

# Reviews

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## Review:

***Seksualne wykorzystanie nieletnich w Kościele. Problem, odpowiedź Kościoła, doświadczenie polskie (Sexual abuse of minors in the Church. The problem, the response of the Church, the Polish experience)*, eds. A. Żak i E. Kusz, Wydawnictwo Naukowe Akademii Ignatianum w Krakowie 2018, ss. 296.**

This book is the result of an international conference organized by the Child Protection Center in Krakow on June 20–21, 2014 on the topic: “How to understand and respond to sexual abuse of minors in the Church.” It contains 8 papers delivered during this conference, as well as the most important papal documents on this problem and 2 homilies delivered during the Masses by Cardinal S. Dziwisz and Bishop P. Libera. The book was published in 2018, which is four years after this conference took place. It hits the market at a time when the discussion of sexual abuse of minors in the church and the church’s response to it is taking on an unusually broad media scope. There is hardly a day that goes by that the public does not receive messages or information, often simplified and containing one-sided assessments without undertaking a broader analysis

of the problem. The reviewed publication is all the more valuable. It includes texts by both Polish and foreign specialists in psychology, psychiatry, theology, sociology, law and therapy. One can fully agree with the opinion of Fr. J. Augustyn expressed in the introduction to the book that “the problem of sexual abuse of children and adolescents by clergy is not only a painful topic but also a very complex one, requiring not only spiritual, human and pastoral experience but also a wide knowledge of psychology, psychiatry, theology, canon law, criminal law. A person dealing with clergy paedophilia must keep abreast of developments in this respect in the local Churches. Therefore, it is not surprising that there are not many books in Poland that take up this problem in a wide and competent way” (p. 15).

The issues to which the book is devoted are presented in three chapters, covering three thematic groups. The first part entitled “Participants in the drama” contains texts written by Fr. Robert W. Oliver “Sexual abuse of minors in the Church. Reflections from the Perspective of the Holy See,” J. M. Fegert, S. Witte, M. Rassenhofer, B. Böhm “Victims of Sexual Abuse by Priests, Religious and Employees of Church Institutions – Context and Consequences” and by M. Applewhite “Understanding Sexual Abuse by Clergy.” This section, in keeping with the chapter’s title, focuses on presenting and analyzing the problems that occur in the area of three key actors who are, as the title states, participants in the drama. These are the universal Church—the Holy See, then the victims of abuse and the clergy in its broadest sense. A closer look at the dramas, tensions, but also challenges that occur in each of these groups provides a basis for a further detailed analysis of the problem in selected local churches (Germany, Poland) and for formulating conclusions for the future.

It should be recalled that the conference that resulted in this publication was held in 2014. Taking this book in hand now, we are unfortunately richer in the negative experiences that have taken place in the last 8 years that have passed since that conference and 4 years since this book was published. Despite the passage of time, the book has lost nothing of its value, but on the contrary, in the current ongoing tense, very aggressive discussion, it is a very good source for the search for substantive arguments and not only emotional ones.

Let me again refer to the words of Fr. J. Augustyn (p. 16) that: “The book offers the reader an extensive orientation on the problem of the abuse of children and young people in the Church. It also gives an idea of its effects and the scale of the issue. It shows the long-lasting effects and the depth of harm done to minors but also the ways in which the problem has been grappled with.”

The first text (pp. 25–43) written by Fr. R. Oliver, former Secretary of the Pontifical Commission for the Protection of Minors, presents the problem from the perspective of the Holy See. From the current media discussion, one can get the impression that the Holy See has not taken any action in this area and that the Popes have aimed at hiding this phenomenon. The text presented here shows that the Holy See has not remained passive regarding the problems of abuse of minors. Its actions and the actions of the popes were a reaction to the widening scope of information and knowledge about the scale of the phenomenon of sexual abuse in the Church.<sup>1</sup> John Paul II on April 30, 2001, published the Apostolic Letter “*Sacramentorum sanctitatis tutela*.”<sup>2</sup> It clearly defines the procedure in cases of “offences against the sixth commandment of the Decalogue, committed by clergy against a young person under eighteen years of age.” Another document, to continue its implementation, is the document “*De delictis gravioribus*,”<sup>3</sup> signed on May 18, 2001 by Cardinal J. Ratzinger then Prefect of the Congregation for the Doctrine of the Faith. Its purpose was to enable the practical implementation of the provisions for the most serious crimes contained in John Paul II’s letter “*Sacramentorum sanctitatis tutela*.” In this document, the Pope specifically mentions the delict against morality, which is the crime against the Sixth Commandment of the Decalogue committed by a clergyman with a minor under the age of 18. The crimes mentioned in this letter (and only those mentioned here) belong to the Apostolic Tribunal of the Congregation for the Doctrine of the Faith. Fr. Oliver’s text also examines, in some detail, the procedures followed by the Congregation for the Doctrine of the Faith regarding these crimes.

