Scandal Time

by Richard John Neuhaus

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The Public Square

The timing, it seems, could not have been worse. In last month's issue I offered my considered and heartfelt defense of Father Maciel, founder of the Legionaries of Christ, against unfounded charges of sexual abuse. I meant and I mean every word of what I said there. Just after the issue had gone to press, however, scandals involving sexual abuse by priests in Boston exploded, creating a level of public outrage and suspicion that may be unparalleled in recent history. The climate is not conducive to calm or careful thought about priests and sexual molestation. Outrage and suspicion readily lead to excess, but, with respect to developments in Boston, it is not easy to say how much outrage and suspicion is too much.

Professor Philip Jenkins of Penn State University has written extensively on sexual abuse by priests, also in these pages (see "The Uses of Clerical Scandal," February 1996). He is an acute student of the ways in which the media, lawyers, and insurance companies-along with angry Catholics, both liberal and conservative-are practiced at exploiting scandal in the service of their several interests. Scholars point out that the incidence of abusing children or minors is no greater, and may be less, among priests than among Protestant clergy, teachers, social workers, and similar professions. But, it is noted, Catholic clergy are more attractive targets for lawsuits because the entire diocese or archdiocese can be sued. That is a legal liability of the Church's hierarchical structure. Moreover, the expressions of outrage by many in the media are attended by an ulterior agenda, namely, discrediting the Catholic teaching on human sexuality, about which they are genuinely outraged. These and other considerations can and should be taken into account, but the tragic fact remains that great wrongs have been done, and there is no avoiding the conclusion that, in Boston and elsewhere, some bishops bear a heavy burden of responsibility.

Children have been hurt, solemn vows have been betrayed, and a false sense of compassion-joined to a protective clericalism-has apparently permitted some priests to do terrible things again and again. For some Catholics, this is a time that will test their faith in Christ and his Church, as distinct from their faith in the holiness, or even competence, of some of the Church's leaders. Catholics used to be good at that sort of thing, pointing to figures such as Alexander VI (Pope from 1492 to 1503) whose thorough corruption-he gained the papacy by bribery and used it to benefit his illegitimate children-was thought to prove that the truth of the Church and the validity of her sacraments were not dependent upon the holiness of her leaders. In the fourth century, the Donatist heretics took the opposite position, and Catholics have been exuberant in their condemnation of Donatism. We all have a steep stake in the rightness of that condemnation. At the same time, the orthodoxy of anti-Donatism is not to be confused with moral indifference. All three synoptic gospels report the warning of Jesus about

those who corrupt the innocence of children. “It would be better for him if a millstone were tied around his neck and he were cast into the depths of the sea.”

Conformed to the Culture

The current scandals constitute a painful moment of truth for bishops, heads of religious orders, and others responsible for the moral integrity of the Church’s ministry. More often than not, the priests allegedly involved in these scandals are now in their sixties and seventies or even older. They received their formation and were ordained in the 1960s and 1970s when, in addition to false compassion and clerical protectiveness, there was in sectors of the Church a wink-and-a-nudge attitude toward what were viewed as sexual peccadilloes. Anyone who was around during those years, and had eyes to see, knows that was the case. Ecumenically, and especially among clergy involved in social activism, both Protestant and Catholic, there was frequent confusion and laxity with respect to sexual morality-heterosexual, homosexual, and unspecified. That is deplorable but should not surprise. In this way, too, the institutions of religion are too often conformed to the culture of which they are part.

Among Catholics, the situation is generally very different with today’s seminarians and younger priests. It is not unusual to encounter priests who claim they were ordained in, say, the 1970s with the expectation that the celibacy requirement would be abandoned within a few years. Many of them have since left the active priesthood. For others, the “acceptance” of homosexuality and the rejection of every form of “homophobia” was clearly the approved attitude. Today, I think it fair to say that seminarians and younger priests know beyond doubt what is expected of them in terms of faithfulness to the Church’s teaching. But the penalty for past laxity and malfeasance is now coming due, and has been coming due since the reality of sexual abuse by priests was brought to public attention more than a decade ago. Of course the Church will survive, and more than survive, but I expect this storm is not going to pass any time soon. I expect we have not yet seen its full fury. I very much wish that I were more confident than I am that every bishop understands that there can now be no returning to business as usual. The word crisis is much overused, but this is a crisis.

Despite all the talk about the pervasive “nonjudgmentalism” in our culture, about some things judgments are much harsher today. In anything having to do with children, for instance, what some viewed as embarrassing misbehavior in the 1970s was, by the 1990s, viewed as a heinous crime. Psychological theory, law, and public attitudes have all changed dramatically. The very subject of homosexuality was, not so very long ago, pretty much in the closet. Like most people, bishops did not know, or did not want to know, about rude things that men did together, and sometimes did with little boys. Today’s scandals notwithstanding, there was something to be said for such reticence and naiveté, even if the naiveté was sometimes feigned. When it comes to priestly adherence to the Church’s teaching, zero tolerance must now be the order of the day. The enforcement of zero tolerance, in this connection and others, can lead to ridiculous extremes and can inhibit natural and healthy interactions, especially in working with young people, but that, too, is probably part of the price to be paid.

There was a similar sense of crisis following the first public revelations of sexual abuse by priests in the mid-eighties, but then the issue receded after CNN notoriously

sensationalized charges against the late Joseph Cardinal Bernardin of Chicago in 1993 and the charges turned out to be false. That incident helped remind people that priests, too, are to be deemed innocent until proven guilty.
In the current climate of outrage, we need to be reminded of that truth again. Unbridled outrage can too easily become hysteria. One recalls that during the same period, there was a blizzard of criminal charges and lawsuits over alleged abuses, including satanic rituals and other grotesqueries, perpetrated by people working in day care centers. Whole communities around the country were caught up in a frenzy of mutual recriminations, and many people went to jail, until the heroic and almost single-handed work of Dorothy Rabinowitz of the *Wall Street Journal* exposed the madness for what it was.

Other Casualties

Among the potential casualties of the present scandal is severe damage to what has historically been called the "liberty of the Church" to govern her own affairs. Catholics have a distinct tradition of canon law that goes back to the Council of Nicaea in 325 and took lasting form with Gratian's *Decretum* in the twelfth century. This history of ecclesiastical liberty is basic to the various exemptions and immunities in current law and practice that protect religious freedom not just for Catholics but for everyone. The right of religious institutions to govern themselves may be gravely eroded under pressure from lawyers, insurance companies, and the state. The ruthlessness of many in the legal profession should not be underestimated. As Peter Steinfels writes in the *New York Times*, it has now been "discovered that lawyers for plaintiffs could play hardball, too, inflating charges and using the news media to play on public fears and prejudices in hopes of embarrassing the Church into settlements." With respect to self-governance, "confidentiality" is now commonly translated as "secrecy" and "discretion" as "evasion." The cultural revolution popularized the slogan that the personal is the political. So also, it now seems, the religious is the political, and the legal. All of life is to be lived on the front pages or in the courtroom, or at least under the threat of the front pages and the courtroom.

News reports claiming that a certain number of priests have been charged with abuse and that the claims were settled out of court must not be interpreted to mean that the priests are guilty. Some of them insisted and insist that they are innocent, but bishops were advised by lawyers and insurance companies that a legal defense against the charges would cost much more than settlement out of court, and could well end up in a guilty verdict entailing even greater financial liability. In some cases, settlements were agreed to with the guarantee that they would remain forever confidential. In Boston, that guarantee has now been broken by court order. This can be seen as an ominous encroachment by the state on the Church's right to self-governance. It can also be argued that the Church forfeited that right by failing to govern itself, and by surrendering episcopal governance to lawyers and insurance companies.

At least in some cases, there can be no question of the state's legitimate interest. To cite the most notorious instance, that of the defrocked John Geoghan, he is already convicted of one criminal act, and is charged with many more. Sin is the business of the Church, and crime is the business of the state. There was once a time, centuries ago,

when there were ecclesiastical courts to deal with clerics who committed sins that were also crimes. Although it had no standing in law, that way of handling things continued in a vestigial and informal way up to our day. If the cops suspected Father of criminal activity, it was reported to the bishop in the confidence that he would take care of it. No more.

Another potential casualty is an erosion of confidence in the possibility of repentance and amendment of life. Such confidence is dismissed as "naive" when it comes to priests being given another chance. But the belief in the power of the grace of God to transform lives is at the heart of Christian faith, and is overwhelmingly supported by Scripture and the experience of innumerable Christians. Belief in the gift of grace, however, is perfectly consistent with knowing that the gift is not always effectively received. When a priest repents after being caught dipping into the collection plate, there is forgiveness. There is even forgiveness, if he is repentant, after he has done it several times, but there are also secure measures for denying him access to the collection plate. Children and the integrity of sacred vows are immeasurably more valuable than the collection plate. It is now evident that it is much easier to keep violators away from collection plates than to keep them away from children.

The Meaning of Episcopos

Bernard Cardinal Law of Boston was already in 1993 thought to be taking a "hard line," going through diocesan files to find any cases in which priests had believably been accused of molestation, and trying to make sure they were not assigned to positions involving regular work with minors. It now seems obvious that some priests eluded such scrutiny. In other cases assignments were made on the basis of medical and psychological counsel that at the time was thought to be perfectly sound. There were also experts who warned that simply getting rid of a priest would loose a sexual predator on the society. The beating that Cardinal Law has taken is, in large part, because of his inability to anticipate changes in medical and psychological thinking about sex abuse and sex abusers. At the same time, the medicalizing of gross wrongdoing too often lets ever-changing psychological theory trump commonsense judgments about sin and its consequences. In any event, Cardinal Law has confessed that, in all of this, he has made "tragic mistakes." It is not possible to disagree. The word bishop is derived from the Greek *episcopos*, which means overseer, and there would seem to be no doubt that there have been grave deficiencies in the moral oversight of some of the clergy of Boston.

An outraged reader writes that, if I do not publicly call for Cardinal Law's resignation, I am clearly "circling the ecclesiastical wagons in defense of the indefensible." Nonsense. Saying who should be placed or replaced as a bishop is way above my pay grade. Many people, including many devout and orthodox Catholics, are calling for the Cardinal's resignation. A wire service story is headed, "Boston Cardinal Vows to Stay, Despite Poll Numbers." In the Catholic Church, bishops do not run for election. Nor are they to be viewed, or at least not chiefly, as CEOs of a corporation. In the Catholic Church, a bishop is a successor to the apostles appointed to his see by the Bishop of Rome. The bishop's task is "to teach, to sanctify, and to govern." Cardinal Law has been an outstanding teacher of the faith, and was instrumental, not incidentally, in producing the *Catechism of the Catholic Church*. Nobody can complain about his fidelity to his sacramental duties. In the third task, that of governing oversight, he has, as he has

confessed, made tragic mistakes. His future as Archbishop of Boston is a matter between him, his conscience, and the Pope. He may conclude that the effectiveness of his ministry in Boston has been crippled beyond repair. I sincerely hope not. His resignation would be a severe loss to the Church in the United States. Nor dare we despair of God's bringing great good out of these terrible events. There cannot help but be a deeper awareness of sin, its consequences, and our radical dependence upon grace-and such deepened awareness is a precondition for spiritual renewal.
There is an unseemly readiness on the part of many, including some Catholics, to believe the worst. What we know for sure is wretched enough. We would not know what we do know without the reporting of the *Boston Globe*. It is pointed out that the *Globe*, like its owner the *New York Times*, is no friend of the Church. The suggestion is not that we should kill the messenger, but that we should be keenly aware that the messenger has, on issue after issue, points to score against the teaching and claims of the Catholic Church; that the messenger is not a neutral party. All that is true, but it is of limited pertinence. It is also true that Catholics should not be apologetic about wanting to defend the Church. It is their duty. Doing that duty, however, is not incompatible with, but in fact requires, a recognition that, in this case as in so many others through history, leaders of the Church are guilty of giving ammunition to those who would attack her. Throughout his pontificate, John Paul II has been urging such a candid recognition, which is at the heart of our understanding that the Church is a community of sinners called to be saints. That having been said, what has happened in Boston is inexcusable. Those responsible can be forgiven, but what they did cannot be excused. And again, Boston is not an isolated instance. Catholics and others who wish the Church well should be braced for the probability that the storm of scandal is by no means past. It will only be magnified if bishops and heads of religious orders have not learned from what happened in Boston. They must take the governance of the Church back from lawyers, insurance companies, spin doctors, blackmailers, and priests who are misguidedly protective of colleagues engaged in great evil. Meanwhile, these pages will continue to address this crisis-closely, candidly, and with a wrenching sadness tempered by, I pray, the virtues of faith, hope, and charity.

Scandal Time (Continued)

by Richard John Neuhaus

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The Public Square

Don't be fooled by the parentheses. "Continued" is the operative word. As in going on and on. I have said it before: we have probably not yet felt the full fury of the storm aroused by the grave misgovernment of the Catholic Church in America. I do not want to write about this, and I wouldn't blame you if you do not want to read about it. Since all this broke in January, I have given no less than thirty hours per week to the subject, talking with endless reporters, and doing radio interviews. (I've been turning down as many as half a dozen television interviews per day, because they take so much time in traveling to studios, and mainly because most of them provide an opportunity for no

more than a few sound bites and a food fight.) Please, I'm not whining. It is just to say I'm weary of the subject, but recognize the probability that it will not let us go.

For weeks now, the media have been in a feeding frenzy. I do not say that in criticism of the media. Let it be stated unambiguously: the leaders of the Catholic Church, meaning mainly the bishops, are responsible for the crisis and for the consequent frenzy. Of course some reporting is sensationalistic, and of course it is amusing to see the New York Times, day after day, running essentially the same story on the front page, as though they're afraid people are going to forget about it. But, regrettably, there are also new developments, and no doubt will be more, that legitimate the major attention paid. There is this difference: for the first time in years, I have the impression that most journalists are really trying to understand what is happening, or at least to find a story line that makes sense of what is happening. In other words, the story doesn't conveniently fall into the conventional left/right, liberal/conservative boxes on which reporters usually depend. Recall that the story started out as a "pedophilia" scandal. The story has rightly moved beyond that now. The scandal is only very marginally about pedophilia. With very few exceptions, it is about adult men having sexual relations with adolescent and older teenage boys. So everybody has by now heard a great deal about "ephebophilia." It is not necessary, however, that we learn a new vocabulary. There's a perfectly good old fashioned word for same-sex sex. Homosexuality is very close to the center of the crisis. At the epicenter is the grave negligence of bishops. Not all bishops, to be sure, but too many. And, as in the case of Palm Beach, Florida, not only grave negligence but active complicity. Two months ago a lawyer and friend of the Church told me that before this is over we will see a bishop or two in jail. I thought that hyperbolic. Now I am not so sure.

It is not the greatest crisis for the Church since the Protestant Reformation of the sixteenth century, as one columnist has written. And it may not even be the greatest crisis the Church has experienced in America. Remember, for one instance, the nineteenth-century controversy over lay control. At stake was whether Catholicism in America would be governed by the traditional hierarchy or adopt a more "democratic" polity along the lines of Protestant denominationalism. For another instance, the massive, mainly Irish, immigration of an earlier time, joined to the virulent anti-Catholic bigotry of the Protestant majority, posed a crisis that went on for decades. Then there was the "Americanist" crisis at the beginning of the twentieth century when, in the view of many, Rome's hostility to key ideas and institutions of the American experiment forced Catholicism into a countercultural ghetto. Today's relentless immediacy of a media culture requires and induces historical amnesia. In its American experience, never mind the many previous centuries, the Church has hit rough spots much rougher than this. But, once again, this is a crisis.

The Rallying of the Faithful

The crisis is not that millions of Catholics are going to abandon the Church. The papers are full of reports about alienated, devastated, and angry Catholics, and many of them are disappointed and angry with good reason. But they are not leaving, and are not about to leave, the Church. One national poll found that three percent of Catholics interviewed were "reconsidering their relationship to the Church" because of the

scandals. That's less than the margin of error in survey research. I would not be surprised if at least three percent of Catholics are at any given time reconsidering their relationship to the Church, for one reason or another. In the current circumstance, it seems that the more general reality is that Catholics are rallying to the defense of the Church, or at least to the defense of their own parishes and priests. Mass attendance is up, offerings are up, words of encouragement and support are the order of the day. That is the case in my parish and, having talked with people all over the country, it seems to be the general picture. There are exceptions, of course. An acquaintance who is a convert from the Episcopal Church says he is thinking about reverting. At least there, says he, you can take your vice without the scandal. I don't know whether he's serious about that. "Once a Catholic, always a Catholic," or so the saying has it. I have traditionalist friends, priests and lay people, who are unhappy with that. They say there are not sixty-five million Catholics in the U.S., but, at the most, only twenty million or so real Catholics. In their view it would be good riddance if the majority of impostors packed up and took themselves elsewhere. I don't think so. Other traditionalists say they themselves are sometimes tempted to leave but they are "going to stay and fight." As though there is somewhere else to go. Such ways of thinking and speaking strike me as profoundly untraditional. Dare I say profoundly Protestant? To such traditionalist friends, I say, I was a Protestant and did not become a Catholic in order to be a Protestant. Catholics speak of the Church as our Holy Mother. A holy and loving mother does not disown her miscreant children. And she remains our holy and loving mother, even when those to whom she entrusts leadership turn out to be unholy or misguided in their understanding of the duties of love.

But, as I say, the evidence is that the Catholic faithful are rallying. Their allegiance to the Church, or at least to their parish church where Mass is said, is deeply heartening. It is, after all, the Mass—which is to say Christ in the Real Presence—that has always held the Church together. At the same time, there is a troubling aspect to this demonstration of loyalty. It may lead some priests, and especially some bishops, to the conclusion that we're simply going to ride out the storm. "This, too, will pass." Of course, this will pass, and the Church will ride out this storm and all the storms to come until Our Lord returns in glory. We have his promise on that. If the gates of hell will not prevail, no number of abusive priests or negligent bishops will prevail.

That is ultimately important but it is not the immediate point. The point is that this is a crisis, and this crisis must be permitted to do its work. That work involves scrupulous self-examination, candid confession, firm contrition, and believable amendment of life. And the doing of that hard work is chiefly up to the bishops. They are the ones who got us into this mess and, given what we believe is the divinely constituted structure of the Church, they are the ones who have to lead in getting us out. Faithful Catholics owe it to the Church and owe it to their bishops not to let them off the hook. In this instance, the virtue of docility includes a respect for bishops that requires recalling them to the duty and the dignity to which they were ordained. Too many of them have neglected that duty and debased that dignity.

One little-remarked dimension of the troubles is that they represent a severe setback for those who have argued that the Church in America should have more authority to govern itself in greater independence from Rome. The claim that the U.S. bishops have

demonstrated their capacity for self-government may strike many as a sick joke. Perhaps the June meeting of bishops will restore a measure of credibility to the U.S. conference. But the national conference is not the issue, nor should it be, except to the degree that it can encourage or pressure bishops to do their job. It is, after all, the bishop in the place who is the pastor of the local church, meaning the diocese.

The Nerve to Govern

As I write, the Pope has taken the extraordinary step of summoning the American cardinals for consultation. This comes only days after his meeting with representatives of the bishops conference who said the Pope was leaving it up to them to deal with the problems. Apparently they misunderstood him, or he was subsequently given reason to change his mind. The bishops have said that their June meeting will produce yet another set of “guidelines” for dealing with sex abuse. The summoning of the cardinals suggests that the Pope expects a great deal more than that in response to the crisis. (See postscript below.)

There is general agreement that the bishops of today are a more solid lot than was the case, say, twenty years ago. Yet, at least on the national scene, there are few who have demonstrated real leadership in the present crisis. And some to whom people might have looked for leadership, such as Cardinal Law of Boston, have turned out to be more part of the problem than of the solution. Resisting and protesting every inch of the way, I have been dragged by the accumulating evidence to the conclusion that I cannot wholeheartedly defend his decision to stay on. A friend of his and of mine says he is just waiting for a moment in which he can exit with more public grace. His friends should not leave it to his enemies to point out that the disgrace already incurred may well preclude that option.

Today’s newspaper brings another report, this one about a seminary in the Southwest where the influence of the “lavender mafia” and the consequent and predictable scandals are coming to light. “I have no control over the seminary,” the bishop is reported as saying. That is simply false, and represents a grave dereliction of duty. Canonically and pastorally, he does have control of the seminary. It is in his diocese. What he should have said is that he does not have the nerve to exercise the control that was entrusted to him by the Church, and that he accepted by solemn vows before God and man. At the epicenter of the continuing crisis is the simple, however difficult, virtue of fidelity. What is this crisis about? The answer is that this crisis is about three things: fidelity, fidelity, and fidelity. The fidelity of bishops and priests to the teaching of the Church and to their solemn vows; the fidelity of bishops in exercising oversight in ensuring obedience to that teaching and to those vows; and the fidelity of the lay faithful in holding bishops and priests accountable.

