associated Press account, for example, read, “Religious orders decide to restrict abusive priests” (Zell, 2002). Other headlines emphasized not the decision to restrict but rather that the orders were not prepared to interpret the “one strike, you’re out” policy as requiring that an errant cleric be dismissed from membership.

At first glance, the discrepancy may appear to be but another situation in which journalism offers flimsy depictions of alternative versions of complex positions, much in the mold of Eric Berne’s “Let’s You and Him Fight” game that provides the template for virtually every “talking heads controversial issues” program on cable television. Setting the parameters for the hoped-for fight inevitably involves distortion by the ringmaster (whose knowledge of the issues at hand could frequently fit quite comfortably into a thimble) of the positions attributed to the intended antagonists (in this case, it’s the superiors against the bishops).

Surely some of that influenced journalistic accounts. But one suspects that, to some major extent, the discrepant reports resulted from inadequate journalistic understanding of fairly abstruse Church terminology and procedures.

The pivotal issue regards the meaning of laicization and exclaustration. Laicization occurs when an ordained priest is returned to the laity and occurs only when decreed by the Pope. A priest may voluntarily become laicized (Greeley’s Ascent Into Hell once again), for example, if he wishes to marry. Or a priest may be involuntarily laicized when his behavior has become so
notorious as to cause scandal (Tennessee Williams’ *The Night of the Iguana* again). Only the Pope may formally issue a declaration of laicization. In either case, the Pope will take into consideration (in the latter case, is likely to be guided by) the recommendation of the bishop in question if the priest is a member of the “secular” (or diocesan clergy) or the major religious superior (i.e., the worldwide chief executive of the order) if the priest is a member of the “regular” clergy—with the latter term deriving from the Latin for “rule,” indicating that he is bound to follow a program of daily spiritual exercises as a member of a religious community and not in contradistinction to “irregular.” In recent decades, legions of ordained priests have been voluntarily, but few involuntarily, laicized.

In contrast, the term *exclaustration* derives from the Latin for “out of the cloister” and denotes the process whereby a priest (or brother or nun, for that matter) ceases to be a member of a religious order. Exclaustration may occur upon the volition of the member himself or herself, and there have been many cases in which a priest, or brother or nun, wishes to leave one order with one set of purposes and activities in order to join another with a more congenial set of purposes and activities through a process termed *reincardination*. The famed priest-psychiatrist Thomas Verner Moore (whose capstone work was *The Driving Forces of Human Nature and Their Adjustment*, 1952) had originally been ordained as a member of the Order of St. Dominic, but he underwent exclaustration from the Dominicans to become reincardinated as a member of the Order of St. Benedict. In his 70th year he again underwent exclaustration from the Benedictines to become a member of the Order of Cistercians of the Strict Observance (Trappists) and lived the remainder of his life as a hermit in Spain (Pallone, 2000). In no case was laicization involved. That is a very different pathway from one followed by a member of a religious order who seeks both exclaustration and laicization, for example, in order to marry. There are, of course, also cases of involuntary exclaustration, typically for persistent disobedience to religious superiors (with Martin Luther himself a prime example). But exclaustration itself does not automatically also involve laicization.

At the August meeting, the Conference of Major Superiors of Men decided that exclaustration would not automatically follow either an allegation or even verification, even in a criminal proceeding, of sexual errancy. That decision means that an errant priest may continue to be a member of his religious order; but it does not mean that he is exempt from sanctions, whether under criminal law or under Canon Law. An errant priest who has transgressed with a mutually consenting adult partner may find himself, in the language of Canon 2359, “suspended, declared infamous, and deprived of any office, benefice, dignity, responsibility” and, instead of his customary pulpit, classroom, or hospital chaplaincy, find himself assigned to slop the hogs on the monastery farm. Anyone who does not understand that such an assignment doubtless constitutes a humbling experience hasn’t slopped the hogs recently. An errant priest who has transgressed via statutory rape can expect that, upon release from whatever sanction is imposed by the criminal court, he will be accorded a similar assignment. Of course, an errant priest who declines to accept such a humbling assignment may well find himself involuntarily exclaustrated—but for disobedience, not for the sexual transgression that set the chain of events into motion. Still, the exclaustration may not automatically trigger laicization; and here we encounter again Maugham’s coal-mining priest. Once again, one anticipates the deft pen of a Greene or a Bernanos.

Journalists prefer to use the term “defrocking.” But that is not a term of art in canonical jurisprudence, and its meaning shifts with context. (Analogously, “insane” is a legal term, not a psychiatric term.) Journalists who choose to employ terms with variant meanings rather than abstruse but accurate terms and thereby purvey but half the story perhaps either need new “beats” or new thimbles.

2. At one point in this writer’s checkered past, when I was in virtually constant contact with the “working stiffs” of a major metropolitan police force, I was led to understand that the criminal behavior of Roman Catholic priests at which law enforcement deferred to ecclesiastical authority more typically involved public drunkenness and consortium with ladies and men of easy virtue than anything resembling rape, statutory or
otherwise. But that was more than 40 years ago, when we still prosecuted inebriates and “johns”—and long before police forces became as ethnically diverse as they are today.

3. Surprisingly little carefully designed empirical psychological research has examined the nature of forgiveness. On the basis of his own studies and those of his colleagues at Southern Methodist University, McCullough (2001) has defined forgiveness as “a suite of prosocial motivational changes that occurs after a person has incurred a transgression,” triggered largely by largeness of spirit on the part of the forgiver rather than by either the behavior or the characteristics of the forgiven.

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