John Paul II, already at the end of his life confronting the scandal in the American Church, realized that the extent of this scandal could shake the position of the Church. He pointed out the need for clarity and unambiguity in dealing with sexual crimes. “People need to know that bishops and priests unequivocally stand for the fullness of Catholic truth relating to questions of sexual morality; a truth that is the basis for the renewal of the lives of priests and bishops.” JPII’s follow up was Benedict XVI, who clashed strongly with the problem in 2010, (Irish Church issues). His words, “that we knew that such

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<sup>1</sup> See more: A. Żak, *Odpowiedź kościoła na wykorzystanie seksualne dzieci*. Wystąpienie na konferencji w Gdańsku 28 czerwca 2014 r.

<sup>2</sup> [www.opoka.org.pl/.../sacramentorum\\_sanctitatis\\_30042001.html](http://www.opoka.org.pl/.../sacramentorum_sanctitatis_30042001.html) (19.02.2022).

<sup>3</sup> *Enchiridion Vaticanum*, 20, 2001, Bologna, Edb, 2004, pp. 491–497.

phenomena existed but did not realize their scale,” are significant. Pope Francis continues the actions of his predecessors but also seeks new forms of action and organization of the Curia. This resulted in the creation of the Commission for the Protection of Minors in the spring of 2014. In his text, Fr. Oliver introduces the tasks and work of this Commission. It is an autonomous body within the Holy See acting on the basis of the Apostolic Constitution *Pastor Bonus*. It is an advisory body to the Pope and the results of its work are presented to the Holy Father, but it does not deal with individual cases. The primary purpose of the Commission is to propose initiatives and policies to strengthen the responsibility of the local church within the universal church to protect all children and vulnerable adults, especially through the mutual exchange of “best practices,” educational programs, training, and formation in response to sexual abuse of minors. Circumstances have changed however since the PCPM was first established. One may identify two stages in most local Churches: first, the growing awareness that some members of the clergy have abused minors; second, it then becomes clear that the leadership of the Church has severely failed in their response to reported allegations. The essential message of the Commission is that he who is responsible for others must be transparently accountable for how he exercises and uses his authority.

Another text (pp. 45–76) by J. M. Fegert, S. Witte, M. Rassenhofer, B. Böhm on the analysis of victims of abuse is very important. The authors emphasize that it is only in recent decades that child sexual abuse in institutions has gradually come to be seen as a systemic problem. The size of the problem, the larger number of perpetrators, and the existence of intra-institutional structures conducive to long-term sexual abuse have only been recognized in the context of media reports and public debate. The authors point out the characteristic phenomenon that the problem of harassment is generally perceived as occurring elsewhere, in a different environment, in a different country, which consequently weakened the taking of concrete action. The authors indicate what actions were taken in the German church and how the sexual abuse process was “worked through” (*przepracowany*) in this church. Important elements of this process were a state contact point for victims and a Catholic hotline for victims of sexual abuse. This is very informative analytical material richly documented with statistical research and comparative analyses, indicating the various stages of the handling of such cases. The key is interaction, listening, questioning and documenting. The nationwide campaign in the German media “Speaking up helps” was a symbolic call to break the silence and thus take away the power of the perpetrators.

The authors emphasize that unfortunately, despite their efforts, many cases seem to get bogged down in bureaucratic machinery. Disputes about material and non-material compensation for pain and suffering still dominate the debates. Among the positive results of the measures taken in Germany are changes in the law that strengthen the rights of victims of sexual violence, which is an extremely important issue.