I have been told that the proposition is “controversial,” but I suggest it is almost embarrassingly self-evident: if bishops and priests had been faithful to the teaching of the Church and their sacred vows, there would be no scandal. Those who would confuse the subject reflexively reach for complexity. No, I am sorry, it is as simple as that. We are reaping the whirlwind of widespread infidelity. If you ask why infidelity became so widespread, the answers do become more complex. Although I expect they all come

back to the haunting question of Jesus in Luke 18: “When the Son of man returns, will he find faith on earth?”

Celibacy Not the Issue

Contrary to much current discussion, the problem is not the rule that priests must be celibate. When there is a rise in the incidence of burglary, do we say it throws into question laws against burglary? When husbands and wives commit adultery, do we say the problem is the virtue of marital faithfulness? Of course not. And if, as now almost everyone recognizes, the scandals are inextricably tied to homosexuality in the priesthood, nobody is suggesting that the remedy is to allow homosexual priests to marry. (Except, of course, for those who advocate same-sex “marriage.”) The problem is fidelity, or, more precisely, infidelity. Every priest—voluntarily and with ample opportunity for careful thought beforehand—took a solemn oath to live, by the grace of God, in uncompromised chastity and celibacy. The sadness is that some of them, homosexual and heterosexual, did not really mean it. Because at seminary they were taught, explicitly or by example, that they were not expected to really mean it. Because bishops turned a blind eye to what seminarians were being taught; or, even worse, bishops by their own example indicated that sacred vows do not really mean what they really say, and what the Church says they mean.

But the issue is not celibacy. It is correctly observed that the discipline of celibacy is precisely that, a discipline and not a doctrine. It could be changed. I do not think it should be, but that is for the Magisterium to deliberate and decide. It is frequently being said now that the celibacy rule is a late-medieval imposition aimed at protecting the Church’s property from nepotism. That is not true. The celibacy rule is grounded in the words and example of Jesus, Paul, and the earliest apostolic churches. At Nicea in 325 the West wanted it to be firmly adopted by all the churches, but the Eastern churches—in which to this day only the bishops are required to be celibate—defeated that move. In 386 Pope Siricius reinforced the rule of celibacy, a measure reaffirmed by Innocent I (d. 417) and Leo the Great (d. 461). The fact that it had to be repeatedly reinforced suggests that there has always been a problem with its observance. As there is today, much more so than in this country, in Latin America and Africa. Perhaps in the next pontificate or in the one after that, the rule will be reconsidered. I believe it would be a great loss were it rescinded. To explain why I believe that would require another essay. Suffice it to say that it would be disastrous for the rule to be changed, or even formally reconsidered, under the public pressure of the present scandals.

The celibacy rule is so offensive to many of today’s commentators, Catholic and otherwise, because it so frontally challenges the culturally entrenched dogma that human fulfillment and authenticity are impossible without sexual intercourse of one kind or another. Among the many oddities of the present circumstance is that a new twist is being given to the old maxim, Hate the sin but love the sinner. It is commonly said that the maxim has been discredited. It is not explained why or by whom it has been discredited. Hating the sin but loving the sinner—it seems to me, as it has seemed to innumerable worthies through the centuries—gets it just right. There is reason to believe that the maxim is said to be discredited by people who love the sin. Great public indignation is expressed at priests who violate their vow of celibacy. It is frequently the

same people who say that celibacy is unnatural and oppressive. In effect, the maxim is now, Love the sin but hate the sinner. Love the fact that people give sexual expression to "who they really are"—whether heterosexual or homosexual—but hate these men for belonging to an institution that teaches that sexual expression is not necessary to being who you really are. In this view, it is intolerable that the largest and most influential moral authority in the world persists in rejecting the sexual expression of the cultural commandment to "follow your bliss."

I asked an assistant to check out what the gay papers and websites have been saying about the scandals. (NB: In this context, "homosexual" means someone with dominantly same-sex desires, while "gay" refers to a person whose self-identity is determined by such desires.) After one day, he couldn't stomach any more of the pornography that is endemic to that subculture, but he came up with a sizable portfolio of reporting and editorial comments. For the most part, it would seem that "the gay community," as it regularly calls itself, is keeping a careful distance from the criminal aspects of the scandals, repeatedly insisting that it does not endorse man-boy sexual relations. At the same time, there are expressions of sympathy for priests who are acting out their homosexual desires and accounts of gays who claim to have had affairs with priests. One young Jesuit describes in detail how grateful he is to his superiors for helping him to understand, affirm, and give expression to his sexual needs. In the gay community, it would seem, the maxim is: love the sin and love the sinner, but hate anyone who calls it a sin or him a sinner.

A Counterintuitive Claim

It is true, as some readers have noted, that we have in these pages tried to maintain a certain distance from the question of homosexuality in the priesthood. Publications such as the *National Catholic Reporter,* on the left, and *Catholic World Report* and the *Wanderer,* on the right, have over the years given the question more attention. We countered Father Donald Cozzens' *The Changing Face of the Priesthood,* which offered an alarming (alarmist?) picture of the homosexualization of the priesthood, with Msgr. Earl Boyea's "Another Face of the Priesthood" (FT, February 2001), which attempted to put Cozzens' claims into perspective. We had Avery Cardinal Dulles review the McDonough-Bianchi study of the Jesuits, *Passionate Uncertainty* (FT, April), and he did so in his usual balanced manner, correcting some of its more exaggerated claims. Now there is Michael Rose's forthcoming book, *Goodbye, Good Men,* which I have had a chance to read. It is a depressingly detailed account in support of the thesis that the so-called crisis in priestly vocations is "artificial and contrived." Diocesan vocation directors and "formation teams" in the seminaries systematically weed out the "good men" who do not jump through the hoops of psychological testing. They are deemed to be "rigid" or "inflexible" if, for example, they agree with the Church that it is not possible to ordain women, or if they are not "comfortable" with homosexuals in the priesthood and are therefore suspected of the sin of "homophobia." A subtheme of the Rose book is that some bishops actually want to intensify the vocations crisis in order to promote the abandonment of the celibacy rule and the ordination of women. A large part of the book is based on interviews with manly men who were repelled by seminaries dominated by the "lavender mafia." Rose names names, and I have checked with people familiar with some of the incidents he recounts. It seems that his reports are generally reliable, but,

even if the situation in vocation offices and seminaries is only half as bad as he suggests, it is very bad indeed.

Rose duly notes that in some dioceses vocations are flourishing: Denver, Colorado; Arlington, Virginia; Lincoln, Nebraska; Peoria, Illinois; and Rockford, Illinois, are among the outstanding examples. Without exception, they are dioceses with bishops noted for their orthodoxy. Which brings us back to fidelity. It is simply counterintuitive to claim, as many do, that there is no connection between dissent from the Church's teaching on doctrine and dissent from teaching on morality. The Church teaches authoritatively on "faith and morals," and the two are inseparable. For a long time, most blatantly in the organized opposition to the encyclical *Humanae Vitae* in 1968, systematic dissent was inculcated, also in the seminaries. In 1972, the Catholic Theological Society of America (CTSA) established a commission whose findings were published in a 1979 book from Doubleday, *Human Sexuality.* The seeds of everything that has come to light in recent months are to be found there.

Human Sexuality was "received" by the CTSA, which also "arranged" for its publication "as a service to the membership of the Society and a wider public of interested persons." The book is thoroughly revisionist from A to Z, flying in the face of the Church's teaching on contraception, celibacy, chastity, homosexuality, and even—albeit more delicately—on bestiality. Had the CTSA formally approved the study, it would have created a frontal confrontation with the Magisterium. But the book has been widely used in seminaries. Seminarians and priests of the time who had a woman or a male lover on the side could, and did, cite *Human Sexuality* to reasonably claim that a very large part, if not the majority, of the academic theological establishment countenanced their behavior. The CTSA report left no doubt that it represented the avant garde, that the Church's teaching would eventually catch up with "the latest research," and that, while waiting for the Church to catch up, priests should exercise discretion in deviating from the present and woefully benighted official teaching. Thus did academic and theological dissent promiscuously issue permission slips for an era of wink-wink, nudge-nudge, the consequences of which are now on scandalous public display.

Many of the bishops did not and do not have the intellectual self-confidence to challenge the academic theological establishment. A few hardly bother to disguise the fact that they agree with the positions espoused by, for instance, *Human Sexuality.* One bishop, in his self-serving statement of resignation after an unsavory incident with a teenage boy was revealed, went so far as to suggest that his problem was that he was a particularly caring and intelligent person who was attuned to the latest thinking about matters sexual. Most of the publications cited above that have been paying major attention to what is called the homosexualization of the priesthood allow that, at least in diocesan seminaries, the situation has been much improved in the last ten or fifteen years. As has been frequently noted, almost all the current scandals are from twenty or thirty years ago. We should not be surprised, however, if the relentless probings that are now inevitable turn up more recent incidents.

Homophobiaphobia

In all this, relatively little attention has been paid the religious orders where, according to some accounts, deviations from the Church's moral teachings are more common than among diocesan clergy. One reason less attention has been paid is that the orders have their own chain of command and, as one bishop remarked, "The media are out for the blood of bishops." In fact, orders operating within a diocese are accountable to the bishop, but not so directly. An obvious exception in terms of public attention is the Society of Jesus, Jesuits still having a certain panache. (Catholic lay people of a certain age announce with some pride that they are "Jesuit educated." That claim is becoming less common and will possibly disappear in another generation.) Cardinal Dulles has written here that, despite the "gaying and graying" of the society, Jesuits have been through hard times before and the charism of Ignatius of Loyola will rebound in the future. We must pray he is right. The aforementioned *Passionate Uncertainty* and other reports suggest that the corruption is far advanced. Everybody has their own stories. A young scholastic tells me that he and others were hit on by superiors and decided to lodge a complaint with higher-ups in the society, only to discover that "the higher up we went, the deeper in we were to the lavender regime." Nonetheless, there are still a few virile young men entering the society, determined to revive the Ignatian charism in all its integrity, and one must pray them well.

In 1979, a high-ranking prelate in the Roman curia asked Humberto Cardinal Medeiros, then Archbishop of Boston, about reports of widespread homosexuality among clergy and seminarians. The inquiry was sparked by tapes on homosexuality produced by Fr. Paul R. Shanley that had come to the prelate's attention. Shanley, it may be remembered, is the flagrantly gay priest who, among other things, publicly supported the North American Man-Boy Love Association. The fact that, under Cardinal Law, he was shifted from parish to parish and finally fobbed off on other dioceses was, for many loyal supporters of Law, the final straw. In a confidential document now made public under court order, Medeiros responded to the Vatican inquiry: "The danger in the seminaries, your Eminence, is obvious. . . . Where large numbers of homosexuals are present in a seminary, other homosexuals are quickly attracted. Other healthier young men tend to be repelled." "Since our seminaries reflect the local American culture," he continued, "the problem of homosexuality has surfaced there in a manner which is widespread and quite deep." He was confident, however, that the problem had been remedied. "We have a seminary which has now—within a five-year period—become almost fully transformed into a community of healthy, well-balanced young men. Our numbers are much smaller but now we will attract more young men who will be the right kind of candidate." People who know the Boston seminary very well tell me that Medeiros' confidence, with very few exceptions, was warranted.

One reason the media began searching for a new story line once the issue moved from pedophilia to homosexuality is, of course, the fear of being accused of homophobia. There was quite a ruckus in March when Joaquin Navarro-Valls, the Vatican spokesman, opined that homosexuals "just cannot be ordained." He went so far as to suggest, but did not develop the idea, that homosexuals who had been ordained were not validly ordained, homosexuality being an "impediment" to ordination in the same way that there may be impediments to a valid sacramental marriage. This gets into sticky territory, given confused and conflicting notions about sexual orientation. (See above on the distinction between "homosexual" and "gay.") It seems more than likely that, in centuries past, some

priests who have been canonized as saints would meet today's criteria as having a "homosexual orientation." The issue was not then, and should not be today, the nature of the temptations resisted but the fidelity of the resistance.

The Triumph of the Therapeutic

You have undoubtedly read in the press that the rule for homosexual priests is like the presumably discredited rule in the military, "Don't ask, don't tell." In fact, quite the opposite is the case today, and has been for some time. Seminarians are incessantly asked, and encouraged to incessantly tell, about every quirk and wrinkle in their sexual make-up and imagination. This is "the triumph of the therapeutic" that Philip Rieff wrote about in his classic 1965 book of that title. It is most particularly depressing to hear bishops offer assurances, in response to the present scandals, that they are going to add more psychological testing to the process of forming priests. Psychological testings and probings are, one may suggest, at least as much a part of the problem as of the solution. The same bishops, more understandably, offer assurances about prompt reporting of criminal abuse to civil authorities. In such preoccupation with the psychological and legal, what risks getting lost is the commonsensical and the moral. Psychobabble and legalities aside, bishops have the job of seeing to it (episcopos = oversight) that their priests teach and live in fidelity to the truth about faith and morals expounded by the Catholic Church. In respectfully holding their bishops to account, the Catholic faithful should cut through all the chatter about more psychological testing, updated bureaucratic procedures, and new guidelines for reporting, and ask the simple question, Have you been doing your job? The three-fold job to which bishops are ordained is to "teach, sanctify, and govern." It is obvious that some bishops have failed to teach and govern, with dire consequences also for sanctification. Had they been doing their job, we would not now be inundated by scandal. If one asks why they did not do their job, the answers are no doubt various, ranging from indolence, naiveté, willful ignorance, doctrinal dissent, and cowardice to active complicity in evil and the fear of blackmail. Some of the answers may be excusable, all are forgivable, but none is edifying.

What the bishops do in their June meeting will not be very credible if they do not forthrightly address the question of homosexuality and its obvious connection with the sexual abuse of adolescent and older teenage boys. This necessarily involves a thorough reform of what Michael Rose calls the "Gatekeeper Phenomenon." The gatekeepers are the clerical and lay staff of the diocese or religious order who control the various stages of formation on the way to the priesthood, beginning with the admission of candidates to the seminary. They typically include vocations directors, psychologists, nuns and former nuns, seminary rectors, and what are called "formation teams." The would-be priest runs a gauntlet that, the accumulating evidence indicates, all too often screens out healthy heterosexual men who are religiously orthodox, traditional in their piety, and resistant to manipulative therapeutic techniques that only thinly disguise an ideology of dissent.

As one seminary rector says, "For those men who are exclusively heterosexual in orientation and devoutly orthodox in faith, the difficulty in becoming a priest at the present time must be faced in an objective and dispassionate manner." Such men who want to make it through the therapeutic gauntlet must keep their cool, resist any temptation to criticize the system, and, above all, learn how to achieve the psychobabble

goal of “transparency” while being anything but transparent about who they are and what they really believe. Unwelcome theological convictions must be hidden, along with unfashionable devotional practices. The seminarian who takes the bait and strikes back at the therapeutic regime will likely be sent for special psychological counseling, which provides the formation team with additional material for a recommendation that he be rejected for ordination. To be sure, this oppressive regime does not obtain in all seminaries, but the evidence suggests that it is widespread, and was even more common ten and twenty years ago, thus lending support to the claim that the crisis in priestly vocations is, in large part, “artificial and contrived.”

It should be said that not all that is submitted as evidence is convincing. Michael Rose, for instance, interviews 125 seminarians or former seminarians from fifty dioceses, and the cumulative effect is devastating. At the same time, I cannot help but suspect that some of the rejected whom he interviewed really are rigid and refractory in ways only marginally related to orthodoxy or traditional piety, and would likely not have made good priests. Yet Rose’s account, supported by many others, generally rings true. A friend who is now a happy family man and distinguished academic tells how, when he was a young man, he discerned that he had a vocation to the priesthood. He joined a religious order and, along with other novices, was sent on retreat. As the novices got off the bus, they were joyfully greeted by older members of the order who gathered around giddily discussing which of the novices was the cutest. He soon packed up and left. That was more than twenty years ago.

Losing Our Native Language

Not very long ago, anyone relating such incidents might have been accused of telling tales out of school. Now the tales are on the front page of every newspaper, and the corruption they reflect must be candidly addressed. Consider again the notorious Fr. Paul Shanley of Boston. In addition to his other activities, he and a gay priest friend owned and operated tourist resorts in California that catered to the gay subculture, including sex at poolside. What would have happened if, even a year ago, Cardinal Law had confronted them and other blatantly gay priests with the alternative of living in obedience to their vows or leaving the priesthood? We can be sure that a powerful protest would have been launched, strongly supported by, among others, the *Boston Globe,* against the Cardinal’s campaign of “homophobic repression.” It would have taken great courage on the Cardinal’s part.

Catholics tell the story of a ten-year-old attending the ordination of a bishop with his father. There comes the point in the ceremony where the opened book of the Gospels is held above the head of the bishop. “What are they doing?” the boy whispers to his father. “Shh,” the father responds, “I think this is when they remove the backbone.” It’s an old story and is not entirely respectful, of course, but the fact that it is told is reflective of a Catholic sensibility that is not devoid of a certain whimsy about the Church’s leadership. In another diocese, priests and nuns are involved in a very public “ministry” to gays and lesbians. They make no secret of the fact that their aim is to help people “affirm” and “celebrate,” as they do, a way of life that the Church teaches is gravely sinful. The bishop told them he will not interfere or pry, but if they occasion public scandal, he will show no mercy. The sobering implication is that, for this bishop, grave sin and clerical defiance of

the Church's teaching are not as grave a cause for concern as the prospect of legal, financial, and public relations liability. As anyone attentive to the news now knows, this bishop is by no means alone. The dismal reality is that the Church's native language of sin and grace, right and wrong, truth and falsehood, is in danger of being displaced by the vocabulary of psychology, law, and public relations. What profit is it to a bishop if he masters the arts of damage control but is no longer a bishop? One must resist the perhaps cynical answer that he may be made an archbishop.

We are now at the point where public prosecutors are in a position to give or withhold from Catholic bishops a clean bill of moral health. Morally approved bishops cooperate fully with the state's oversight of their oversight. Having squandered their moral authority to judge right and wrong, and having abandoned the Church's native language of sin and grace, bishops appeal for exoneration to the legal and therapeutic. "I followed the advice of the experts." The telling subtitle of Philip Rieff's classic text *The Triumph of the Therapeutic* is *Uses of Faith After Freud.* Rieff argued that Freud, like most modern thinkers, assumed that human nature is a "jostling democracy of contending predispositions" arranged in no fixed hierarchy. He wrote that psychological maturity is not achieved by writing oneself permission slips to unleash instinctual desires. Maturity is won by the trained capacity to negotiate the conflicting discourses between cultural norms and instinct. Post-Freudian psychology took a very different course, endowing therapy with the power to release and then synthesize the "jostling democracy" of passions. Psychology as an all-purpose tool for achieving a satisfying way of life became, as Rieff put it, "a therapeutic parody of a moral demand system."

The Triumph of the Therapeutic was published in 1965, the final year of the Second Vatican Council. Rieff warned then that authentic spiritual renewal in Catholicism was liable to be confused with the therapeutic ethic, turning the spiritual prudence of pilgrims into the lifestyle ambitions of tourists. Psychology can serve many good purposes, Rieff wrote, but it must not be allowed to become a therapeutic ideology that aspires, like religion or morality, to order the entirety of human life. That, tragically, is what psychology became in too many seminaries and programs of pastoral formation, including the "treatment centers" to which priests and religious are sent when their behavior becomes unacceptably egregious. What Vatican Council II meant by "pastoral" was widely confused with openness to the therapeutic. Euphemisms were concocted to make the pastoral and the therapeutic seem part of a single continuum of spiritual insight and growth.

Perhaps no book on the priestly life and pastoral care has done more damage than the late Henri Nouwen's *The Wounded Healer.* In this view, priests become good pastors to the degree that they expose their own wounds to therapy, inviting others to similar disclosure. The teaching of the Church and centuries of spiritual and moral wisdom are judged by whether they inhibit or enhance the therapeutic norm. And so the therapeutic marches on from triumph to triumph. Treatment centers for priests take names such as "New Life Center" or "House of Affirmation." Resisting seminarians are packed off to clinical psychologists for "growth therapy" or what is called "Sexual Attitude Reassessment." The patient is liberated from "traditional" sexual roles and stereotypes to be his true self while, at the same time, taught to observe the "boundaries" of professional conduct. The Palm Beach bishop who was forced to resign used the claim

that he was practicing therapy as an excuse for sex with young men. Three of the seminarians who accused him are now very openly gay. The bishop confessed to "having crossed the boundaries." In such a view, the boundaries are not grounded in moral truth or fidelity to ecclesial vocation but would appear to be merely external limits on the expression of an otherwise amoral therapeutic.

Given all that has now come to light, bishops should resist the proposal that the solution is in adding another layer of the therapeutic. Some bishops continue to look to the therapists; it would seem to be the only answer they know, except for the force of law. But therapists can provide only a more intrusive and degrading approach to priestly formation. If now the order of the day is to tailor the therapeutic to the fear of legal liabilities, the result will be seminaries ever more disordered and ever more repressive. The result will be more testing, more scrutiny, more coerced self-disclosure and self-discovery—and more files to turn over, in due course, to the public prosecutor. The alternative is love for Christ and his Church, including the tough love of disciplining the wild card in the poker of life that is sexuality. The great task and the great grace, as St. Augustine reminds us, is the right ordering of our loves and loyalties. In a word, fidelity. Or we might go so far as to rehabilitate another word banished by the therapeutic: holiness.

To Be a Priest

As mentioned earlier, there are dioceses and seminaries today that are attracting large numbers of manly, faithful, and holy candidates for the priesthood. The seminarians at, for instance, the North American College in Rome are an inspiration. The same is true of communities such as the Legionaries of Christ. Moreover, and without in any way excusing what has gone wrong, we should not blind ourselves to the fact that there are some in the media who are bent upon exploiting the present scandals in the hope of discrediting the Church and her teaching, especially her teaching with respect to sexual morality. In these months it has been a disappointment that so few non-Catholic Christians seem to recognize that the attack is not just against the Catholic Church but against Christian faith and morals as such. Nor should we fail to acknowledge the tragedy and injustice when priests who have been faithful for many years are subjected to public disgrace by the exposure of, or even no more than the unverified accusation of, a wayward act twenty or thirty years ago. It is no news that the Church has enemies and that some of them are vicious. Neither is it an excuse for what has gone wrong.

The public scandal of priestly sex abuse first broke in the mid-eighties, and was then muted when the media was rightly embarrassed by its reckless and false charges against the late Cardinal Bernardin of Chicago. The bishops did take action and by 1993 most dioceses had in place much more effective systems, often involving lay review boards, for dealing with charges of abuse. As has been noted, none of the currently publicized incidents are from the last ten years. In this connection, it is also important to ask what bishops have done right in the last decade and more. Part of the answer, it would seem, is the reduced defensiveness of a clericalist culture and a greater involvement of lay people not only in advisory roles but in actual decision-making. It does not diminish but enhances the apostolic authority and dignity of the episcopal office when it is exercised in a relationship of trust and cooperation with the faithful—and the overwhelming majority of Catholics do want to understand themselves as the faithful.

Any discussion such as this must end with the acknowledgment that, despite all, most priests and bishops are faithful, often to the point of heroic self-sacrifice. It has become almost a cliché to say that, but it is a cliché because so many people say it, and so many people say it because they know it to be true. Even in the general media, scandal stories are typically accompanied by an acknowledgment of the fine work done by most priests in helping the poor, providing shelters and soup kitchens for the homeless, and so forth. Their value as social workers outweighs the dubiousness of their being priests. That, of course, is to miss the point quite entirely.

The point is that at ordination a young man hears his name called and responds, "I come to serve." He lies prostrate at the altar and over him is declared, "You are a priest forever in the order of Melchizedek"; he is indelibly marked and for him is prayed the Litany of the Saints, invoking all the heroes and heroines of the past to assist him in being who he truly is—sacramentally, ontologically, and forever—a priest. He is what he does, his person is conformed to his vocation; he preaches, he baptizes, he forgives, he blesses, he anoints, he intercedes, and, above all, he offers *in persona Christi,* and in the presence of the angels and archangels and all the company of heaven, the eternal sacrifice by which the world is redeemed. He is a priest, possessed of a dignity, all undeserving, that he earnestly and daily prays he will never besmirch nor betray.

One day the present scandals will be yesterday's news. The lawyers, prosecutors, therapists, and spin masters will leave the stage. The reporters will go chasing after other disasters. The Church will remain. About that there is no doubt. Please God, the Church will remain renewed. I do believe that will happen. Whether and how it happens depends upon the bishops who are primarily responsible for the shame and humiliation of the Long Lent of 2002. Theirs is a historic opportunity for self-examination, confession, repentance, and publicly credible resolve to exemplify, by the grace of God, amendment of life in rediscovering, and calling others to rediscover, the vocation to fidelity.

Postscript: The address to the cardinals and other American leaders at the end of April was an instance of what might be described as papal tough talk. John Paul left no doubt that he holds the bishops responsible for what has happened. While acknowledging the need for more effective procedures in dealing with abusive priests and related matters, he underscored that the core issue is fidelity. The Catholic faithful and the world have a right to expect better of the Church. "They must know that bishops and priests are totally committed to the fullness of Catholic truth on matters of sexual morality, a truth as essential to the renewal of the priesthood and the episcopate as it is to the renewal of marriage and family life." In other words, how can bishops and priests credibly speak of fidelity in marriage if they themselves are not faithful to their vows? "We must be confident," the Pope continued, "that this time of trial will bring a purification of the entire Catholic community, a purification that is urgently needed if the Church is to preach more effectively the gospel of Jesus Christ in all its liberating force. Now you must ensure that where sin increased, grace will all the more abound (Romans 5:20). So much pain, so much sorrow, must lead to a holier priesthood, a holier episcopate, and a holier Church." Following the Rome meeting, a number of bishops, notably Bishop Wilton Gregory, president of the U.S. bishops conference, have been speaking in tones reflective of the Pope's urgent words about sin, grace, repentance, conversion, and fidelity. Regrettably, other bishops continue to focus on legal liabilities and the need for a procedural "fix" to

get out of an embarrassing institutional scrape. There is no telling which accent will prevail at the June meeting in Dallas. Needless to say, there will be much more on all this in the August/September issue of FT.

Scandal Time III

by Richard John Neuhaus

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The Public Square

So, will there be further installments of this running commentary, Scandal Time IV through XIV, ad infinitum? Maybe not. After the Dallas meeting of bishops, some believe that while the fire is not extinguished, it appears to be contained. Dallas was about many things—there were moving, even inspiring, moments, and occasional hints of something like renewal—but the meeting was chiefly about damage control. By that measure it may be judged a limited success. If that turns out to the case, it is no little achievement. Although, as we shall see, it might have been purchased at the price of things more important than damage control.

The fire that prompted the bishops to action was a conflagration of ugly publicity, a media blitz of unprecedented intensity in American religious history and with few parallels in other aspects of our national life. Back in April, during Holy Week and at the height of the firestorm, a reporter with a national paper asked me in obviously innocent puzzlement, “We did Watergate and Nixon fell, we did Enron and it fell, how come the Church is still standing?” The question reflects the touching self-importance of the media, and their not so touching ignorance of the nature of the Church. Let it be said, though, that many bishops were as terrified by the media as the media thought they should be. And maybe it is just as well that they were. Otherwise, Dallas would not have happened, and, all in all, it was necessary that Dallas happen.

It was humiliating, of course, to see the solemn assembly of bishops, archbishops, and cardinals jumping through the hoops and slithering under the bars held by the media ringmasters. Dallas was a classic instance of what social scientists call the rituals of self-denigration. Almost three hundred bishops sat in mandatory docility as they were sternly reproached by knowing psychologists, angry spokespersons for millions of presumably angrier lay people, and, above all, by those whom the bishops learned to call, with almost cringing deference, the “victim/survivors.” At times the meeting took on the appearance of a self-criticism session in a Maoist reeducation camp. But it was all in the good cause of finding a way to “move on,” as it is said, from an undoubted catastrophe. It would be cynical to deny that there were signs of deep remorse, contrition, and penitence. There were. Even if it was a bit much to have reporters counting how many bishops shed tears as they listened to the victim/survivors. Tears earned a gold star and welling eyes an honorable mention from the media masters of the rites of self-denigration. Like schoolboys, the bishops anxiously awaited the evening news to find out their grades.

Some bishops chafed under the reproaches and prescribed responses. It is not the way bishops are accustomed to being treated. Some still complain, although privately, that

the entire crisis, the Long Lent of 2002, was manufactured by the media and motivated by anti-Catholicism. There is only some truth in that. Without the media there would have been no felt crisis. There is a generous measure of anti-Catholicism in the media, as elsewhere, but without the deeper crisis of the infidelity and negligence of bishops, the media could not have produced the public and, consequently, episcopal sense of crisis. The scandal was in the chanceries, parishes, and seminaries before it was on the front page or television news. Whatever their motivations—and their chief motivation is to attract a paying audience, followed by the winning of journalistic honors—editors and reporters served a higher purpose. It is hardly without precedent that God uses even their enemies to discipline His wayward people. There is Isaiah 10, for instance. “Assyria is the rod of my anger, the staff of my fury,” says the Lord. And so, with Psalm 23 in mind, the bishops should say of the media assault, “Your rod and your staff, they discomfort me.”

It has been said that the aim of good preaching is to afflict the comfortable and comfort the afflicted. Bishops have been anything but comfortable since the scandals went big time with the Boston exposures back in January. The day following the one-sided vote in Dallas on the “Charter for the Protection of Children and Young People” (there were only thirteen nays), the *New York Times* expressed satisfaction in an editorial titled “Seeking Atonement in Dallas.” The editors opined that the action shows that “the leaders of the American Church are at last ready to confront the extraordinary moral and managerial carelessness that allowed so many abusive priests to flourish for so long at such great cost.” So the bishops earned provisional absolution from the *Times*.

Of course the vote was the top front-page story for the *Times*, as for other papers. The *Times* headline—or, more precisely, subhead—is a classic. “Bishops Set Policy to Remove Priests in Sex Abuse Cases: No Vatican Reply.” The Dallas vote was taken late afternoon when it was early morning in Rome. The first edition of the *Times* goes to press a little before midnight in New York. “No Vatican Reply.” Presumably the Pope should have been up at two a.m., prepared with an immediate statement upon the Dallas vote. Or maybe the *Times* was upset that he was not awakened to return their reporter’s phone call. Just who does he think he is? It used to be said that Rome thinks and acts in terms of centuries. Now it is thought to be news when it does not respond in a New York minute. “No Vatican Reply.” File that one for ready reference when the subject turns to media delusions about how history must jump through their hoops.

The No-Mercy Route

On the other hand, there was a curious story in the *Times*, also on the front page, only two days later. Written by Laurie Goodstein, it worried that the bishops may have been too responsive, that by caving so completely to media pressure they had lost even more of the little moral authority they had left. It used to be, she writes, that the bishops could prophetically challenge popular opinion on questions such as abortion, welfare reform, capital punishment, and foreign policy, but now they are on the run. More important, by caving to demands for “one strike” and “zero tolerance” policies that will remove from ministry faithful priests who did one bad thing thirty years ago and have since had an impeccable record and are clearly no threat to anybody, Dallas may have changed the very self-understanding of the Church.

Goodstein writes: “Ultimately, [the bishops] opted for the no-mercy route despite arguments from some bishops that they should adopt an approach that acknowledges that each case is different, and that some abusers can with therapy be rehabilitated and continue to be of service. They took this step despite dreading that they must now return to their dioceses and tell seventy-year-old Father X that he will have to pack up and leave his parish in shame.” Some bishops have already done that and she notes that in recent months there have been instances when parishioners have rebelled against the removal of beloved pastors. The shaming has had other consequences. “Two priests have committed suicide,” she observes. “There could be more.” Where there is no mercy, there is no hope. I expect Goodstein is not alone among reporters who are surprised and disappointed by the spinelessness of the bishops. After all, they as reporters were just doing their job in applying the pressure. They expected bishops of the Catholic Church to do their job, to respond as bishops. Instead, as Goodstein puts it, there is the perception that they “behaved more like Senators or CEO’s engaged in damage control than as moral teachers engaged in the gospel.”

At least in large part, damage control was achieved, but at an unconscionable price. Bishop Howard J. Hubbard of Albany, New York, usually thought to be solidly in the liberal camp of the episcopal conference, spoke up against “zero tolerance.” He pointed out that just last year the bishops issued a statement calling for the rehabilitation of prisoners and advocating “restorative justice.” “Do we advocate this biblical concept for the community at large, but not for our own priests?” he asked. The hall fell silent when the revered Avery Cardinal Dulles moved to the microphone. The proposed charter, he said, “puts a very adversarial relationship between the bishop and the priest. The priest can no longer go to his bishop in confidence with a problem that he has. He has to be very careful what he says to the bishop because the bishop can throw him out of the ministry for his entire life.” The bishops listened respectfully, and rejected his counsel. Two orthodox stalwarts, Cardinals George of Chicago and Bevilacqua of Philadelphia urged support of the charter, but with heavy hearts. Cardinal Bevilacqua said, “It hurts to say I support zero tolerance. I wish I didn’t have to do that. I wish our circumstances were different. But, at the same time, in our present crisis we must place the common good of our Church first.” With respect, isn’t that the way of thinking that produced the crisis in the first place? The good of the Church was defined in terms of avoiding scandal; thus the pattern of evasion, denial, hush money, and cover-up. It was necessary, it was said, to do some shady things to avoid scandal, all of which resulted in monumental scandal. Now, morally dubious measures are necessary for the good of the Church, in order to put that scandal behind us. The result may be a greater scandal; not, to be sure, in the eyes of the media but in the understanding of those whose chief concern is for the integrity of the Church’s faith and life.

The Word is Scapegoating

Now that the bishops have chosen what Goodstein aptly calls the “no-mercy route,” consider the aforementioned Fr. X. In his opening address at Dallas, Bishop Wilton Gregory said that priests who had ever had even one abusive incident with a minor, even if it was many years past, should tell their bishops. Right. So that the bishop can boot them out of ministry forever. No matter that it was thirty years ago, that he had repented, that by the grace of God his life was put back in order, that he has been for decades a

faithful, effective, and beloved priest. Zero tolerance! Out! How many Fr. Xs are there? Now we will almost certainly never know. And that because few will be inclined to volunteer themselves for clerical execution, and that with good reason. They may well tell themselves that they cannot in good conscience be complicit in destroying the ministry they have been given by God and the Church. The bishops have not the authority, they have not the right, to demand that as a price for the public relations advantage of making themselves look tough on sex abuse. Another name for the zero tolerance policy adopted at Dallas is scapegoating.

In setting themselves against their priests, the bishops have turned themselves into assistant district attorneys determined to prove themselves tougher than their bosses. Note what counts as an offense for which a priest is removed from ministry for life. A sexual offense, the charter says, is not "necessarily to be equated with the definitions of sexual abuse or other crimes in civil law." You think civil law is rigorous? Just wait until you see the gospel at work. Here is the definition of sexual abuse adopted by the bishops: "Sexual abuse includes contacts or interactions between a child and an adult when the child is being used as an object of sexual gratification for the adult. A child is abused whether or not this activity involves explicit force, whether or not it involves genital or physical contact, whether or not it is initiated by the child, and whether or not there is discernible harmful outcome."

There need be no fondling, no pinch, no touch, no words, no discernible harm. Indeed, it would seem that the "victim" need not even be aware that he or she was the object of abuse. The priest falls into erotic musing as an attractive sixteen-year-old passes by, and receives a measure of sexual gratification. Jesus called it committing adultery in the heart, a sin Jimmy Carter famously confessed in a *Playboy* interview many years ago. A good thing Mr. Carter did not want to be a priest. After the vote some bishops said that everything was so rushed and they did not know the definition of abuse was so loose and potentially abusive of priests. You voted for it, sir. You voted to make it mandatory, with absolutely no exceptions, that a priest be excluded forever from ministry for anything that might fall within the above definition of a sexual offense. This is not for "the good of the Church." This has nothing to do with "the protection of children and young people." This is panic, and panic results in recklessness.

This is also among the things that canon law, developed over the centuries, is designed to prevent. Astonishingly, many of the bishops are trained in canon law. Canon lawyers who were not at the epicenter of the panic in Dallas point out that, for all the tough talk, the charter adopted has no juridical force whatever. A priest who is booted under the Dallas dictates could presumably appeal for due process under canon law. In any event, it is confidently asserted, Rome will never give its approval to the charter. The problem is that Rome may take months to respond to Dallas, and meanwhile hundreds of priests may be publicly shamed and exiled from the Church's ministry. Ah, well, when you're into scapegoating, you accept that sacrifices must be made. Wasn't it John F. Kennedy, that fine Catholic, who observed that life is unfair?

Not, of course, that the bishops let themselves off entirely. In the same speech, Bishop Gregory says that any bishop who is guilty of even one offense, no matter how long ago or what his life and ministry have been since, should tell the papal nuncio so that he can

report it to Rome. Right. Maybe some bishops will do that, but we will likely never know. Rome, however, is not patient with ploys such as zero tolerance, and will probably tell any such bishop to go back to work and clean up any messes he has made. Having been told by Rome to stay on, it is doubtful that bishops will step down. But it is objected that a draconian, no mercy, zero tolerance rule is necessary to "protect the children." That is another untruth added to all the other untruths in this sordid crisis. Let us stipulate that reprehensible things have been done to children and young people. That is heartbreakingly evident to anyone equipped with common sense and a conscience. My point here is that there is not a scintilla of evidence that a person who did a stupidly wicked thing many years ago and is repentant and has rendered decades of faithful service without a hint of suspicion poses any threat whatever to children or anyone else. We used to call that redemption. Such a person is not to be thrown out as an abuser but welcomed as a forgiven sinner to the company of forgiven sinners that is the Church. The bishops are paying a high price for making themselves look good in the eyes of a media that is largely indifferent to the gospel that bishops are to serve. Pity the priests who are on the receiving end of this punitive policy, and their people. But the bishops, too, bear a burden. For instance, wrestling with their consciences about how to square "one strike and you're out" with the teachings of the One who spoke about forgiving seventy times seven. He did not say to the one who denied him three times, "Sorry, Peter, one strike and you're out." The morning after the Dallas vote, all the bishops celebrated Mass. I wonder how many noticed how often the words of the Mass appeal for mercy, declaring our utter dependence upon forgiveness. And if they did, I wonder if they thought about their vote the day before. I hope that at least some of them were worrying that, just maybe, they had tried to save their public relations skins at the price of betraying the gospel.

Sins Against Justice and Mercy

Among the most elementary of elementary rules in every recognized system of justice is that you cannot make laws that apply retroactively. That is precisely what the bishops did in adopting zero tolerance and draconian punishment for vaguely defined incidents not only of the present and future but also of the past. Priests who for years have been thanking God that they are forgiven, healed, and restored to faithful ministry are now told to take back their gratitude. They are instructed that the good of the Church, meaning the public image of the bishops, is not compatible with the gift of redemption. Another elementary rule of justice is the presumption of innocence. Now, it would seem, an accused priest is guilty until proven innocent. The bishops quote the words of the Pope in their April meeting: "There is no place in the priesthood or religious life for those who would harm the young." That is certainly true, but is there any credible evidence that this priest would harm the young?

The bishops do not trust themselves to make that judgment because they believe, with reason, that they are not trusted to make that judgment, especially by the media. There was much talk in Dallas about the need to restore trust in the bishops. Abandoning one's responsibility to make judgments is an odd way of restoring trust in one's ability to make judgments. The accused are to be peremptorily removed from ministry, with all the public shame attendant upon such removal. The charter considerately adds: "When the accusation has proved to be unfounded, every step possible will be taken to restore the

good name of the priest or deacon." Right. The bishops had a historic opportunity to show, with the whole world watching, how Christians deal with sin and grace, mercy and justice. Sadly, the opportunity was missed. Life provides many occasions when we must deal with offenses and alleged offenses of various kinds, and then we pray that we will sin neither against mercy nor against justice. The bishops in Dallas managed to sin against both.

In an op-ed article in the *Times* before the Dallas meeting, Cardinal Dulles expressed his hope that Rome would correct mistakes the bishops might make in the "panic" of their reaction to the crisis. It is no secret that some bishops not only share his hope but count on Rome to reject or revise the policies they voted for. The cynical view, unfortunately not entirely without warrant, is that Rome will once again have to take the heat for reining in the American bishops. The bishops can then say that they tried to be tough, determined, and uncompromising, but Rome wouldn't let them. This line plays to the amusing proposition that the American bishops can and should govern the Church in America without the restraints imposed by Rome, a proposition wondrously vindicated, the jaded might observe, by the current scandals.

The bishops in Dallas called for an end to paying hush money to accusers. Hush money is the somewhat unfair term for out of court settlements that include a confidentiality agreement. In the business, medical, and other worlds, out of court settlements, with or without confidentiality agreements, are a daily routine of American life, and there is a great deal to be said for settling disputes out of court. But now the bishops say there will be no confidentiality agreements, unless the accuser insists upon it. The big losers here are the lawyers who have been "bundling" accusations. Even if they had but the flimsiest evidence, their threat of creating public scandal induced dioceses to pay big money to keep the accusations secret. The bright side, so to speak, of the bishops' public humiliation may be that the threat will no longer work. A diocese can challenge lawyers to prove their case in court. As for the scandal when the accusation is made public, if you're already covered with mud one more splattering hardly matters.