M. Applewhite in her interesting text (pp. 77–100) analyzes the behaviour of sex offenders and categorizes them starting with the “family friend.” She reveals the varied and complex motives of the perpetrators of harassment. She presents their tactics and mechanisms of manipulation not only towards victims but also towards parents and guardians of the children. By categorizing clergy sex offenders (acquaintances of the perpetrators, persons who sexually abuse children they know and with whom they often have a close relationship), the author tries to raise awareness of the clergy’s behavior towards minors, i.e. in what situations the “red light” should be turned on.

The author points out the internal and external control mechanisms, the discernment of which is to serve for the development of methods, whether it is a prior prevention or a system of supervision of clerics who have crossed the borders. In this context, she analyzes denials and cognitive distortions, presenting a detailed list of them, which must be recognized and considered in order to undertake any therapy. It is these distortions (excuses) that are most often dealt with in practice in specific cases. This is shown in the appendix to the text, which points out the warning signs. It is therefore necessary, according to the author, to recognize as much as possible the situational history as well as the preferential types of sexual abuse, so that by recognizing the warning signals, it is possible to intervene as soon as possible.

In the second chapter of the publication we can find two texts: the first one prepared by four authors J. Fegert, B. Bohn, M. Rossenhofer, S. Witte on the subject of “Reactions to cases of molestation in the Catholic Church on the example of Germany” (pp. 103–135) and the text written by E. Kusz “Institutional conditions conducive to sexual abuse in the Church” (s. 137–160).

The study on the German Church presents the reactions and actions of the Catholic Church in Germany triggered by the abuse scandals. The beginning of this awakening in Germany was a letter sent by Fr K. Mertes, headmaster of the Canisius-Kolleg gymnasium in Berlin, to former students in January 2010. It triggered a wave of reports and discussions about sexual abuse by employees of Catholic institutions. It was a shock to Church institutions and beyond. The

authors present with great reliability (Table 1) the developments from that moment, i.e. from 2010 to 2014, in the universal church as well as in Germany. The compilation of these activities allows the reader to gain knowledge about the activities of various church institutions in this area. This is cognitively very instructive material, because it opens us the discussion over the accusations of total passivity of the church in the sphere of facing the phenomenon of sexual harassment. At the same time, the authors draw attention to the phenomenon that has characteristically occurred and continues to occur, also in other countries, and in many environments, which can be called an attempt to suppress the problem from awareness and treating the disclosure of facts as an attack on the church and Catholics. The actions taken were to break this attitude, which was not an easy challenge. First of all, it was necessary to open up towards the victims, to see the suffering of the victims. Today this may seem obvious, but back then in 2010 it was not yet so obvious. The next stage of the struggle in the German church with the phenomenon of sexual abuse was: – the acceptance of responsibility by the perpetrator; – not discrediting the victim and – the adoption of a victim support program. The reflections on the risk factor in the Catholic Church are very interesting and worth further reflection. This research can be a good basis for analyzing the situation of any other country.

To a certain extent the article written by E. Kusz is a continuation of the above problems, but at the same time it deepens and relates them to the situation in Poland. It is an important analysis because it is made not only from the point of view of individual cases, but precisely from the point of view of the evaluation of the role of the Church as an institution. It is an institutional approach. This is not only a problem between the perpetrator and the victim. It is a problem of the whole church. So the church must give an answer and find a solution. As E. Kusz aptly writes, “Understanding the phenomenon of sexual abuse of minors by clergy requires not only looking at the personal life history of the perpetrators, so that we can infer possible disorders that at some stage may have generated sexual abuse. The reflection should also include institutional conditions that can foster sexual abuse in the Church, which is, after all, according to the Creed, ‘one, holy, universal and apostolic.’” (p. 137). This is a very important statement. The author poses fundamental research questions and seeks answers to them. Through her method of analysis, she involves the reader in the search for answers but also in making a critical assessment of neglect. And here she refers to what she calls the “clerical culture.” She tries to break away from some of the usual, stereotypical views expressed in the media by emphasizing