Despite elements of evasion, panic, scapegoating, and other desperate efforts to wriggle out of their bad fix, the bishops will not get off scot free. Far from it. They have already suffered severely, and the Church with them. They are not trusted, and they have exacerbated the distrust by making it painfully clear that they do not trust themselves to do the job that bishops are ordained to do, which is to be *episcopoi*, meaning overseers. They have set up a national, and presumably independent, body to oversee the overseers. The body is headed by Frank Keating, the Catholic governor of Oklahoma. It includes also Robert Bennett, who defended Bill Clinton in the Monica Lewinsky affair. He knows about sleaze. The board of overseers does not include his brother Bill, perhaps because Bill has publicly called on at least two-thirds of the bishops to resign their offices.

In the second installment of these scandal reflections, I mentioned that I had been told that, before all this is over, there will be bishops in jail. At the time I thought that pretty far out, but I wrote that it seemed ever more possible. Now it seems to be edging up toward probability. It appears that Governor Keating may agree. He writes in an op-ed piece that "where a bishop is found to have provable knowledge of illegal activities committed by a priest under his charge, and where that bishop knowingly covered up such activities, he

should also be held legally accountable as an accessory to the crimes involved." From published accounts and from confidential reports, it would seem that quite a few bishops meet that description. Four bishops have already resigned in scandals involving homosexual activity, and a fifth, my friend James McCarthy, auxiliary bishop of New York, resigned over affairs with women. ("It's a relief to know that he's orthodox," a colleague quipped.) Two-thirds of the 194 ordinaries, or heads of dioceses, are charged in the press with having engaged in some kind of cover-up or complicity in criminal activity. But most of these do not meet the description of miscreance offered by Keating. I would not be surprised if we see more episcopal resignations in the months ahead, with bishops in the dock and a few in jail. It is not a pretty prospect.

A Story That Will Not Die

Yet Dallas was a limited success as an exercise in damage control. One way of understanding what has happened is that the media firestorm was contained. It will continue to smolder, flickering upon each new exposure of clerical abuse, and breaking momentarily into flames if a cardinal archbishop resigns or a bishop goes to jail. But, in this view, there is a natural life cycle of even big stories. The dramatic script or story line of this one has played itself out, or so some believe. It began with scandals in Louisiana in the mid-eighties; it gained momentum, reaching for national play, but then it was aborted, or at least derailed for a time, by the false charges against Cardinal Bernardin of Chicago. It returned in fury with the exposures in Boston last January, reached a crescendo around Holy Week, and resolved into closure, as they say, with the capitulation of the bishops in Dallas. That's one way of understanding the drama. For obvious reasons, most of the bishops hope it turns out that way.

I expect they will be disappointed. From the media perspective, this story is just too good to let it die. Having the Catholic Church—the oldest and most venerable, the most loved and hated, institution in the world—on the defensive is a journalist's dream. The opportunity to probe its previously secret inner workings, and to bring into disrepute its moral authority (now portrayed as hypocritical moral pretensions), is simply irresistible. Every issue in the culture wars—most of them tied in one way or another to sex, sex, and sex—is deliciously engaged. In addition, the Catholic Church—unlike other institutions, religious or otherwise—is so very "colorful," what with popes and miters, saints and incense, exorcisms and miracles, Inquisitions and Crusades, not to mention the enticingly mysterious worlds of monastic vows and the confessional seal. This story has everything—power struggles, conspiracy, holiness, corruption, victims, victimizers, and, of course, sex, sex, and sex. I do not say that all journalists are anti-Catholic. Many of them are not; some of them are deeply devoted to the Church. But all of them are journalists, and journalists love a good story. This is a great, maybe even a historic, story. It is irresistible. They will not let it die.

One angle with rich possibilities is what will be depicted as the conflict between Rome and the American bishops. Admittedly, that's an old story, but now with the different dimension of a more cautious and even compassionate Rome pitted against bishops determined to prove their toughness by casting priests into the outer darkness. That different way of staging a familiar conflict may be confusing at first and could go in unpredictable directions, but it will be greatly enlivened by the prospect of a conclave

and the election of a new pope in the offing. For Americans whose view of the universal Church is a little like that famous *New Yorker* map of a world dominated by Manhattan, everything happening in Rome will be about scandals here.

The story will be given additional legs as the Dallas charter is implemented and good and beloved priests are removed from ministry. There may be hundreds of such dramas. In many cases, priests will not have to turn themselves in. Their offenses from the distant past are already in the bishop's files. These dramas are even now being enacted in the press. The depiction of good guy/bad guy pits faithful and popular priest against vindictive and unforgiving bishop. Parishes may rise in rebellion, and some priests will not go gently into the night of banishment. The perception of the Catholic Church might be substantively changed. No longer will the Church be understood as, in James Joyce's marvelous phrase, "Here comes everybody." It may come to be seen as a community for people who do not have some awful secret in their past. People burdened with a past may begin to seek out some other church community that, following a venerable precedent, "welcomes sinners and eats with them" (Luke 15:2).

As I say, the possible twists and turns of this story are unpredictable, but the story is not going to go away. In Dallas, following the advice of their hired public relations experts, the bishops capitulated in order to avoid further embarrassment, and the consequence will be greater embarrassment and demands for further capitulation. (Have I mentioned that many bishops are good, devoted, and honorable men? Let the record so show. Although it is rather beside the point.) The bishops assiduously avoided any mention of the H-word, and that may have been prudent. There may be oblique reference to the problem in the charter's words on seminaries and priestly formation, but the bishops knew that the H-word is a media H-bomb, and they cringed at the thought of the almost certain headline if they had used it: "Bishops Mandate Witch-hunt Against Gays." Undoubtedly, they are all keenly aware that homosexuality in the priesthood is, as Mary Eberstadt put it in her much-discussed Weekly Standard article, "the elephant in the sacristy." Most reporters don't want to mention it. Others almost dare the bishops to mention it and thereby detonate the charge of homophobia. But it seems the policy at present is to tiptoe around the elephant in the hope that it will go away. One may be permitted to doubt that the elephant will be so accommodating.

I have said it so often on television, radio, and in print that I begin to sound like a broken record, to myself if not to others: this crisis is about three things-fidelity, fidelity, and fidelity. The simple and irrefutable fact is that if bishops and priests had been faithful to the Church's teaching and their sacred vows, there would be no crisis. That is the fact quite totally evaded at Dallas.

Where We Have Been

Since this is probably not the last installment of "Scandal Time," it is worth recalling where we have been and then bring it back to the present. The first installment in April set forth why this really is a crisis, and why it is both false and self-defeating to blame it on the media or anti-Catholicism, or a combination of both. This is our crisis. It cannot be understood apart from the cultural milieu of the sixties when, in a confused concatenation of events, the aggiornamento proposed by the Second Vatican Council

was hijacked to mean that the Church should conform itself to the culture, just at the time when the culture was being radically deformed. A critical turning point was the organized and public defiance by Catholic theologians and some bishops of Paul VI's encyclical on human sexuality, including contraception, Humanae Vitae. The failure of the bishops to respond to that defiance and to vigorously communicate the message of the encyclical constitutes the moment at which the American bishops ceased to be teachers. (Bishops are ordained to "teach, sanctify, and govern," and the first of these is to teach.) In a very real way, they stopped being bishops and became business managers and practitioners of group dynamics in an amorphous and increasingly fractious constituency, their chief job being to keep all factions on board and to avoid "divisiveness." Truth and fidelity can sometimes divide. So much for truth and fidelity.

The 1968 recognition that the Church's teaching on faith and morals could be defied with impunity ushered in a period of "wink and nudge" also with respect to sexuality, in its sundry expressions. After being hit with scandals, lawsuits, and multimillion-dollar settlements, the bishops, in the early 1990s, tried to bring the situation under control, especially in the seminaries. This met with a measure of success, and it is notable that almost all the known instances of abuse date from the seventies and eighties. When the dam of past episcopal miscreance broke in Boston last January, district attorneys began to be more assertive about the possible complicity of bishops in criminal acts, and bishops felt forced to compromise traditional and legal prerogatives related to the Church's right to govern itself. I observed that the compromising of the right of ecclesial self-governance (libertas ecclesiae) may have deeply troubling consequences for the future of the free exercise of religion, and not only for Catholics.

In the second installment (June/July), I noted that what was at first called a "pedophilia" crisis was now recognized by almost everyone as a crisis created by adult men having sex of various sorts with adolescent and older teenage boys. The H-word is unavoidable, although many strive mightily to avoid it or to complexify it into oblivion. I surveyed the rapidly accumulating literature in support of the significance of the homosexuality factor, and criticized those who try to change the subject by advocating the relaxation of the discipline of celibacy. I described the role of the Catholic Theological Society of America in promoting deviance from Catholic teaching and the trumping of the doctrinal by the therapeutic. This invited an extended reflection on Philip Rieff's classic work The Triumph of the Therapeutic, and its prescient analysis of what would happen if, after Vatican II, Catholic leaders replaced the spiritual with the psychological (or equated the two), turning therapy into something very much like a new religion. I concluded by saying that Dallas would be a debacle if the bishops did not address in a straightforward manner the three causes of the crisis-infidelity, infidelity, and infidelity.

Meanwhile in Milwaukee

That brought us up to the April meeting with cardinals and bishops convened by the Pope in Rome. But before getting to that, there was another development deserving of at least brief notice, the resignation of Archbishop Rembert Weakland of Milwaukee. Actually, he had resigned a little earlier at the mandatory age of seventy-five, but his resignation was swiftly accepted when it was revealed that he had paid $450,000 of archdiocesan funds to a blackmailer with whom he had an affair almost twenty years

earlier, when the young creep was in his early thirties. Many conservatives indulged the sin of Schadenfreude (what in older moral manuals is known by the delightful phrase "morose delectation") upon Weakland's downfall, for he was the most conspicuous of the decreasing minority of unabashedly liberal bishops. It was a sleazy affair, with the newspapers publishing Weakland's long and maudlin love letter to the young man-a letter not untouched by poignant moments of contrition. Here was a man in his mid-fifties, once abbot of a prestigious monastery, then world leader of the Benedictine order, and for years head of a major archdiocese, a man of cultured achievement and exquisitely correct opinions who was long accustomed to being lionized by the liberal media, now exposed as besottedly in love with a hustler whom he begs to believe that he has no more money with which to buy him off. But, as it turned out, the archdiocese did have money. It was not an edifying spectacle.

Reacting to the exposure, Margaret Steinfels, editor of the liberal Commonweal, complained about a "witch-hunt" and spoke glowingly of Weakland's leadership in favored liberal causes. The public exposure of a long-past affair, and the publication of the painfully personal letter, would seem to violate journalistic boundaries, were they not unavoidably related to what is undeniably a story of legitimate public interest, namely, the Archbishop of Milwaukee was for eighteen years under the threat of blackmail, and paid off with $450,000 of archdiocesan funds. His humiliating exit was made the more humiliating by his claim that he had over the years given his income from honoraria and royalties to the archdiocese, and that amounted to more than the money paid in blackmail. It turned out that his gifts to the archdiocese were less than half the payout, but the more troubling thing is that he seemed to believe that what he had given was still his to use for his personal purposes, which suggests that he had not really given anything at all. It appears the man is terribly confused.

With embarrassed haste, the sponsors of the annual Cardinal Bernardin Award for distinguished church leadership, an award closely associated with Commonweal, canceled the June gala at which it was to be bestowed upon Rembert Weakland. I can honestly say that I took no satisfaction from his crashing in flames. His airs of superiority and his incessant boasting that Rome viewed him as a "maverick" could be galling at times. But he was also a man of notable talents and considerable charm, to whom everything had been given. He could have been a contender for something great. It is an unspeakable sadness. I do not give up on the hope that, after some years of penance, a chastened Rembert Weakland might write a reflective memoir, having by then discovered, please God, a measure of the wisdom that was so conspicuously absent from a brilliant career built upon prideful foundations that now, through a combination of tragedy and farce, lie in ruins.

The Most Important Thing

Turn now to the April meeting convened by the Pope. Among the many important things said by the Holy Father, I believe the most important was this: "The Catholic faithful must know that bishops and priests are totally committed to the fullness of Catholic truth on matters of sexual morality, a truth as essential to the renewal of the priesthood and the episcopate as it is to the renewal of marriage and family life." In other words, if bishops and priests do not keep their vows, how can lay people be expected to keep their vows

of fidelity in marriage? In the official statements surrounding the Dallas meeting, and in the charter adopted, words of the Pope in the April meeting are frequently cited. The above statement is not mentioned once. At Dallas, fidelity was not on the agenda.
The Pope said something else in the April meeting that was conveniently ignored at Dallas: "We cannot forget the power of Christian conversion, that radical decision to turn away from sin and back to God, which reaches to the depths of a person's soul and can work extraordinary change." In the public relations game plan of responding, with the whole world watching, to relentless activists possessed by an insatiable appetite for vengeance (a.k.a. closure), the bishops adopted the alien vocabulary of "zero tolerance" and "one strike," a vocabulary in which there is no place for words such as conversion, repentance, soul, and redemption. A gospel response, the experts told them, would not play, and the bishops, some of them with obvious reluctance and uneasy conscience, went along with the game plan "for the good of the Church." They supinely agreed to prove they were tough by adopting a punitive policy of unforgiving vindictiveness. The Pope was wrong: we can forget the power of Christian conversion.

In all this Bishop Wilton Gregory, president of the episcopal conference, played a notable role. He had been widely viewed as a company man, a product of Bernardin's Chicago machine of church politics, who was, at least in part, elected president, it was said sotto voce, because it would look good to have a black man in that very public post. In fact, Bishop Gregory has demonstrated that he is a man capable of vigorous leadership and not devoid of courage. Prior to the Dallas meeting he several times dared to use the H-word, expressing in public the concern that the priesthood may come to be perceived as dominantly homosexual. Presiding at Dallas, he ran a tight ship, keeping the bishops on message. Regrettably, by then it had become the wrong message.

There were some fine moments, rhetorically and substantively, in his opening address at Dallas. For instance, he told the bishops:

> We are the ones, whether through ignorance or lack of vigilance, or-God forbid-with knowledge, who allowed priest abusers to remain in ministry and reassigned them to communities where they continue to abuse.
> We are the ones who chose not to report the criminal actions of priests to the authorities, because the law did not require this.
> We are the ones who worried more about the possibility of scandal than in bringing about the kind of openness that helps prevent abuse.
> And we are the ones who, at times, responded to victims and their families as adversaries and not as suffering members of the Church.

Bracing stuff, that. But, by the end of his address and by the end of the meeting, it was obvious that the message is, "They are the ones." Zero tolerance, one strike, boot them out of ministry. Of course the victim activists are still not satisfied, and, sadly, may never be satisfied, but the bishops have succeeded in scandalizing the faithful anew by adopting a thoroughly unbiblical, untraditional, and un-Catholic approach to sin and grace. As in Shakespeare's "strange eventful history," they end up adopting a policy that is sans repentance, sans conversion, sans forbearance, sans prudential judgment, sans

forgiveness, sans almost everything one might have hoped for from bishops of the Church of Jesus Christ.

In his address, Gregory said, “We need to put aside that which could distract us and set our sights solely on the task at hand: a full and recommitted effort toward the protection of our children and young people.” The protection of children and young people is an imperative beyond question or qualification, and of course anyone who poses a credible threat to them must have no place in the Church’s ministry. It is not a “distraction,” however, but the hard and central fact that so many children and young people have been abused because it is manifestly not the case that “bishops and priests are totally committed to the fullness of Catholic truth on matters of sexual morality.” John Paul challenged the bishops to confront the hard and central fact of infidelity. The bishops at Dallas put the challenge aside, lest it distract them from the game plan.

There is no end to what might be said and should be said about the Long Lent of 2002. The books are already appearing. Most of them, to judge by what I’ve seen of them and their advance notices, are by authors who want to change the subject-to what’s wrong with church teaching on sexuality, to celibacy, to women’s ordination, to democratizing decision making, to anything but fidelity. I’m looking forward, however, to George Weigel’s book occasioned by the scandals, The Courage to be Catholic, which should be out in a few weeks from Basic Books.

Bishop Gregory had it right in the first part of his address: the bishops are the ones. They have not covered themselves with glory. There are very good, holy, competent, courageous, and devoted bishops. Others no doubt have their lists of such bishops and I have mine. Admittedly, my list is a short one, but then virtues, especially courage, are always in short supply. And if some whom I esteem failed at Dallas, I’m certainly not going to take the position of one strike and you’re off the list. We hear calls that all or most of the bishops should resign forthwith. There are at least two things wrong with that. For all their carefully choreographed image of sensitivity as good listeners, I doubt that many bishops have an open mind to the idea that they should step down. The second thing wrong with the idea is its assumption that there is a second and better team to replace what we have. There is little reason to believe that is the case. In any event, some bishops, perhaps many, will be stepping down, whether they think it a good idea or not.

In Distressing Disguise

Mother Teresa said that in the poor we are to see Christ in distressed disguise. And so in the bishops we are to see the apostles, whose successors they are, in distressing disguise. The distressing disguise is reinforced by a culture of clericalism in which bishops and priests, and especially priests who would be bishops, tacitly assume that they are the Church which it is the purpose of the laity to keep in business. Living in a clerical cocoon, they are accustomed to a deference that most of the faithful are happy to render. Peggy Noonan, reflecting on the traditionally preeminent status of the archbishop in the life of Boston, says she has over the years watched politicians and other public figures who move in a bubble of prestige surrounded by taken for granted deference. “In

my experience," she writes, "the star treatment has never improved anybody's character."
Yet we believe that this is how Our Lord has structured his Church-with bishops as successors of the apostles, with and under the successor of Peter-and we should be most reluctant to second-guess Our Lord. In short, these are the bishops we have, and there is no structural change that can make them better be the bishops that God called them to be, that they were ordained to be, and that the faithful have a right to expect them to be. Only personal conversion can do that. Respect for the bishops is probably at its lowest ebb in the history of the Church in America. Pray that their conversion may be completed.

In his memoirs of his early years, Joseph Cardinal Ratzinger writes about his village in Bavaria and how, when he was ordained priest, the people declared a festival of several days with endless processions and feasting, and he was the center of attention. It was a heady experience. Ratzinger writes that he had to tell himself again and again, "Joseph, this is not for you. This is for Christ and his Church." And so outraged and disappointed Catholics will swallow hard and continue to honor and, when put to it, even obey their bishops, all the time making clear, "This is not for you. This is for Christ and his Church." They will continue to see in their bishops the apostles whom Jesus appointed, no matter how distressing the disguise.

Do I continue to hope, as I wrote earlier, that this Long Lent will bring us to resurrection and renewal, that the time of mea culpa will be succeeded by felix culpa, the celebration of happy fault that occasioned so great a redemption? Oh yes. I do not know, mind you, but I hope, as must we all. It may be five years or fifty years from now, but I hope and I believe that the time will come when Catholics in America will look back on 2002 and thank God that He visited us with "the rod of His wrath and the staff of His anger." It will then be seen as the winter of painful purification, opening the way to a springtime of renewal. I am praying that will be the case, even as evidence accumulates that there will almost certainly have to be a "Scandal Time IV," and who knows how many after that.

The Bishops in Charge

by Richard John Neuhaus

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The Public Square

"At last." I breathed a sigh of gratitude upon my first reading of Bishop Wilton Gregory's presidential address at the November meeting of the bishops conference. At last they are no longer jumping through media hoops and giving the impression of scurrying about like scared executives in search of a public relations fix. At the June meeting in Dallas they were perceived by many as—in the memorable phrase of Bishop Fabian Bruskewitz of Lincoln, Nebraska—"this hapless bench of bishops." Gregory's address set a different tone. Haplessness was displaced by hopefulness, touched by a note of determination and even defiance. We are bishops of the Catholic Church, he told his brothers, and the events of the past year have called us back to the responsibilities that attend that dignity and responsibility.

He took his text from Isaiah: "Comfort, give comfort to my people, says your God." To be comforted does not mean to be at ease, Gregory said, but is God's gift of "a life of complete and active engagement with God in Jesus Christ." "We bishops, by the grace of our sacramental consecration, are the authentic bearers of [Christ's] mission. . . . Like the apostles whom we succeed, we have been sent to announce God's word." After a year of frequent floundering, of embarrassed pandering, and of pathetic excuse-making, Gregory's message was that the bishops are prepared to reassume their office, recommit themselves to their tasks, and speak again in the distinctive language of the Church. At last.

There was much else that was heartening in the presidential address that set the tone for the meeting. Gregory underscored that the threefold office of the bishop is to teach, to sanctify, and to govern, and none of those responsibilities can be shirked or farmed out to others. The Church is not defined by the story line of the culture; the culture is defined by the story borne by the Church. "Only the light of Christ," Gregory declared, "can fully reveal the truth of the world in which we live." He noted that the June meeting had been totally given over to the sex abuse scandals. "We put in place measures to ensure the greatest protection of our children in the Church," he said, and he expressed confidence that the revisions of those measures proposed by Rome and to be adopted by the November meeting would further strengthen what Dallas did.

At the same time, Gregory made clear that the mission of the Church and the attention of the bishops cannot be, and will not be, monopolized by sex abuse and scandals. He spoke of the other items of business before the meeting: a statement on violence in the home, a joint appeal with the Mexican bishops on the treatment of migrants, a declaration on overcoming poverty, and a strong affirmation of the Church's defense of the unborn on the thirtieth anniversary of the infamous *Roe v. Wade* decision. He didn't quite put it this way, but he seemed to be saying to the culture, and to the media in particular, "We appreciate your concern, but the Catholic Church doesn't need to take lessons from you on caring about the vulnerable and marginal." One might dispute some of the policy proposals adopted by the bishops, but Gregory struck a refreshing note of candor and even feistiness that we haven't heard in a long time. At last.

"There are those outside the Church who are hostile to the very principles and teachings that the Church espouses," he asserted, "and have chosen this moment to advance the acceptance of practices and ways of life that the Church cannot and will never condone." He did not explicitly mention homosexuality, but one wonders what else might be meant by "practices and ways of life." Before Dallas, Gregory was outspoken in his worry about the association between homosexuality and the priesthood. It appears he may again dare to speak the name of an undeniable factor in the sins and crimes that have come to light this year. It is known that Rome is preparing a document that will underscore the necessity of, among other things, not admitting homosexuals to holy orders. In any event, the reference to practices and ways of life that the Church cannot and will never condone met with strong approval from the assembled bishops. At last.

Aware that many priests have been demoralized or outraged, or both, by the way Dallas undermined the relationship of trust between priest and bishop, Gregory went out of his way to affirm "the overwhelming majority of priests [who] are faithful servants of the

Lord." "*God bless our priests!*" he declared, "*They have surely blessed us!*" He also said, "Priests today too often are being unfairly judged by the misdeeds of other priests, men often long departed from ministry or even deceased." This was a carefully calibrated address, and one may infer from the second part of that statement a criticism of bishops who have promiscuously publicized confidential files about priests in order to demonstrate their achievement of the episcopal virtue du jour, "transparency." Never mind whether accusations are substantiated or even credible: priestly vocations and the reputations of priests honorably retired or deceased are a small price to pray for a bishop to be media-certified as tough on sexual abuse. At least I hope Bishop Gregory intended a criticism of bishops who seem to take that view. If so, one says again: At last.

The chief business of the November meeting, it is fair to say, was to defend and reassert the Catholic teaching that the Church is, by divine constitution, governed by bishops. "Sadly," Bishop Gregory observed, "even among the baptized there are those at extremes within the Church who have chosen to exploit the vulnerability of the bishops in this moment to advance their own agendas. One cannot fail to hear in the distance—and sometimes very nearby—the call of the false prophet, 'Let us strike the shepherd and scatter the flock.' We bishops need to recognize this call and to name it clearly for what it is." At their Washington meeting in November, the bishops recognized and named the challenge to episcopal governance. To that, too, one wants to say, At last.

Allocating Shares in the Mission

And yet, in their actions, as well as in Bishop Gregory's presidential address, there is evidence that the bishops may not fully understand the sources of the challenge to their authority. Not only "at extremes within the Church," and not only at one extreme of right or left, there is the belief that somewhere near the heart of the evils exposed in the last year is the corruption called clericalism, with its attendant vices of clubbiness, secretiveness, and obsession with power. Clericalism is the policy and habit of maintaining or increasing the power of a religious hierarchy. Clericalism is about power, and therefore elicits aspirations to countervailing power. Clericalism is the opposite of priestly and episcopal grace, which is the grace of service. Clericalism is deaf to the words of the one who said that the greatest among you must be the servant of all, and offered himself as one who came "not to be served but to serve."

This is not to suggest that bishops do not work very hard at what they believe to be serving the People of God. I have no doubt that they do. The critical misstep of clericalism is to think that the Church and her mission belong mainly, perhaps even exclusively, to the clergy, and especially to the bishops. Clericalism is the operative assumption that the clergy are the Church rather than the less than .01 percent of her members who are ordained to serve the others by helping them to serve the Lord. Episcopal and priestly servanthood invites the response of servanthood; episcopal and priestly clericalism provokes the reaction of anticlericalism.

Speaking of the Church's mission, Bishop Gregory says, "We bishops, by the grace of our sacramental consecration, are the authentic bearers of that mission and the message it contains." To be sure. But he might have added that all Christians, by the grace of Baptism, are also authentic bearers of that mission and message. On the troubles of the

past year he says, “Moreover, we bishops ourselves have not been immune from disagreement and discord on this matter. . . . Whatever the differences we have experienced with one another this year, it is essential to our life in Christ that we address them appropriately and reconcile fully with one another.” To be sure, discord is not good, but one might suggest that honest disagreement among bishops is a healthy thing, not least in holding negligent and miscreant brothers to account. The needed thing is bishops who are teachers able to teach in their own voice, rather than being anonymous components of the bureaucratic collective that is the episcopal conference. Collegiality should not mean conformity. Nor should cooperation be confused with clubbability. Bishop Gregory says, “The mission given us by the Lord is one in which all members of the Church have a proper share. That is especially true of those who are related to us in ministry by Sacred Ordination. It is also true of the religious and laity. When I think of those in my own diocese who assist me in fulfilling the mission that the Lord has given me, my heart’s eye turns toward all of my brother priests.” Bishops should, he says, “give both the religious and laity their rightful place and share in the mission of the Church. He goes on to describe how lay people render great service in various church offices and councils, saying, “The opportunities for the laity to assist us are great and we need to seize upon them in order to fulfill effectively the mission the Lord has given us.”

One understands that Bishop Gregory is intending to reaffirm the governing authority of the bishops, but one may be permitted to suggest that he frames that authority in a way that plays into the hands of those who are challenging it. Voice of the Faithful and other activists agitate for “power sharing,” which is to say they agitate for power. They agitate for power on the clericalist assumption that the Church and her mission belongs to the bishops. The disagreement between them and the bishops is over the extent of “their rightful place and share” in that mission. Bishop Gregory says the bishops “give” the laity their part in the mission, and some of the laity demand that they be given more. He says the laity have a “rightful” part, and some of the laity demand an expansion of their rights. Such are the confusions generated by conceiving the Church along clericalist lines. Similarly with priests. It is understood that bishops possess the fullness of priestly ordination, but if priests are only there to “assist” the bishop in his ministry, it encourages the mindset that successful assistants should aim at becoming bosses. That is to say, they should become bishops.

Most problematic is the implication that lay people find “their rightful place and share in the mission of the Church” by gaining positions of influence in ecclesiastical structures, or by being given a part of the bishop’s job. The Second Vatican Council underscores that the mission of the Church is the mission of Christ and belongs to all the faithful, for all participate in the mission of Christ. To be a lay person is the typical and ordinary way of participating in that mission. The vocation of the laity is not realized by obtaining a share of the vocation of the clergy, the Council insists, but by advancing Christ’s mission in the world. Not by being “Father’s little helper” (or the Bishop’s little helper) but by fulfilling their tasks in the temporal order do lay people respond to the call to holiness, which is a universal call. The place and share of bishops in the mission of the Church is indispensable. They are, the Council says, “teachers of doctrine, priests of sacred worship, and officers of good order.” That is the threefold responsibility, and the last refers to governance. Good order is assured when each member of the body is rightly ordered to his or her calling in the body, of which all are equally part.

"For you I am a bishop, with you I am a brother," said St. Augustine. Some of our brothers who are bishops were not doing their job over a long period of time. Had they been doing their job, we would not have the present crisis. The remedy is for them to be more the bishops they were ordained to be, not less. The remedy is not in sharing their authority but in exercising their authority. Their first responsibility is to teach. In April's historic meeting with the Pope in response to the crisis, the Holy Father accented the importance of "total commitment" to the Church's teaching on human sexuality. In living in fidelity to that teaching and their sacred vows, he said, the laity need the example of bishops and priests who do the same.

Perhaps that lesson has been learned through the shame and sadness of the past year, although it must be said that there has been slight public reference by bishops to fidelity in teaching and life. Perhaps because insisting upon fidelity on the part of bishops and priests would be controversial, possibly resulting in disagreement and even "discord." Perhaps because bishops charged with oversight are not aware of the many clerical infidelities, although that seems improbable. Or perhaps because it is thought that, if such infidelities pose no threat to minors and therefore pose no further threat to the Church's reputation or purse, they pose no problem. It would be pleasant to say that the last possibility is not plausible.

Almost Business As Usual

The message of the November meeting was that the bishops are in charge. There was even an air of going about business as usual: receiving committee reports, passing resolutions on this and that. When people make a point of insisting that they're in charge, they're usually not. But, this being the Catholic Church, there is nobody else to be in charge. No doubt Our Lord will one day explain why he set things up this way. Perhaps to test our faith. Although some are outstanding in competence, holiness, and apostolic zeal, the Church, all things considered, deserves a better set of bishops. But then Our Lord deserves a better Church, meaning all of us. He got us, and we got one another. The problem, if that is what it is, began when he decided not to entrust his mission to the angels.

The bishops adopted "A Statement of Episcopal Commitment." There has been much criticism that the bishops have had a great deal to say about errant priests but nothing about bishops who allowed, or were complicit in, wrongdoing. The statement, it is said, "manifests our accountability to God, to God's people, and to one another." "Participating together in the college of bishops, we are responsible to act in a manner that reflects both effective and affective collegiality, including fraternal support, fraternal challenge, and fraternal correction." At last, one might say. But the particulars of the statement are pretty limp. If an allegation of sexual abuse is made against a bishop, the Metropolitan bishop will be informed. If the allegation is against the Metropolitan, the bishop next in seniority will be informed. That's it. Nothing is said about what will be done. It does not even say that the papal nuncio will be informed. "You say Bishop Wasisname is accused of fiddling a teenage boy? Thanks for telling me." That's that. Some people may be excused for thinking this falls somewhat short of manifesting "accountability to God, to God's people, and to one another." The statement does not even touch on the main concern, which is not bishops guilty of sexual abuse but bishops guilty of facilitating

sexual abusers. Of course the episcopal conference does not have direct authority over bishops who are heads of their local churches—and a good thing, too—but it might have been better not to adopt a statement on episcopal accountability at all than to adopt a statement so vacuous as this.

The bishops also adopted an eleven-page statement, "When I Call for Help: A Pastoral Response to Domestic Violence Against Women." It is, with some updating, a recycling of a statement on that subject of ten years ago, and it may be welcomed by some advocacy groups if, at this point in history, they still think it helpful to invoke the moral authority of the bishops conference. Then there is the "Statement on Iraq." The Catholic bishops of the country helpfully alert President Bush to the fact that war is attended by serious risks. "Thanks, I needed that," one does not imagine him saying. It is not as bad a statement as the voluble Bishop Thomas Gumbleton, auxiliary of Detroit, and other pacifists wanted. It is mainly a rehearsal of the bishops' concerns, anxieties, fears, etc., joined to a reflection on the pertinence of traditional just war doctrine. (For a clarification of aspects of the doctrine that the statement neglects, see George Weigel's essay in this issue.) "There are no easy answers," the bishops say. They acknowledge that they do not know all the facts pertinent to decision-making (they have been very busy with other matters this past year), but they pray that leaders "will find the will and the ways to step back from the brink of war." Importantly, they do not downplay the threat of terrorism, they do not blame America or engage in "root causes" blather, and they do recognize that the final decisions rightly belong to civil authority. Given the bishops' track record on questions of war and peace—if the U.S. had accepted their counsel during the Cold War, we would likely still be fighting it or its outcome might have gone the other way—the statement is more judicious than might have been expected.

Much more useful is "A Place at the Table," a long statement on the Catholic recommitment to overcome poverty, both domestic and global. It engages in serious moral and theological reflection, underscoring both the opportunities and threats posed by globalization, and is refreshing in its proposal of a non-statist understanding of economics. The economic "table" mentioned in the title rests, the statement says, on four legs: 1) what families and individuals can do, 2) what community and religious institutions can do, 3) what the private sector [the free market] can do, and 4) what the government can do. The chief role of the government is to secure the legal and policy context within which the first three players can do their job. For the first time in a major statement by the episcopal conference, it appears that the arguments and conceptualizations advanced by the 1991 encyclical *Centesimus Annus* have been seriously engaged. One might raise questions about this or that, but, all in all, "A Place at the Table" indicates a new and more promising direction in the conference's pronouncements on political economy and moral discernment.

Welcome also is "A Matter of the Heart," a strong statement occasioned by the thirtieth anniversary of *Roe v. Wade*, January 22, 2003. The statement clearly reaffirms Catholic teaching, and notes the ways in which, despite entrenched opposition, "the pro-life movement has grown year by year, in numbers and in vitality." The infamous Supreme Court ruling has resulted in "forty million lives destroyed" and in "a long trail of broken hearts," especially the broken hearts of women. But the statement notes that fewer abortions are being done each year, that more Americans now identify themselves as pro-

life than as pro-choice, that there are a growing number of ministries helping women with crisis pregnancies, and that most state legislatures have enacted measures to protect the unborn. (Among hopeful signs, the bishops do not mention the pro-life position of the Bush Administration or the increase in pro-life legislators elected the week before their meeting. Perhaps such mention was thought too partisan.) "Above all," the statement notes, "the pro-life movement is brimming with the vibrancy of youth." The most pro-life part of the population is people under thirty, matched only by those over sixty-five. "We will speak out," the bishops declare, "on behalf of the sanctity of each and every human life wherever it is threatened, from conception to natural death, and we urge all people of good will to do likewise." The last sentence is short and to the point: "*Roe v. Wade* must be reversed."

Moreover, I am glad to say that I was wrong last month when I suggested that the proposal for a plenary council of the Church in the U.S. would probably get short shrift. It didn't get a lot of attention, but it appears that the proposal is not dead. A discussion of the idea is on the agenda for the semi-annual meeting next spring. Bishops who worry that such a council would be "hijacked" because canon law requires the participation of many non-bishops are floating an alternative proposal: asking the Pope to convene a special Synod of Bishops just for the bishops of the U.S. Whether a council or a synod or a series of regional synods leading up to a council is the best way to go, it is imperative that the bishops find a way to solemnly and decisively receive the teaching of the Second Vatican Council as authoritatively interpreted by the Magisterium, to examine and act upon the corruptions of leadership now so flagrantly on public display, and, at last, to assume their full responsibility in leading toward "a holier episcopate, a holier priesthood, and a holier Church."

The Price That Has Been Paid

And now I have not said much about the charter and revised norms dealing with sexual abuse. That is because there is not much to say. I have read the documents and the reams of commentary on the documents, but everything depends on what happens now. Rome reined in the panicked policies of the Dallas meeting, which is what some bishops were counting on and why they voted for those policies even as they admitted they were deeply flawed. For instance, the definition of sexual abuse is more precise. The Dallas definition (borrowed from the Canadian bishops) was so elastic that almost any adult could be found guilty of sex abuse. The new rules also return to the old-fashioned idea that even priests should not be pronounced guilty—should not have their life's work shattered and their reputations trashed—without due process. Provisions for transferring priests from one jurisdiction to another are tightened, and it is clarified that the rules apply also to priests in religious orders. Contrary to some press reports, all credible accusations will still have to be reported according to civil law. Statutes of limitations in canon law may even provide some opening toward taking into account the possibility of repentance and transformation of life, a possibility that the Pope at that April meeting said must never be forgotten, but that the bishops, knowing it is public relations poison, have done their best to forget.

Will the charter and the revised norms work? Nobody can know. If by "work" one means that there will be nobody in the priesthood or any other ministry of the Church who

poses a threat to children, I expect it will work as well as is humanly possible. If by "work" one means that this entire mess can now be put behind us, there are months and probably years of lawsuits and trials to come, and we cannot discount the possibility of further revelations of past misdeeds. If by "work" one means that all we have been through will result in, as the Holy Father put it in April, "a holier episcopate, a holier priesthood, and a holier Church," that is the subject of earnest prayer. Keep in mind also that the revised rules are riddled with footnoted references to provisions of canon law, some of them quite obscure. Keep in mind above all that—apart from judgments in civil and criminal courts—the crucial decisions will still be made by bishops, whether here or in Rome. For those who find that not entirely reassuring, see above on the perduring puzzlement over why Christ constituted his Church as he did.

It can be argued that the bishops have, all in all, successfully weathered the troubles of 2002. The Catholic scandals are off the front pages and the evening news, and, although there was much negative commentary, the revisions of Dallas adopted at the November meeting have not reignited the media firestorm of the past year. It is hard to know how the storm could be reignited, although the possibility cannot be excluded. There is no doubt that the bishops are very serious about preventing the sexual abuse of minors, although it is possible a few bishops still do not get it. The public perception would seem to be that the bishops, after a long period of negligence and a few instances of complicity, are now back on the job. If Dallas and subsequent actions have done that, it is no little achievement.

The cost has been of monumental proportions. It will take years, and perhaps decades, for the bishops and, therefore, the Catholic Church to recover the moral credibility that has been lost. The past year has given long-lasting ammunition to the forces of anti-Catholicism in American life. Not so much among the Catholic faithful and people favorably disposed to the Church, but among the general public the positions and pronouncements of bishops will for years to come be met with ribald comments about clerics and little boys. The inestimable cost includes the historic failure of the bishops at Dallas to speak the gospel of Jesus Christ as it relates to sin and grace, repentance and restoration. Not perhaps for the general public, but for those who care about the Church's witness and for those who write the histories of this period, the indelibly imprinted image of Dallas will be that of panicked executives abasing themselves before media inquisitors in order to save their skins.

Closely related to that, it will take years or decades to restore the former level of trust between priests and bishops. Priests will not soon forget that, come the crunch, too many bishops were all too ready to offer them, their vocations and their reputations, to appease the appetite of the public relations monster. Pro-lifers will not forget, nor should they forget, that, come the crunch, the bishops violated their own policies and solemn pronouncements by appointing notorious proponents of abortion to positions of oversight in the Church, as witness the National Review Board. And it may be many decades, if ever, before the respect of civil authorities for the Church's right to govern itself (*libertas ecclesiae*) will be restored. In that connection, a little but telling incident: a bishop and a priest met about an accusation that had been made, and the bishop explained that the diocesan lawyer was present at the meeting "in order to protect the confidentiality of our conversation." It is assumed that the civil authorities will show

greater respect for a lawyer than for a bishop, for the rights of the legal profession than for the rights of the Church. Two years ago, such a thing was nearly inconceivable. We have hardly begun to appreciate the cost exacted by the Long Lent of 2002.
But as I wrote last month, there is undoubtedly a new sense of gravity and a widely shared determination to understand what went wrong and how to set it right, or at least to make sure it doesn't happen again. Laurie Goodstein of the *New York Times* has been a generally fair and perceptive reporter of the troubles. Her story after the November meeting is titled "Tradition as Healer," and she notes that the cause of those who have agitated for married clergy, women priests, gays in ministry, the approval of contraception, and other changes has been severely set back. The new mood of the bishops, she says, is reflected in the words of Allen Vigneron, auxiliary of Detroit: "These are things in the Church that are not policies. They are doctrines, and they aren't ever going to be negotiable. For us to explain ourselves as a Church, we need to say that." Goodstein writes: "A vast majority of bishops are company men, appointed by and loyal to Pope John Paul II. At the Washington meeting, they made it clear that those who were looking to them for innovation would be disappointed." She concludes her account with this: "There is one antidote to the abuse crisis, the Rev. Richard John Neuhaus said at a recent forum. That, he said, is 'Fidelity, fidelity, fidelity.'"

Ms. Goodstein got an important part of the story right. The gravity that I mentioned is the order of the day. For most, if not all, of the bishops, the silly season is over, the era of wink and nudge is definitively past, the bishops are back in charge. But, *pace* Ms. Goodstein, to be loyal to John Paul II is more than a matter of being a company man, and fidelity is about much more than toeing the line. Fidelity is the high adventure of following John Paul in effectively teaching the vibrant orthodoxy of the radical call to holiness. Fidelity requires change and, yes, innovation in obedience to the truth of the faith. Fidelity is the excitement of discovering and living the living tradition of the saints, past and present. Fidelity is the surrender of self to Christ and his Church. Fidelity is the courage to be different, to lovingly engage the culture and, when necessary, to be countercultural and even *contra mundum*. Fidelity is the alternative to the dreary conformism that produced this season of outrage and shame. Fidelity is conversion.