that “It is not what is intrinsic to the nature of the priesthood or the nature of the Church that fosters sexual abuse. But there is a way of understanding the priesthood and functioning within the priesthood that encourages abuse – and not just sexual abuse. This is referred to as clerical culture.” I refer the reader to the author’s very interesting reflections on the essence of the clerical culture and its characteristics. She also points out such factors which have a negative influence on facing the problem as “belonging to a group, the culture of silence, downplaying the issue or the erroneous attitude which recognizes the stigmatization of the act of sexual harassment as an attack on the Church.” The Catholic media repeatedly downplayed the problem with the intention of protecting the Church, showing how negligible the percentage of priests perpetrating pedophilic acts is compared to other professional circles. There have even been instances of blaming children and young people, victims of sexual abuse by priests. This was a wrong path, unfortunately not yet fully abandoned. For only a proper discernment of the phenomenon of abuse in the Church and its causes will make it possible to find an appropriate method of fighting it. We can agree with the author’s words that “information about sexual abuse by priests will be increasingly taken from a spiritual perspective – asking ourselves where we went wrong, analyzing it and taking concrete steps to correct it,” rather than hiding it under the carpet. The framework of this review does not allow for more extensive discussion of the many interesting aspects of this article. Chapter III continues the consideration of the Polish situation. It is even entitled “The Polish Experience.” It is devoted to the analysis of this experience in three dimensions: in the terminological and social aspect (M. Sajkowska, pp. 163–207), in the legal and canonical aspect (Fr. P. Majer, pp. 209–241), in the formative context, both in the seminaries and in ongoing formation (Fr. W. Rzeszowski, pp. 243–252).

M. Sajkowska draws attention to one of the key problems, which is the lack of standards for defining the sexual abuse of children and the difficulties connected with constructing a comprehensive definition (p. 163). In every case of confronting the phenomenon and trying to take decisive action, a clear definition is needed. We often encounter imprecise and even contradictory terms, e.g. sexual abuse, minor, the concept of the vulnerable person. And this is one of the crucial problems, especially if we are looking for legal solutions. The lack of precise definitions often causes difficulties in determining the scale of the phenomenon.

In this publication there is only one text dealing with legal issues. It is a text of great importance, because now, in the year 2022, the media discussion

is largely focused on legal aspects and legal responsibility. The scope of this responsibility is also being perceived differently: from the individual responsibility of the perpetrator to the responsibility of the superior. In the majority of local churches, two phases can be distinguished: the first, in which there is a growing awareness that some priests have abused minors; the second, when it turns out that the church hierarchy has not responded adequately to the complaints received. Another extremely important but complex problem is the mutual relations between secular law and canon law. Fr Majer's text, excellently documented, provides a basis for a better understanding of these relations and shows different instruments used in secular and canon law. The author outlines the methods of identification of perpetrators and presents the course of the canonical proceedings from the preliminary investigation to passing the sentence.

Since the publication of this text to the present day, a number of changes have taken place both in the church and in the state in matters related to legal issues. One can say that there has been a fundamental acceleration in this respect. The value of this publication in this context is also the fact that Fr. Majer has supplemented his text from 2014 with the changes that were introduced in Polish criminal law in 2017, among others, and introducing the so-called *Mandatory reporting*. Fr Majer makes a critical analysis of these solutions, pointing out that there are many questions and ambiguities here, with which one may agree. The text is an excellent basis for current discussions on legal solutions.

The publication closes with the text by Fr W. Rzeszowski on the formation of the clergy. He analyzes the Guidelines of the Polish Episcopal Conference: Principles of Formation and Prevention, pointing out the challenges and difficulties that may also arise. This is another broad area of action.

A great value of this book is the rich literature list with which each of the author's studies is supplemented.

To sum up, the publication appeared on the market at a very opportune moment. It was written four years after the conference, but thanks to that fact it was possible to include and show the dynamics that were taking place in the church at that time in search of answers to the challenge of confronting the phenomenon of sexual abuse. On the one hand it is, as Fr. J. Augustyn puts it, "a witness to the suffering and humiliation of the Church. It shows the complexity of the drama, the tragedy of the problem." But at the same time, it is also an indication of the way that the Church must overcome it both in the universal and in the local dimension in order to properly face this drama in the spirit of truth, mercy and justice. Among many different actions needed, providing the victims of sexual

abuse with truth and justice is profoundly important. The book clearly shows that no local Church, no matter where it is situated, is immune from the consequences of the sexual abuse tragedy. Lessons of responsibility, accountability and transparency must be learned from other jurisdictions.