Nasty and Nice in Politics and Religion

by Richard John Neuhaus

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The

The Bishops Get Their Report Card

On January 6, as scheduled, the bishops conference (USCCB) released the first report on compliance with the Charter adopted at its Dallas meeting in June 2002. The report contains no surprises, which is itself not surprising. The same may not be true of the report card on the bishops that the National Review Board (NRB) will be issuing at the end of February. The January 6 document reads like a very long corporate memorandum, much like something Ford might issue on what it is doing to remedy

brake failures in the 2000 Taurus. The media have not been able to squeeze even one juicy tidbit out of the report, which is no doubt exactly what the bishops had in mind. With a handful of exceptions—and in those cases for reasons unexceptionable—all the dioceses and eparchies (the latter are Eastern Rite jurisdictions) cooperated fully with the "audit" conducted by an army of investigators composed mainly of former FBI agents. A few jurisdictions are mildly criticized, all received a passing grade, and "commendations" were generously bestowed on those that anticipated or went beyond the rigorous mandates of Dallas. To judge by this report, the Catholic Church is well on its way to being the squeakiest clean institution in the country when it comes to protecting minors from a friendly pat on the back, never mind sexual abuse. (Although, admittedly, the two are hard to distinguish if one employs the elastic definition of sexual abuse adopted in Dallas.) It should be noted that the report does not cover the religious orders. They have about a third of the priests in the U.S., and it is not clear when or whether they will be issuing a comparable report on compliance with the Charter. Bishops do not have jurisdiction over the religious orders, aside from deciding whether to admit them to their dioceses, just as the USCCB does not have jurisdiction over bishops. Everything depends on voluntary cooperation, although, of course, pressures can be brought to bear.

Some bishops are expressing unhappiness that the organization hired to do the audit made a slew of "recommendations" that, it is said, exceed the organization's mandate and infringe upon a bishop's authority in deciding how to do his job. This complaint would be more credible if the bishops concerned had not voted for the present process at Dallas. They knew, or should have known, that when you hire people to evaluate the job you're doing they're likely to have some ideas of their own. The unhappy fact is that, in their panic-driven actions at Dallas, the bishops declared their incompetence in governing the Church. In a damage-containment mode, they appointed from the laity *episcopoi* of the *episcopoi*, overseers to oversee the overseers. To complain now about the consequent undermining of their authority is a little like a man's seeking refuge from his creditors by declaring bankruptcy and then complaining that people think he is bankrupt.

Most of these dynamics are familiar by now, although see below on a new and important wrinkle on the role of canon law—or rather the ignoring of canon law—as a major factor in bringing about the crisis that has preoccupied the Church's leadership for the last two years. As for January 6 and the audit, it was quite predictable that "emergency" measures adopted at Dallas would become entrenched. That is the way it is with organizations and bureaucracies. Among the recommendations of the auditing organization is that there be another audit next year, and the year after that, and, most probably, on and on. As for the NRB, it is unlikely to disappear. That specific institution may have a terminal point, but the taste for, and the perceived necessity of, lay supervision of the bishops is open-ended. It may be that some bishops at Dallas consoled themselves with the thought that this, too, shall pass, that the Church thinks in terms of centuries, and so forth. With Longfellow, they may have anticipated a better time coming:

And the night shall be filled with music,
And the cares, that infest the day,
Shall fold their tents, like the Arabs,
And as silently steal away.

Not very likely. The taste for and perceived necessity of lay supervision will not be denied. A mix of episcopal autocracy and episcopal laxity created the scandal, and neither the bishops who rejected any questioning of their authority nor the bishops who neglected to exercise their authority will be allowed to go back to business as usual. Which is undoubtedly a good thing. The big losers will be good bishops who understood and understand that their authority, while sacramentally bestowed, is made practically effective by holiness of example, by fatherly solicitude for and brotherly collaboration with priests and people, and by uncompromising fidelity to the teaching and norms of the Church they were ordained to serve. At Dallas, the good bishops, too, acquiesced in the declaration that they are bad bishops. They are not to be trusted. They must be watched carefully. That is the perception that they ratified by their votes. It is a perception that will be exploited, that is being exploited—by the media, by district attorneys, and by Catholic activists, none of whom believe that bishops are apostolically entrusted with the governance of the Church.

"Perhaps so," some bishops respond, "but what else were we to do? It was a crisis, a legal disaster, a media catastrophe. This was the plan presented to us and, despite misgivings, we went with it." What else were they to do? They might have acted like bishops of the Catholic Church instead of frightened franchise managers in a time of corporate meltdown. They might have come to Dallas on their knees, or gone into seclusion for a long period of prayer, fasting, and reflection, instead of hastily recruiting hired guns as spinmeisters and damage controllers. They might have been bishops. They might have spoken a word about sin and forgiveness, about human fragility and the call to holiness, about grace and the amendment of life. Some bishops might have voluntarily resigned as an act of penance. Instead, the bishops produced self-exculpating press releases, organizational charts promising new levels of accountability, and a one-strike-and-you're-out policy, even if it meant scapegoating priests to whom they had failed to be bishops. It was not an edifying sight. But the most damning indictment of non-leadership since the crisis broke in January 2002 is the collective failure to frame what has happened in terms of the gospel of Jesus Christ. Long before this was a legal, financial, and public relations crisis, it was—and this is infinitely more important—a spiritual and moral crisis.

In sum, the bishops let those who were in an adversarial mode—the media, the victims, their lawyers, and the prosecutors—define the nature of the crisis and what must be done about it. "Yes," it is objected, "but that was inevitable. They were playing offense and we were playing defense. If we addressed the crisis in the terms of Catholic morality and teaching, we would not have been understood and would probably have been mocked and accused of evasiveness." There is something to that objection, but I am not persuaded. There is venerable precedent for being misunderstood and mocked in the service of the Gospel. By choosing the route of damage control, they are perceived as failed managers seeking rehabilitation, not as bishops. Of course, corporate management is part of being a bishop, but it is far from the most important part. The Church is the Body of Christ, the Bride of Christ, the People of God, not the Catholic Church, Inc. I am speaking here, please note, about the collective voice of the bishops, the USCCB. Some bishops in their dioceses have addressed the crisis in spiritual and moral terms, finding it to be an occasion for effective evangelization and re-evangelization. Others have communicated with their people through nothing more than a letter or two that might

have been written, and probably were written, by their lawyers. During this Long Lent, no bishop has emerged as a nationally effective voice of Catholic truth. Perhaps that was too much to expect.

Caught by Surprise

So we await the two NRB reports at the end of February. One will be the findings of a team from John Jay College of Criminal Justice on instances of abuse—how many, who, what, when, and how they were handled—and the second will be a more evaluative report by the NRB itself probing into possible causes, patterns of misconduct in dealing with cases, and what can be done to make sure nothing like it ever happens again. Of course bad things will happen again, as they have been happening since Our Lord in his infinite wisdom entrusted the leadership of his Church to frail human beings. One of the truly strange things of the last two years is the impression that the bishops were caught by surprise. Didn't the Church have provisions in place for dealing with sexual abuse? That question is very helpfully addressed by Father John J. Coughlin in an article for the *Boston College Law Review*, "The Clergy Sexual Abuse Crisis and the Spirit of Canon Law."

A Franciscan friar for twenty-five years and Professor of Law at Notre Dame University, Fr. Coughlin knows that his article "might be interpreted as critical of ecclesiastical authority," but his purpose is to contribute to the renewal of that authority. Canon law, he notes, "has always considered the sexual abuse of a minor to be a grave crime and grievous sin." As is now scandalously evident, "the failure to correct the injustice of clergy abuse through the rule of canon law aggravates the injury for all concerned, but especially for the abused minor." Canon 1389 of the 1983 Codex *Iuris Canonici* "provides for a penalty, including deprivation of ecclesiastical office, for an official who abuses ecclesiastical power or who omits—through culpable negligence—to perform an act of ecclesiastical governance. A bishop who fails to employ the appropriate provisions of canon law in a case of sexual abuse of a minor is liable to penal sanctions imposed by the Holy See." The undisputed fact is that many bishops failed to follow canon law in dealing with cases of priestly sexual abuse, typically with males of high school age. In such cases, as well as in instances of coerced sex or open concubinage with a woman, canon law provides serious penalties, including permanent removal from the clerical state. Why did so many bishops not follow canon law during the 1970s and '80s, the period when most of the sexual abuse was happening? Fr. Coughlin writes, "I am unaware of a single case in the United States during the past several decades in which a priest was dismissed from the clerical state as a result of the diocesan penal process stipulated in canon law."
The history of the Church, Coughlin notes, displays periods of both legalism and antinomianism. The latter "so emphasizes faith alone that it excludes the correct function of the moral law in the economy of salvation." When antinomianism holds sway, the very fact and idea of canon law is viewed as legalistic. Following Coughlin's analysis, we see how the laxity encouraged by an antinomian atmosphere results in the countenancing of sinful and criminal behavior which, in turn, produces a legalistic reaction. Thus the hyperlegalism of the measures adopted at Dallas in June 2002. While the oscillation between legalism and laxity and back again is not new in the experience of the Church, this time it was intensified by the decision of the Second Vatican Council to revise the 1917 Code of Canon Law. Coughlin writes, "Over the course of almost three decades of

revision, the 1917 Code, although theoretically still the universal law of the Church, fell into general disuse. It was in many instances abrogated in favor of postconciliar innovations *ad experimentum*. In retrospect, the ecclesial ambiance in the wake of Vatican II represented a swing of the pendulum from the preconciliar legalism toward the antinomian."

In many instances, those who pitted the "spirit" of the Council against what the Council actually said undermined the very validity of canon law. Clear law was frequently flouted, Coughlin notes, in the great increase in the number of marriage annulments and in the reckless "alienation" of church property, the latter resulting in the loss of major Catholic educational and health care institutions. "Unfortunately, the negligence of church authorities in the United States in each of these broad areas of justice seems consistent with the failure to address cases of sexual abuse of minors during the last four decades." There was yet another factor. As allegations of sexual abuse greatly increased, "the bishops opted for a therapeutic approach to the exclusion of correcting the grave injury through the rule of canon law." At the time, psychologists and other professionals believed that sexual predators could be rehabilitated with proper treatment, and the bishops went along. They were not acting in malice, Coughlin underscores, but, having set canon law aside, followed what they were told was the best professional advice. Moreover, according to the psychological model, offenders were deemed to possess "diminished capacity" to control their impulses, which made the penalties prescribed by canon law seem inappropriate.

Reaping the Whirlwind

During these years, the Holy See repeatedly called on the U.S. bishops to follow the norms of canon law. "Despite the various authoritative calls to confront the problem," writes Coughlin, "more than a few bishops failed to afford a just legal process when dealing with accusations. When the psychological model replaced the canonical order, the conditions were set for great damage to individuals and the common good." To further compound the problem, the psychological model blurred the line between the "internal forum" and the "external forum." Matters of conscience, as in the confessional, are internal, while matters of governance are external, which means they are public and verifiable. Coughlin writes, "A credible accusation of the sexual abuse of a minor officially reported to an ecclesiastical authority clearly belongs to the external forum. The exclusive reliance on the psychological model, however, tended to create the impression of secrecy and cover-up." The scandal would not have flared as it did without the widespread appearance of secrecy and cover-up. Under the immense pressures of the public scandal, says Coughlin, "the bishops elected to correct the decades-long absence of canonical response with a rule of strict criminal liability."

This paragraph deserves to be quoted in full:

> Law hastily framed runs the risk of abrogating any semblance of fundamental fairness and justice. In the months following the formulation of the Dallas policy, it was not uncommon for a priest with a single allegation against him, which was placed in his diocesan personnel file twenty or more years ago, to be summarily dismissed

> from an active and fruitful ministry. Following years of faithful service, the priest suddenly found himself deprived of his life's work and with his reputation irreparably damaged. Placed on indefinite administrative leave without adequate notice or opportunity to be heard, he received the same penalty as a serial child abuser. The implementation of the zero-tolerance approach in certain instances stunned priests and their parishioners and caused attorneys for the accused to raise questions about a lack of fundamental due process.

The denial of an opportunity to be heard and offer a defense, the absence of proportionality in penalties, and the retroactive application of law are issues that, in both civil and canon law, pertain to the fundamental human rights of an accused person. "The lack of concern to frame a fair and just policy that protects the rights of the accused displayed a strange combination of both antinomian and legalistic approaches. On the one hand, the bishops seemed simply to ignore many of the requirements of the natural law expressed in canon law. On the other hand, the bishops adopted an absolute rule that permitted little or no discretion." In short, reaping the whirlwind of decades of negligence in not following the canon law that they were pledged to uphold, the bishops reacted by imposing a legalistic regime that is equally in violation of the canon law by which the Church's life is to be ordered.

The result has deeply damaged what it means to be a bishop. Canon law says a bishop is to govern with "holiness, charity, humility, and simplicity of life." Coughlin writes, "Although many bishops undoubtedly exemplify holiness of life, the bishops as a whole have not conveyed that inner harmony of life as a characteristic of their approach to canon law in cases of clergy abuse. . . . Given their collective failure with regard to the rule of canon law, the bishops have now found it necessary to surrender their discretion for the zero-tolerance rule." Moreover, the bishops have severely compromised the Church's right to govern itself. "On the basis of two millennia of its historical development, the Church proclaims itself as an organic reality with juridical manifestations for the purpose of proclaiming salvation. During this long history, its canon law has been shaped by the Church's supreme law, which remains the salvation of souls. . . . The secular order aims to establish a set of societal conditions that maximize the opportunity for material well-being and prosperity. Canon law, however, seeks to create the optimal conditions for salvation through the proclamation of conversion, forgiveness, and penance." Put very directly, by surrendering crucial aspects of their governance to secular authorities, bishops have compromised not only canon law and the freedom of the Church but have compromised the mission for which they exist—namely, the salvation of souls.

Fr. Coughlin writes, "An antinomian approach to ecclesiastical governance only reinforces the perception that church authorities lack the resolve to protect children. Legalism, in contrast, communicates to priests and all the baptized that the internal order of the Church lacks justice as a result of the disrespect of fundamental rights." "No law or policy can eradicate sin from the fallen nature of the human situation, including that of the human beings who comprise the priesthood." The Church has known that for many centuries, and made ample provision in canon law for dealing with that

circumstance. It is hard to disagree with Fr. Coughlin's conclusion: "If bishops had fulfilled their duty to abide by the rule of law, especially in cases involving serial abusers, there probably would have been no crisis."

Complexifications

There are some who persist in denying it, but it seems to be generally recognized now that this Long Lent (which is not yet over) was brought on by a widespread failure of fidelity. The de facto suspension of canon law's provisions for dealing with abuse was, as Fr. Coughlin persuasively explains, occasioned in part by the false assumption that the 1917 code was in abeyance until the 1983 revised code came into effect. Behind that, however, was a growing belief, reinforced by what Philip Rieff aptly called "the triumph of the therapeutic," that canon law, and indeed law itself, is in conflict with a "loving," "pastoral," and "evangelical" approach to human failures. Fr. Coughlin does not exaggerate in describing the resulting atmosphere and the episcopal negligence it fostered as "antinomian." Faced with the massive public embarrassment, along with the financial and legal consequences of their negligence, the bishops at Dallas reacted in panic by imposing a legalistic regime that entails frequently unjust penalties for priests while protecting the bishops whose failure to do their duty created the crisis in the first place. As aforesaid, it is not an edifying spectacle.

The abrogation of canon law described by Coughlin was one important factor in creating an ecclesiastical climate of "wink and nudge" that lasted for decades. Other factors are by now well known: the misunderstanding of the Council's call for *aggiornamento* as a mandate to embrace a culture that was in the 1960s in a state of terminal disintegration; seminary education encouraging the belief that in "the post–Vatican II Church" teachings and practices were up for grabs, and that vows, with most specific reference to the vow of celibacy, were made conditional by anticipated changes in the "status quo"; the widespread "openness" to homosexuals and assertive gays, resulting in "lavender" influence and sometimes control in seminaries and chanceries; and, undergirding and driving all of these deformations, the conviction that "the American Church" was pioneering a new and more authentic Catholicism against the "authoritarian" opposition of Rome.

There are no doubt many causes of the scandal of sexual abuse and the further scandal of the bishops' response to the scandal. As it is said, "The matter is very complex." The NRB has consulted with many experts, a breed prone to proving that they are experts by multiplying complexifications of the inconveniently obvious. One must hope that, and I think there is reason to believe that, the members of the NRB will not be taken in. I was from the first opposed to the creation of *episcopoi* of the *episcopoi*, but since we have them, pray their report will speak clearly and candidly to what happened and why, pointing the way toward—in the words of the Holy Father in April 2002—"a holier episcopate, a holier priesthood, a holier Church."

The Catholic Reform

by Richard John Neuhaus

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The Public Square

The cover of the 150-page report of the National Review Board (NRB) is deep purple, the color of Lenten penitence, which is just right for this telling moment in the Long Lent that began with the Boston exposures of January 2002. It is titled "A Report on the Crisis in the Catholic Church in the United States." Not the "Sex Abuse Crisis in the Catholic Church" but the "Crisis in the Catholic Church." Long before there was a sex abuse crisis, there was a spiritual crisis, a moral crisis, a doctrinal crisis, and a crisis of misgovernance in the Catholic Church in the United States. All these crises finally come down to what the bishops did and did not do, what the bishops have and have not been doing for decades. The report is about priestly perpetrators and their victims; it is about seminaries and spiritual formation; it is about lawyers and the compromising of the Church's independence. But, mainly and most importantly, the report is about bishops. When, in their panicked Dallas meeting of 2002, the bishops created a National Review Board of prominent Catholic laity, I was opposed to the idea. I said and wrote that the bishops should take the heat and the responsibility for what had happened. I thought it was a dangerous precedent to have lay *episcopoi* of the *episcopoi*, overseers of the episcopal overseers; that it would play into the hands of dissenting Catholics who challenge what, in Catholic teaching, is the divinely constituted structure of the Church governed by bishops who are successors to the apostles. I hoped the bishops would devise some means—perhaps a plenary council or a long collegial retreat—to honestly examine what had gone wrong and come up with a believable program for reform. I was wrong. It is now apparent that the bishops as a body, meaning the United States Conference of Catholic Bishops (USCCB), were incapable of doing what the National Review Board has done. It is inconceivable that the bishops and bureaucracy of the USCCB could have produced the forthright analysis and program of reform that the NRB issued in Washington on Friday, February 27. The NRB has done what the bishops should have done. The report is a great gift to the bishops and to the Church. Now the question is whether the bishops are capable of receiving the report, and acting on it. If not—and the initial responses are not encouraging—they will, as the report suggests, further undermine the confidence of the Catholic faithful in the authority, competence, and moral integrity of their leaders. That is the "Crisis in the Catholic Church in the United States." The report leaves no doubt that clerical sex abuse opened a window, exposing to sight a much larger reality of nonfeasance and malfeasance in the leadership of the Church.

A bit of history is in order, and it goes back long before January 2002. It goes back, in fact, to the beginnings of Catholicism in this country, to what is called the "trusteeship controversies." Beginning in the 1780s and up through the nineteenth century, some Catholic laity were attracted to the voluntaristic idea of church membership and church government that they saw in the Protestant denominations around them. Parishes elected lay "trustees" who took charge of the temporal affairs of the churches, including the salaries and, in some cases, the appointment of clergy. This American model, as it was called, was encouraged by a few bishops such as John England of Charleston, South

Carolina, but Rome and the great majority of bishops viewed it, correctly, as a form of "congregationalism" incompatible with the Catholic understanding of the divine constitution of the Church. Trusteeism was effectively suppressed by the end of the nineteenth century, being replaced by patterns of what the NRB rightly calls the "clericalism" that has much to do with the "Crisis in the Catholic Church in the United States." Still today, priests, and priests who become bishops, are trained to take alarm at the slightest hint of "trusteeism." That is why, among other things, parish pastors expend inordinate time and energy on the minutiae of administration that could be better handled by laypeople. That is why bishops engaged in the practices of autocracy, secrecy, and cover-up that contributed so powerfully to the current crisis.

Among the great gifts in the gift that is the NRB report is that it steals the thunder of those who have so long and so loudly campaigned against clericalism in order to advance agendas alien to the Church's structure, faith, and life. While trusteeism was suppressed more than a century ago, discontent with the clericalism that replaced it has been a staple of Catholic life in this country. Following the Second Vatican Council of the 1960s, that discontent found powerful expression through various organizations, mainly on the Catholic left. In the heady atmosphere inspired by "the spirit of the Council," the bishops in 1976 sponsored a "Call to Action" conference in Detroit that brought thousands of activists together who demanded power sharing and democratization in church government, the abandonment of priestly celibacy, and steps toward the ordination of women and approval of homosexuality. Detroit was a debacle. The bishops were understandably alarmed and resolved never again to provide such a forum for the unleashing of lay discontents. Some bishops now fear that they inadvertently violated that resolve by creating the National Review Board. They are, I am convinced, wrong again.

A vestigial organization called Call to Action, claiming some 20,000 members, is still with us. Nobody seems to pay it much mind. Not so with Voice of the Faithful (VOF), which has received a great deal of media attention since the first Boston exposures. It should be said in fairness that some leaders in some places around the country wanted VOF to be something other than Call to Action by another name. As is evident by its media pandering, its diocesan agitations, and the rostrum of speakers at its regional and national gatherings, however, VOF quickly became but another instrument of the weary old litany of dissent that first alarmed the bishops at Detroit. There seem to be, riding under whatever organizational banner, about thirty to forty thousand Catholics in the U.S., out of about sixty-three million, who can be rallied to the dream of a different church "come the revolution"—the revolution in question being their construal of the Second Vatican Council. The most important continuing institution linking this tattered band is the *National Catholic Reporter* (NCR), a weekly newspaper published in Kansas City. These are the NCR Catholics. There is still a small handful of bishops who think NCR Catholics are the wave of the future, but most bishops see them as a past that must be kept safely past. Unfortunately, some bishops—and not only those closely tied to business as usual at the bishops conference—may view the analysis and recommendations of the National Review Board as being on a continuum that runs from nineteenth-century trusteeism to Detroit 1976 to the latest splenetic eruption in NCR. That would be, I am convinced, a grave mistake.

Something Very Different

The NRB and its report are something very different. The NRB is not against the bishops; it is for the bishops. It does not dissent from church teaching; it wants to see that teaching taught and lived. It does not contest but affirms the Church's divinely constituted structure, and wants that structure to more effectively serve the faithful for whom it exists. The members of the NRB are not chronic church activists. They are men and women of great accomplishment in the world who, at the price of deep personal and professional sacrifice, agreed to help the Church they love in her time of need. They did not need or want this job but they were willing to serve, and what they have accomplished since the June 2002 meeting in Dallas is impressive indeed. Through formal interviews and in-depth conversations, they have discussed the crisis with hundreds of bishops, priests, victims, perpetrators, lawyers, prosecutors, theologians, lay activists, seminarians, seminary rectors, and experts on sexual abuse. They spent thousands of hours in conversation and in reading pertinent books, official documents, and files, seeking out whatever information and wisdom might be relevant to what went wrong and what might be done about it. The Church in the United States is very much in their debt. (Incidentally, I do not retract my statement that one prominent pro-abortion member should not have been appointed to the board. But that appointment was the result of an entrenched habit by which bishops do not challenge the decisions of other bishops, which is one of the problems addressed by the NRB report.)

I hesitate to single out members, but mention must be made of Anne Burke, a federal appellate judge in Chicago, who took over as Interim Board Chair after the unfortunate Frank Keating resigned. Keating, it will be remembered, is the former governor of Oklahoma who greatly embarrassed and almost torpedoed the NRB by misrepresenting its mandate and presenting himself as a kind of special prosecutor against the bishops, whom he publicly portrayed as being akin to the Mafia. For reasons of its own, the bishops conference declined to name Judge Burke as chairman, but she soldiered on with the awkward title of "Interim." At the February 27 news conference she offered a moving testimonial to the fidelity of the great majority of priests who labored under the shadow of scandal created by some of their criminal colleagues. There is also Dr. Paul McHugh, distinguished professor of psychiatry at Johns Hopkins, who supplied invaluable expertise on sundry forms of sexual deviance. Robert Bennett—yes, he's Bill's brother—is one of the top "power lawyers" of Washington and, as head of the research committee, he put his immense talents and the considerable resources of his law firm at the disposal of the NRB. Finally, William Burleigh, board chairman of a national communications company, made the NRB his full-time job, bringing to its deliberations a nonspecialized but deep knowledge of Catholic theology and history.

There are others of the twelve members of the board who could be mentioned, but my point is simply to indicate the high quality of intelligence and devotion that the board brought to its assigned task. Never in the history of Catholicism in this country has such a distinguished, capable, and devoted group of laypeople offered, at the behest of the bishops, such a comprehensive assessment of the Church's leadership. These last years are frequently called "the greatest crisis in the history of Catholicism in America." In the research and report of the NRB, we have a response appropriate to the crisis. Some members of the board will resign this June and new members will be appointed. It is

possible that in the longer term the NRB will turn out to be the problem that I expected it to be in the beginning. But right now, by the grace of God, the NRB is pointing the way toward authentic Catholic reform and a restoration of trust in the Church's apostolic leadership. Right now, and in the months ahead, the great question is whether the bishops will accept and act upon the gift they have been given.

The initial and carefully choreographed response was not encouraging. An hour after the NRB news conference at the National Press Club on February 27, the USCCB held its own conference to respond. A big banner was put on display for the television cameras: "Promise to Protect/Pledge to Heal." That, I am told, is the slogan suggested to the USCCB by a New York public relations firm. Bishop Wilton Gregory, president of the USCCB, did most of the talking. It was, as it has been for the past two years, all about "the children, the children, the children." The NRB report is, to be sure, about children (more typically, about teenage boys), but it is mainly about the bishops, the bishops, the bishops. Among the messages of the report is that, if the bishops had been doing their job, we would not have had to worry about the children. Gregory graciously thanked the NRB for its work, saying, "Their efforts have helped keep us on an even keel during the storm through which we have been passing." If the Catholic Church has been on an even keel during the last few years, one must wonder what her floundering would look like. Bishop Gregory spoke about "making our church institutions the safest of environments for children and young people," about "reaching out to victims," and about "keeping from ministry anyone who would harm the young." They are all imperative concerns, to be sure, but such statements do not address the question of who is chiefly responsible for what went wrong. The purple cover of the report notwithstanding, the tone of the USCCB response was more self-congratulatory than penitential. Most unfortunately, and in the only underlined passage in his prepared text, Bishop Gregory declared, "The terrible history recorded here today is history." With all due respect, that is precisely and glaringly wrong. It would be an unspeakable sadness were the USCCB, having successfully spinmeistered the hostile media, to deep-six the NRB report in its archives where future scholars may examine it as a historical curiosity. One must pray that the initial response of the USCCB is not the final response. Otherwise, an unprecedented opportunity for reform will sink into the miasma of business as usual, the disillusionment of committed Catholics will deepen even further, and the legitimate concerns about the Church's leadership will again become the property of the usual agitators who will, as usual, exploit them for purposes dubiously Catholic. Bishops who understand that the crisis of sex abuse is a manifestation of a larger crisis of leadership—and there are bishops who do understand that—must keep the NRB report from being put to death with a gracious thank-you and then buried in the archives.

So far I have been speaking about the NRB report in the singular. In fact, there are two reports. One is a study commissioned by the NRB and carried out by the John Jay College of Criminal Justice in New York. It consists of findings about the number of sex abuse incidents, the number of offenders, the nature of incidents, and so forth. The John Jay report is valuable in helping to set the record straight, although, because of limitations of methodology and records, it leaves some important questions unanswered or only partially answered. We turn now to the John Jay report and will come back later to the report produced by the NRB itself, the latter being of much greater potential significance for the future of Catholicism in America.

Missing the Point

The NRB and others make a point of noting that no other major institution in America that regularly works with children and young people has submitted itself to the kind of scrutiny that has been applied to the Catholic Church. One can imagine what the National Education Association would say to the demand that sexual abuse by public school teachers be subjected to a similar scrutiny. Comparisons with other religious groups, with organizations such as the Boy Scouts, with social workers, or with athletic coaches simply are not possible because there are no studies comparable to the John Jay report. Some well-intended but misguided Catholics complain that the Church is being unfairly singled out, that the crisis is not so severe when compared to other institutions. But that is to miss the point. As we shall see, the John Jay data are also susceptible to less alarming interpretations, but that, too, is to miss the point. The Point to be kept firmly in mind is well stated in the NRB report:

> It is clear that the abuse of minors is not unique to the Church. However, given the moral stature of the Church, the role of priests and bishops in providing moral leadership within the Church, and the obligations of priests and bishops to foster the spiritual and moral development of children and young people, when sexual abuse of minors occurs in the Church it is particularly abhorrent. Thus Catholics take no solace from the fact that the sexual abuse of minors occurs outside the Church as well.

The John Jay study is comprehensive, albeit not exhaustive. The researchers received the cooperation of 98 percent of the dioceses and eparchies (the latter being Eastern Rite jurisdictions) and of the religious orders that include 80 percent of order priests (about a third of all priests in the U.S. are in religious orders such as the Franciscans, Dominicans, and Benedictines). The headlines following the February 27 release of the reports declared that four percent of all the priests who had served during more than half a century, from 1950 to 2002, had been accused of sexually abusing a minor. A few headlines said that homosexual priests were at the heart of the scandals. In those fifty-plus years, there were 10,667 reported minor victims of clergy sex abuse. Eighty-one percent of them were male. There is some expressed unhappiness that the John Jay report uses the category of ages 11 to 17 rather than 13 to 17. According to some criminal justice and psychological authorities, the latter bracket more accurately draws the line at pubescence and thus makes clearer the distinction between pedophilia and adult men having sex with teenage boys. In its report and its February 27 presentation, the John Jay team was manifestly nervous about the homosexuality factor. The woman making the slide presentation at the National Press Club skipped over the data on adolescent males in a nanosecond. A perhaps jaundiced network reporter remarked afterwards about the downplaying of the homosexuality factor, “Remember that the John Jay people have to go back and get along in New York City.”

The incidence of reported abuse increased significantly in the 1960s, peaked in the ‘70s, and then decreased in the ‘80s and ‘90s even more dramatically than it had increased

during the prior two decades. During the entire period studied, 4.3 percent of diocesan priests were accused but only 2.7 percent of priests in religious orders. Different explanations of the difference are on offer. One is that order priests generally live in community and keep a closer eye on one another, thus ensuring chaste celibacy. A less edifying explanation is that homosexual priests in the orders have easier sexual access to other priests in the order and less access to teenage boys.

Of the more than four thousand priests accused of abusing minors, more than half (56 percent) had only one allegation against them. Three percent had ten or more allegations. These 149 priests accounted for almost three thousand (27 percent) of the allegations. Of the 109,694 priests in active ministry during these 52 years, 149 or .14 percent fit the public depiction of the predator priest sexually abusing young people. Moreover, the John Jay report says that 10 percent of all alleged incidents of abuse were found to be "not substantiated," while another 20 percent were brought against deceased, debilitated, or otherwise inactive priests and could not be investigated. Although it is admitted by all that some figures are less than precise, it is more than possible that well over half of all alleged incidents involved fewer than two hundred priests in a fifty-two-year period. Some may take it as a comfort that relatively so few priests and bishops violated their vows and abused minors, mainly teenage boys, over such a long time, but, if so, they should read again The Point set forth by the NRB above. The John Jay report notes that the proportion of victims who were male increased in the 1960s and reached 86 percent in the '70s, remaining there through the 1980s. In a footnote, the NRB report responds to the frequent obscuring of the homosexual factor by reference to "ephebophilia." The authors write, "The *Diagnostic and Statistical Manual of the American Psychiatric Association* (IV) does not recognize 'ephebophilia' as a distinct disorder. Ephebophilia is thus not a disorder in the technical sense, but rather a newly coined descriptive term for homosexual attraction to adolescent males."
There is another study that falls under the mandate of the NRB and may or may not get done, depending in significant part on the availability of an estimated four or five million dollars. The Johns Hopkins psychiatrist and NRB member Paul McHugh underscores that "the record of the abuse has this epidemic or 'outbreak' character rather than one suggesting an ever-present abusive proclivity in Catholic priests. John Jay, by extending its enumeration further back in time (to 1950), could show that the Catholic clergy of the 1950s was comparatively free of predators." He writes, "Roman Catholic priests were the agents of a huge and unprecedented behavioral epidemic of homosexual predation upon young males, many under their pastoral care, that went relatively unrecognized through the 1970s and 1980s. The epidemic appears to be abating—for reasons as inexplicable as those of its onset—even as concern for the discovery and treatment of individual victims continues." The study of the causes and context of the epidemic would include, for instance, the vulnerability of victims, the traits of predators, and contributing factors in the ecclesiastical and surrounding cultures. McHugh says, "We must encourage [the bishops] to press bravely ahead—despite their natural shame over this matter—with what is the first systematic study of sexual abuse of minors in public health history."

A Different Perspective

While appreciative of the John Jay research, Philip Jenkins of Pennsylvania State University and author of *The New Anti-Catholicism* believes the findings should be

treated with caution. Many reported abuses are based on "weak or shaky evidence." "Investigators are counting all charges 'not withdrawn or known to be false,' and total exoneration is a very high standard." He notes that one-third of all accusations surfaced in 2002-2003, when priestly misdeeds were in the headlines almost every day. "The great majority of accusers," he writes, "are unquestionably sincere souls who have been deeply traumatized by their awful experiences, but a minority of accusers are blatantly in it for the money. These are the entrepreneurs who wait until after Father X dies to allege that he fondled them thirty years ago, an impossible charge either to verify or contest." Fifteen years ago, when there was a nationwide hysteria about childcare centers, "they would have been denouncing Satanic covens rather than priests." Victim-advocacy organizations claim that John Jay's four percent figure for abusers is too low, that it frequently takes years for accusers to come forward and therefore there are many more accusations in the pipeline. Jenkins is skeptical, noting that victim organizations have an interest in hype. One such organization, The Linkup, estimates that there at least 601,600 direct victims, and as many as 9,475,200 "indirect victims," adding up to 10,076,800 people abused by priests. Such nightmarish fantasies, in Jenkins' view, are woven out of whole cloth.

Referring to the aforementioned 149 rogue priests, Jenkins writes, "The real problem was an extremely small core of highly persistent pedophiles who massively 'over-produced' criminal behavior—men like John Geoghan and James Porter." Some of these serial molesters produced hundreds of plausible complaints. The relatively few men who really were predatory pedophiles, and not homosexuals abusing teenage boys, vastly inflate the reported number of very young victims. Further, given that the majority of accused priests have only one complaint against them, Jenkins says "it seems that most dioceses were doing a surprisingly good job coping with reports of misbehavior, working as they did on the apparently correct assumption that once a complaint was received about a priest, he would not reoffend." That will likely strike most readers as altogether too sanguine. Drawing on the John Jay data, Jenkins does offer a suggestive "profile" of the typical abusive priest. He was born about 1940 and ordained in the late 1960s, in time to be part of what one John Jay table shows as a "Himalayan peak" of reported abuse between 1975 and 1980, "an awful six-year period that produced one quarter of all recorded incidents for the whole fifty-two-year era under study." A full 10 percent of priests ordained in 1970 have been accused of abuse.

The Himalayan peak, Jenkins believes, has everything to do with the moral and doctrinal "chaos" following the Second Vatican Council. In addition, with thousands of men leaving the priesthood, bishops tolerated higher levels of misbehavior because they could not afford to lose more priests. Add to that the factor of a general culture that encourages "acting out" by, in the fine phrase of Pat Moynihan, defining deviancy down, and you get the high number of clergy abusers—although not nearly so high as many think and probably not quite so high as the John Jay report suggests.

Jenkins is not alone in urging caution in dealing with the John Jay data, or at least with the way the data are being interpreted. No sooner were the John Jay findings released than the statistically minded went to work on what are claimed to be discrepancies. The John Jay researchers acknowledged that they were under the pressure of a deadline and that some of the numbers would need revisiting. A final, final report is promised soon.

Among the alternative interpretations I have seen, one suggests that, given the number of Catholic children and the number of accusations during the period studied, one in 100,000 was abused by a Catholic cleric in 1950 and that is again the number for 2000. At the peak of the reported abuses, in 1980, six in 100,000 Catholic children were abused by clergy. These alternative readings tend toward lowering significantly the 4 percent figure for accused abusers. John Jay includes references to studies that estimate that 13.5 percent of all children are sexually abused by someone at some time during their childhood, and 62 percent of the victims might be expected to report the abuse. My hunch is that the 13.5 percent claim should be viewed with some skepticism, especially if abuse is defined as loosely as it was by the bishops at Dallas. As previously discussed here, that definition—which does not require physical contact, sexual intention, or even the perception of sexual intention—could make almost any adult an abuser and any child or adolescent a victim.

The discussion of the John Jay data will go on. I am not a statistician, and all this may seem like hairsplitting, but as one informed observer points out, these considerations are crucial to determining "whether there is a particular danger to children from Catholic clerics that is not found among other adult males who work with children. . . . [It] would appear that there is almost no comparable information by which to judge the severity and extent of the problem in either the Catholic Church or the larger society." Without similar studies of school districts, youth recreational leagues, other religious groups, and institutions serving significant numbers of children, it is hard to evaluate the incidence of clerical sex abuse of minors in the past or the present. Almost all studies indicate that the majority of sex abuse is by members of the family or relatives. And again, what we don't have is a basis for institutional comparison between the Catholic Church and other organizations dealing with children.

It may be objected that this discussion of the John Jay findings and their interpretation tends to minimize the severity of the sex abuse crisis in the Catholic Church. That is not true. Recall again The Point in the above-quoted passage from the NRB report. It is commonly said that, if even one priest or bishop has abused even one child or adolescent, that is a crisis. That is true. It is a crisis for the victim and should be for the perpetrator, but it is not an institutional crisis. If over half a century thousands of clergy have abused minors, even though the rate of abuse might be much lower than it is for cognate institutions, that is an institutional crisis. And it is a severe crisis if, as is indisputably the case, the leadership of the institution was complicit in the abuse by ignoring, denying, covering up, or facilitating the abuse. No matter how the numbers are crunched and recrunched, this is a Catholic crisis because it involves Catholic priests and bishops from whom the people have a right to expect better. Much better. As I have said before, given the rigorous measures that have been put into place since January 2002, the Catholic Church is today probably the country's safest institution for children and adolescents. But that does not answer the very big questions about what went wrong and what can be done to make sure it does not go wrong again.

What is to Follow

To begin to get answers to those questions, we must momentarily set aside the number crunching and return to the report and recommendations of the National Review Board.

The NRB has given the bishops a potentially historic opportunity to address problems that have, since long before the sex abuse scandal, undermined confidence in their leadership. The sex abuse crisis brought out into the open for all to see the problems that have created what the NRB calls the "Crisis in the Catholic Church in the United States." I attended the news conferences of February 27 and a reporter asked me whether that moment was a period or a comma or a semicolon in the story of Catholicism in America. If it is to be described in terms of a punctuation mark, I responded, I very much hope it is a colon. In other words, the great question is what follows from this moment in our Long Lent.

A bishop tells me that I'm wrong to worry that the episcopal conference will simply bury the NRB report. "It will be on the agenda for our June meeting," he tells me. "We will warmly thank the review board for its hard work, and maybe spend an hour or more in three-minute interventions on their report before moving on to the next item on the agenda. Only then will the NRB report be buried in the archives." He adds that a committee will no doubt be assigned the responsibility of studying the document further and bringing back its report in a year or two, by which time the agenda will be crowded with other matters clamoring for attention. The bishop smiled as he said this, but it was a wan smile, reflecting long experience with the ways of the USCCB and its bureaucracy. We must pray that he is wrong about the probable fate of the NRB report. There is reason to believe that he may be wrong. There is, for example, a serious move by some bishops to have the June meeting consider a proposal for convening something like an extraordinary synod of American bishops. Such an unprecedented synod could be the instrument for moving the bishops from the mode of public relations and institutional defensiveness toward the conversion called for by this Long Lent. A good start would be for the bishops to make the NRB report their own. It is not unreasonable to hope that such a decisive step could be the beginning of the Catholic Reform.
To be continued next month.

The Catholic Reform II

by Richard John Neuhaus

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The Public Square

Last month we began an extended report on the two reports issued on February 27 and on some of the preliminary responses to the reports. The first report, commissioned by the National Review Board, consisted of the findings of the John Jay College of Criminal Justice on the incidence and nature of sex abuse by Catholic clergy from 1950 to 2002. The limited media attention focused on the finding that there were some ten thousand accusations against four thousand priests, or about four percent of the priests serving during the time studied. We noted that no other major institution in American society—notably the public school system, social workers, Boy Scouts, athletic associations—has been subjected to similar scrutiny, and that some experts believe that the incidence of sex abuse by priests and bishops is relatively small by comparison. Moreover, we took into account statistical analyses of the John Jay findings, including the fact that only 149 priests accounted for more than a quarter of all accusations, that can lead to the conclusion that the sex abuse

crisis was significantly exaggerated. From a purely statistical viewpoint, it no doubt was exaggerated, and for various reasons: e.g., raw anti-Catholicism in the media, a continuing campaign within the Church against the celibacy rule, and an effort to exclude or remove homosexuals from the priesthood. The likelihood of exaggeration in the number and gravity of offenses, however, provides naught for our comfort. The report of the National Review Board itself (as distinct from the John Jay report commissioned by the NRB) underscores that the sexual abuse of minors simply opened a window, exposing a much more pervasive and deeply troubling "Crisis in the Catholic Church in the United States."

According to the NRB, the crisis was chiefly created by what can only be described as misgovernance by the bishops. As might be expected, this news is not welcomed by many bishops, and certainly not by the bureaucracy of the United States Conference of Catholic Bishops (USCCB), which in some matters is the collective representative of the bishops. The misgovernance reported by the NRB does not include all bishops by any means. Many, probably most, are hardworking, conscientious leaders trying to do their best in shepherding their local churches. Neither, however, does the NRB report focus on isolated incidents of misgovernance. It discerns far-reaching patterns that call for a searching reappraisal of the leadership of the Church in the United States. The NRB report will be "put on the agenda" of the June meeting of bishops, but there is a concern that it will there be accorded a perfunctory discussion before being consigned to the archives of the USCCB—or assigned to a committee for "further study," which might amount to much the same thing. If that happens, a historic opportunity will have been missed for the reform of the Church, and not least for the restoration of gravely damaged confidence in the Church's episcopal leadership.

Contrary to the general impression, there are many lay advisory groups in the Catholic Church. One archbishop says that he can hardly make a move unless he checks it out with lay panels or boards, and doing something major, such as closing a parish, is a nightmare of battling a dozen or more lay groups. Even the USCCB has a lay body that goes over the agenda for meetings of bishops and makes recommendations. The reality, however, is that the NRB and its report are something very different. The NRB was created by the bishops in response to what is commonly called "the greatest crisis in the history of Catholicism in America." There have been other crises that may have been as severe. For instance, the trusteeship crisis of the nineteenth century that threatened to move Catholicism to a "congregationalist" polity, or the crisis of episcopal inaction in the face of orchestrated dissent from the 1968 encyclical on human sexuality, *Humanae Vitae*, a dissent that powerfully undermined the authority of magisterial teaching. But the sex-abuse crisis prompted the bishops to give the NRB a mandate to examine the "causes and context" of what went wrong with the Church's leadership and what should be done about it. It may be, as some bishops complain, that the NRB went beyond what they thought was its mandate, but it was only the promise that its investigation would be independent and comprehensive that made it possible to enlist the extraordinary talents and devotion of the twelve lay people who worked so hard to produce the report.

The Smoke of Satan

These people are not the usual church activists or chronic malcontents, whether of the left or the right, who are the bane of every bishop's life. They do not question the divine

constitution of the Church's apostolic leadership; nor are they interested in "power sharing," meaning endless meetings to nitpick a bishop's every decision. They have a life, and they have made great sacrifices to serve on the NRB. Their only interest is in helping the bishops to be more effectively the shepherds they are ordained to be. If the product of their work is not taken seriously—as, for instance, an invaluable reference in a synod of bishops dedicated to a program of comprehensive reform—it may be a very, very long time before people of their quality will make a comparable effort to help the bishops with much of anything. Of course, that may be just fine with some bishops who still believe that the Church is a clerical corporation and the role of the laity is, as the old saying has it, to pray, pay, and obey. There will be a strong and understandable desire at the June meeting to "move on" from the nightmare of scandals. Bishop Wilton Gregory, president of the USCCB, will likely receive a well-deserved standing ovation for having moved the scandals out of the headlines. Then will come the critical question of whether the bishops as a body are really interested in the "causes and context" of what went wrong, and has been going wrong for so long. That will be answered in large part by their response to the NRB report. Was the NRB and its report simply a ploy in a public relations strategy, or will it be received and acted upon in advancing a program of authentic Catholic reform?

Whatever the bishops do with it, the NRB report is a historically important document that warrants careful study. (The complete 150-page document can be found at *www.usccb.org/nrb*). The two questions with which the report begins are: 1) why did sexual predators gain admission to the priesthood; and 2) why did they remain in the priesthood after their abuse was known to bishops and other leaders? A summary answer is that the responses of too many bishops "were characterized by moral laxity, excessive leniency, insensitivity, secrecy, and neglect." The fear of litigation (the Church has to date put out close to seven hundred million dollars in settlements) and of public scandal led some bishops to minimize the fact that what some priests were doing was, as the NRB says, "simply immoral." "Sexual abuse is inherently traumatic; when committed by a priest, it is especially traumatic. Because a priest is quite literally a 'father figure,' abuse by a priest is likely to cause more harm to a child than abuse by any other individual outside the family. Moreover, a unique consequence of abuse by a member of the clergy is the damage to the victim's faith." The immorality and horror of what was happening reflected the fact that the bishops in question were not paying attention, and apparently did not want to know. One priest interviewed said that he could have a concubine and three children and his bishop would not know it. It would appear that there are many more incidents of priests having a sexual relationship with an adult woman or man than with minors. Such relationships are, in many cases, not viewed as a major problem because they usually do not have legal, financial, or public relations consequences for the Church, and are therefore deemed to be "nobody's business." The report states, "Whether a priest keeps his vows and lives in accordance with the moral precepts of the Church is the business of his bishop, his fellow priests, and his parishioners."

While there are many ways of understanding the current crisis, the Board believes that "the overriding paradigm that characterizes the crisis is one of sinfulness." The Board borrows a phrase from Pope Paul VI: "Somehow, the 'smoke of Satan' was allowed to enter the Church, and as a result the Church itself has been deeply wounded." "The only way to combat sinfulness is with holiness. . . . Priests who were truly holy would not have abused young people; nor would they have allowed others to do so." In short, the crisis is about fidelity,

fidelity, fidelity. Here the report touches on a factor that has only been whispered about in the past. Some bishops may have failed to do their duty because they were themselves sexually compromised. "That is, priests either explicitly or implicitly threatened to reveal compromising information about a bishop if the bishop took steps against the priest." Anyone who "could be subject to blackmail," the report says, "should not allow himself to be elevated to bishop or placed in any other position of authority."

The report, in my judgment, goes a little wobbly on the Dallas policy of "zero tolerance" for a priest who has ever been accused of anything at any time, no matter how long ago, and no matter how impeccable his record of service over years or decades since. Recognizing that zero tolerance is a "blunt instrument," the report says, "Nonetheless, the Board believes that for the immediate future the zero-tolerance policy is essential to the restoration of the trust of the laity in the leadership of the Church, provided that it is appropriately applied." Beyond the immediate future, the goal should be "individualized justice." It is reported that over seven hundred accused priests have been peremptorily removed from ministry. Others who have been closely tracking these developments, such as the Detroit-based Opus Bono Sacerdotii, an organization of lawyers helping accused priests, estimate that more than a thousand have been removed. As one priest told the Board, "It's like being divorced by your wife, fired from your job, and evicted from your home all at once." And all this without any effective channel of appeal.

Scandal Within the Scandal

It is hard to know how zero tolerance can be "appropriately applied." Zero tolerance excludes by definition any consideration of what is appropriate. A priest who is accused of even one incident—even if it was no more than a misunderstood hug, and even if that was twenty or thirty years ago—and has given his life in faithful service to the people of God ever since, is rudely thrown out, not because he poses a credible threat to anyone but because he is a convenient scapegoat for bishops who, after years of laxity, now want to look tough. Such a gross violation of the Church's teaching about repentance, forgiveness, and amendment of life—not to mention its violation of elementary justice—is the scandal within the scandal, and no institutional exigency can morally justify it, even for "the immediate future." Yet some bishops are talking about the need to extend the zero-tolerance policy beyond the two-year trial period reluctantly allowed by Rome. In the Pope's April 2002 meeting with American bishops he said there is no place in ministry for anyone who poses a threat to children. He also said we must never forget the power of forgiveness and redemption. The first admonition has been regularly cited, and rightly so. The second has been quite forgotten. On the advice of lawyers and public relations experts, care is taken to avoid any suggestion that bishops are ministers of grace and forgiveness. The media would have a field day with that. And so the innocent are treated as prodigal, and the prodigal son returning home is turned away at the gate. The Good Shepherd could afford to rejoice in the lost sheep that was found; His sheep did not pose a risk of legal liability. Bishops who promised to be fathers to their priests toss to the wolves the innocent and the guilty alike, all in the name of "protecting the children," but protecting, in fact, themselves and an institution that has no reason for being other than to minister the justice and mercy of God. Zero tolerance is a denial of both justice and mercy. Bishops, and all of us, must tremble at the prospect of its being the policy in force at the Final Assize. How many souls were deprived of care, and perhaps of salvation, because of the unjust removal of good and

faithful priests? One must hope that bishops are asking themselves now the questions that will surely be asked of them then.

Father Ladislas Orsy, one of the world's most distinguished canonists, recently wrote in the *Boston College Law Review*: "The law should have 'zero tolerance' toward any crime by proscribing it, but the judge and jury should weigh and ponder the personal responsibility and culpability of the accused (which can exist in different degrees) and come to a decision accordingly. This distinction is foundational for any civilized legal system and is also a matter of natural justice. Yet the 'Norms' [adopted at Dallas] ignore it, a grave omission." After having for so long turned a blind eye to the guilty, bishops are now, as though it were some kind of compensation for their negligence, turning a blind eye to the innocent. It does not enhance the credibility of a Church that, on so many fronts, presents itself as an expert on justice. The report notes again and again that there is no comparable zero-tolerance policy for bishops who protected predator priests and continued to give them assignments. Roger Cardinal Mahony of Los Angeles, for example, is alleged to "have allowed numerous predator priests to remain in ministry," and then to have placed obstacles in the way of law enforcement authorities, all of which, in the understated words of the report, "did little to enhance the reputation of the Church for transparency and cooperation." Or, one might add, for justice.

The report repeatedly stresses that "this crisis [is] one of the episcopacy as much as it is a crisis of the priesthood," and it cites the 2003 apostolic exhortation by John Paul II, *Pastores Gregis*: "The title of Bishop is one of service, not of honor, and therefore a Bishop should strive to benefit others rather than to lord it over them. Such is the precept of the Master." By way of sharpest contrast, the Board encountered a "haughty" and uncooperative manner in some bishops, leading them to the conclusion that "the exercise of authority without accountability is not servant-leadership; it is tyranny." As of this writing, a bishop accused of abusing minors remains in office and is using the full resources of the diocese to defend himself in the public arena. One must hope that he is innocent, but, were he a priest, it seems he would have been immediately and permanently removed from ministry. A particularly egregious instance of double standards and nonaccountability is the former Archbishop of Milwaukee, Rembert Weakland, who settled a matter related to his relationship with an adult male, a former theology student, by paying the man $450,000 out of church funds. Had the amount been $50,000 more, it would have required the approval of the diocesan finance council. "Clearly," the Board says, "a bishop should not be allowed to make such a large payment, whether on behalf of himself or priests in his diocese, with no oversight." Weakland's resignation was accepted by Rome only when the scandal became public, but his actions reflect a pattern of the corruption that attends leadership without accountability.

"Causes and Context"

In addressing the "causes and context" of the crisis, the NRB is on issue after issue refreshingly forthright. Too often, they concluded, lawyers were dictating the decisions of bishops. Fear of litigation, an admittedly necessary concern, trumped a bishop's duty to his priests and to his flock. Bishops are also scored for relying on psychotherapists to evaluate miscreant priests, sometimes shopping around for positive evaluations in order to return abusers to ministry. In this way, bishops also evaded the requirements of canon law and

their own responsibility for making judgments. Most grievously, dependence on the therapeutic resulted in a dismissal in practice, if not a denial in theory, of the Church's constituting truths with respect to sin, forgiveness, repentance, and redemption. Verging on the incredible, in the week following the release of the NRB report, the Los Angeles Archdiocese issued a statement declaring: "The Church treated clerical sexual abuse primarily as a moral weakness and a sin. For years this misunderstanding underlay ineffectual policies for dealing with abuse of minors. Changes in Church and professional psychological thinking unfolded over nearly two decades and gradually empowered the Archbishop and the Church as a whole to improve those policies." That statement of putative improvement perfectly encapsulates a way of thinking that greatly exacerbated the crisis in many dioceses, and very notably in Los Angeles.

The NRB report does not ignore the reckless and self-serving ways in which bishops escaped criminal liability by pleading guilty on behalf of their dioceses and handing important aspects of church governance over to civil authorities. Such bishops had no right, morally or canonically, to do what they did, and the Church may be suffering for years from their selling out of the Church's First Amendment rights of self-governance. Nor does the report flinch from taking on the question of homosexuality in the priesthood. At the height of the epidemic, in 1975-1980, 86 percent of abuse cases involved adolescent boys. The point is not that homosexuals are more likely to be child abusers. The point is that, as heterosexual men are attracted to young women, homosexual men are attracted to young men, and homosexual priests have more opportunities to act on their attractions. One need not get into obfuscatingly complicated arguments about the nature of homosexuality. The 86 percent figure speaks for itself. Between men who want to have sex with adolescent boys and men who do not want to have sex with adolescent boys, the former are more likely to have sex with adolescent boys. QED—in scandalous spades.

The NRB found ample evidence supporting the claims that some seminaries in the 1960s through the early 1980s were "pink palaces" or powerfully influenced by "lavender mafias," including sleeping around by both students and faculty. An official visitation of seminaries in the early 1990s made a big difference, and it cannot be overlooked that in recent years the incidence of sexual abuse has declined to the level of 1950, before the epidemic broke out. There are still a few "gay-friendly" bishops, but they are keeping a low profile. The general attitude toward ordaining homosexuals or admitting them to the seminary has dramatically changed. Some bishops exclude from seminary anyone who is significantly, never mind dominantly or exclusively, given to same-sex attraction. Almost all now agree that any suggestion of homosexuality is reason for "heightened scrutiny" in admitting a man to the seminary. At the same time, and as the NRB rightly notes, there are undoubtedly in the priesthood many men afflicted by same-sex attractions who are nonetheless good and faithful priests living lives of chaste celibacy. The crucial question is not the nature of temptation but the fidelity with which temptation is overcome. At the same time, in light of the disastrous experience of recent decades and the growing cultural pressures for homosexual acting-out, most bishops seem to be concluding that same-sex attraction of any degree simply poses too great a risk in admitting men to the seminary.

The NRB makes a point of not challenging the discipline of celibacy for priests, choosing rather to stress that celibacy must mean celibacy, as in chastity. Some members of the Board were obviously taken aback to discover in the course of their study that a sizeable number of

priests were ordained under the impression that celibacy does not necessarily mean celibacy. Beginning in the late '60s, some were told in seminary that celibacy means only that you can't get married; sex outside of marriage is quite another matter. Others were assured that the celibacy rule would be abandoned within a few years. The resulting disappointment no doubt contributed to thousands of priests leaving the active ministry during these decades. The Board strongly accents the importance of spiritual formation for a faithful celibate life, a life made more difficult, even heroic, in a culture that teaches that sexual relations are essential to having a life at all. Bishops are sharply criticized for not giving personal attention to the problems their men may be encountering in this connection, both at seminary and after ordination.

The Way to Reform

If bishops are unhappy with this and other criticisms, the Board responds that it is only doing what the bishops asked it to do. Looking into "causes and context" sounds anodyne enough, until it turns out that the Board is as independent as the bishops promised it would be in June of 2002, and very specific "causes" multiply to expose a "context" of misgovernance. The Board lets it be known that it is not working entirely at the sufferance of the USCCB. "Although the direct source of the Review Board's authority lies in Article 9 of the [Dallas] Charter, the Board's ultimate authority lies in church law." Canon 212 of the Code of Canon Law is cited:

> According to the knowledge, competence, and prestige which they [the laity] possess, they have the right and even at times the duty to manifest to the sacred pastors their opinion on matters which pertain to the good of the Church and to make their opinion known to the rest of the Christian faithful, without prejudice to the integrity of faith and morals, with reverence toward their pastors, and attentive to common advantage and the dignity of persons.

The Board manifestly believes that this is a time for the exercising of that right and the doing of that duty. It is also canon law, they note, that the bishops all too often ignored, as though the Church had not for centuries had clear provisions in place for dealing with sexual miscreants in the clergy. At the same time, Rome, too, is criticized for its languid attitude and complicated procedures. "The Vatican did not recognize the scope or gravity of the problem facing the Church in the United States despite many warning signs; and it rebuffed earlier attempts to reform procedures for removing predator priests." To the consternation of some bishops here, members of the Board arranged on their own to consult with leading prelates in the Roman Curia and were greatly heartened by the understanding and encouragement they received. Throughout their report they invoke John Paul II and, most particularly, his exhortation that out of this crisis must come "a holier priesthood, a holier episcopate, a holier Church."

Of the recommendations made by the Board, most have to do with the reform of the episcopate. If bishops are really to know the priests and people they are supposed to shepherd, there should be less moving of bishops from one diocese to another. The

clericalist career pattern of "promotion" to a larger and more prominent diocese or archdiocese should be abandoned. To encourage a more effective bishop-priest relationship, others have suggested reducing the size of larger dioceses. There is no way in which one bishop can really know what is going on in the life and ministry of hundreds of priests. For that he has to delegate oversight to auxiliary bishops and others, as was done with unhappy consequences in Boston under Cardinal Law. In the selection and placement of bishops, the report notes, a "'don't-rock-the-boat' attitude prevailed for too long." Priests who are outspoken and are proven pastors of souls are too often excluded from the episcopate in favor of chancery clerks whose chief virtue is not having blotted their copybooks. Some think it controversial that the Board says that "greater involvement by the laity in the selection of bishops could help ensure that future bishops are pastors, prophets, and men of honor, and not mere management functionaries." In fact, there is venerable precedent for a role by the laity in the selection of bishops. Nobody should want the politicizing of church leadership that comes with popular elections, as is the case in many Protestant denominations, and the Board assumes the right of the pope to appoint bishops, but they are convinced that the present pattern of the promotion of the like-minded by the like-minded within a clericalist club designed to perpetuate the habits that created the present crisis is not a promising way toward reform.

Again, the NRB wants bishops to be bishops, as they were ordained to be. Of the long and difficult process leading up to the issuing of the report, one NRB member says, "I found myself loving the Church more, and working harder not to despair of her leadership." While the Board's recommendations address modest structural changes, involving also greater lay oversight, the real appeal, the urgent appeal, the almost poignant appeal, is to the bishops, pleading with them to exercise the responsibility that is theirs. The report stresses the importance of "fraternal correction" among the bishops, recognizing that accountability, given the polity of the Catholic Church, means chiefly the accountability of bishops to one another. Too many bishops view their diocese as a personal fiefdom and will brook no "outside interference." Specifically, the Board urges a revival of the oversight role of metropolitans, i.e., archbishops overseeing bishops in their province. It is suggested also that the bishops should devise a system of regular visitations of the dioceses of their fellow bishops, a proposal, it is suggested, that should pose no threat to bishops who do not fear being held accountable. Such a visitation process would not be attended by jurisdictional authority but would be more like the regular accrediting visitations in the academic world. Very conspicuously, and perhaps understandably, the Board has little to say about a role for the USCCB in any believable program of reform and renewal.
The NRB report concludes with the following "Coda":

> In making public this report and recognizing the stain that it exposes on the Church that we love, we can but recall the words of the psalmist who taught that, while hidden guilt festers, honest admission of guilt heals:
> As long as I kept silent,
> My bones wasted away;
> I groaned all the day . . .
> Then I declared my sin to you;
> my guilt I did not hide.
> I said, "I confess my faults to the Lord,"
> and you took away the guilt of my sin. (Psalm 32)

> It is with that faith in the merciful powers of the Almighty that we members of the National Review Board offer the candid judgments we have been asked to give. How, one may ask, can any forgiveness, much less renewal, emerge from such a sordid history of misdeeds? We are inspired, as always, by the example of Jesus who two thousand years ago founded this Church and who during his life on earth instructed his disciples, "For human beings this is impossible, but for God all things are possible."

Now, as always, and as it should be, it is up to the bishops. They can embrace this report on the "Crisis in the Catholic Church in the United States" as a starting point and set themselves on a course of reform and renewal that could, among other benefits, restore the confidence of priests and people in their leadership. Or they can congratulate themselves on the public relations success of having commissioned an independent study, thank the NRB for its labors, and inter the report indirectly by referring it to a committee for further study or, more directly, by consigning it to the archives. If, willy-nilly, they decide in favor of interment, I expect that twenty or fifty years from now historians will write that "the greatest crisis in the history of Catholicism in America" was promptly followed by one of its greatest missed opportunities.