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## Priests Who Stray: We Must Aid, Not Neglect Them

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In recent decades, the Church in America has suffered numerous scandals involving priests and religious who sexually abuse children. All too often, the public learns that an abuser, once discovered, was allowed simply to flee to another ministry, where the pattern of abuse and flight was repeated. Such cases constitute serious neglect by Church authorities, and they have understandably resulted in scandals damaging to the Church's reputation and its financial health.

Church officials now tend to respond quite differently when cases of child sex abuse arise. Unfortunately, they often substitute a new form of neglect for the old. Rather than concentrating on rehabilitating troubled priests, authorities too often merely "shelve" them, permitting them only the ministry of private Mass and/or pushing hard for their immediate laicization.

Let me state that I emphatically agree with the Church's teachings on sexual matters. That is why I founded Courage, a support group for persons tempted to homosexual behavior who seek to live chaste lives. And I realize that soft-pedaling traditional morality often only encourages persons with sexual disorders to deny their problem. Still, as Christians we are called to love all people. With love comes responsibility, especially for those in need, as we all are, of the healing of Christ. The new pattern of neglect for clerical child abusers, I believe, is at least as dangerous for the Church as the old one, and it is just as negligent in its handling of the offenders.

With this in mind, at the Ninth Bishops' Workshop in Dallas, I spoke in February 1990 on the moral aspects of addiction and addressed the question whether some priests who had been involved in sexual activity with youths could be restored to restricted ministry under carefully qualified conditions. Now I should like to add to the arguments I presented in Dallas in favor of a more hopeful view of priests and religious who had been involved in such behavior. I anticipate the objection that I am concerned only with those who were the perpetrators of such acts, and not with the victims. I assure the reader I have also worked with the victims, helping them to receive both therapy and spiritual direction, and I can empathize with their trauma. While keeping all aspects of the problem in mind, however, I wish to

concentrate here on priests or religious who have been involved in acts properly termed pedophilic or ephebophilic. Although I write primarily as a moral theologian, examining moral aspects of the problems, I am fully aware of their canonical and legal aspects.



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We must begin with some distinctions. Experts distinguish pedophilia from ephebophilia: ephebophilia is sexual behavior between an adult and a boy or girl who is between puberty and adulthood. Pedophilia is sexual behavior between an adult and a boy or girl below the age of puberty or between an adolescent and a child at least ten years younger. Pedophilia, then, is a condition in which the individual has recurrent, intense sexual urges and sexually arousing fantasies toward a prepubescent child. Experts further distinguish between the conditions of *fixated* pedophilia and *regressed* pedophilia. A person whose overwhelming sexual interest is in little children, and no other age group, would be diagnosed as fixated, and his prognosis would be very poor. Relatively few priests who have been involved with young boys fit into the category of fixated pedophilia. Most priests have been classified in the category called regressed pedophilia because their behavior for a variety of reasons was a regression from adult behavior, and they are capable of relating to peers or older persons.

It is crucial that a clinical psychologist/psychiatrist diagnosing an offender render an opinion on the probability or improbability of the priest/religious returning to restricted ministry after a period of spiritual and psychological rehabilitation. This diagnosis may take time. If the clinical judgment is that the person is a *fixated* pedophile or ephebophile, then he should not be restored to any pastoral ministry. And of course, if the clinical judgment is that the person should not be given any restricted ministry because of other psychological difficulties, authorities will be bound in conscience to follow the advice of the clinicians in the rehabilitation center. If, however, the clinical judgment indicates that it is very probable that the individual will be able to function well in restricted ministry under carefully qualified conditions, then it seems that his bishop or provincial ought to give him the opportunity to do so. Here I

refer to a priest or religious who has truly internalized the Twelve Step Program—the heart of which is faith and prayer—so that he keeps himself at a distance from any unsupervised contact with youth.

### **Conditions for Reintegration to Ministry**

There are several conditions for ministry reintegration. After a period of residential therapy that ends with a favorable prognosis, the process of reintegration must include: (1) continuing psychological therapy; (2) attendance at Twelve Step Programs, like Sexaholics Anonymous or Courage; (3) regular spiritual direction; and (4) careful supervision of restricted pastoral ministry. Father Alan Placa of the Rockville Center diocese specifies similar conditions and adds a point that I believe needs emphasis: “There should be no unsupervised contact with youngsters in the particular age group for a specified period of time.”

This means that one does not reassign a priest to youth activities when he has had sexual failures with youth and that the pastor or religious superior to whom he is reassigned is fully informed of the nature of his difficulties. It also means that the superior is in regular contact with this person’s supervisor or mentor concerning his ordinary ministry. Such a priest or religious must be told that he is not to have any unsupervised contact with the problematic age group in his personal life, say, for example, while on vacation.

Using a program with this design, Father Placa has had success in reintegrating into restricted ministry priests who were not fixated pedophiles or who had not served terms in prison for criminal offenses. The success of the Saint Luke Institute Program in Suitland, Maryland, should also not be overlooked. Dr. Frank Valcour, Medical Director, reports that 32 of 55 child molesters who had completed treatment by September 1989, were doing well, with no reported instances of relapse and no new allegations of child molestation.

Valcour concludes that, after making allowances for the possibility of some improper behavior which was not reported and for individuals who are impaired in other ways and thus not fit for future ministry, the majority of those treated have attained a new level of psychological and spiritual health. It would seem, then, that the risk of relapse will continue to be minimal and that these men should be reassigned to ministry under carefully qualified conditions. The risk of relapse for such priests is much lower than it is for priests and religious who—after going through the process of rehabilitation and receiving a favorable prognosis—are not allowed to engage in any ministry.

One may ask why many bishops and some religious superiors have not been willing to give such men an opportunity for restricted ministry. The scandals of Lafayette, Louisiana, and Newfoundland—not to mention numerous other headlines about clerical misconduct—have made religious superiors and bishops very fearful even of the possibility that such priests and religious may have a relapse if restored to some form of ministry. The exorbitant sums of money demanded in legal proceedings in many dioceses because of child and adolescent sexual abuse are viewed as threatening the financial stability of

these dioceses. Religious leaders, moreover, fear the continued negative image of the priesthood whenever such relapses are made public. One ordinary said to me, “If I give this priest another chance and he fails, both the media and the faithful will be all over me—not to mention the lawsuits with which I am now confronted.”

These fears are understandable, but they need to be put in perspective. Can we really avoid risks through our present policy of total non-reintegration? Dr. Valcour responds: “This extreme position fails to recognize that no decision is without risks.” Indeed, the current policy of removing such priests from all ministry and from the public celebration of Mass does nothing for their spiritual and psychological healing and places them in greater danger of relapse than a policy of restricted ministry.

Moreover, the current policy is very risky when one considers its effect on other priests and religious who have strong sexual temptations towards youth and children and are afraid of seeking help, lest they be told to leave, or are removed from all ministry and clerical residence, which forces them to seek secular employment. These individuals, suffering from a sickness that can be controlled, like any other addiction, are *more* likely to get into sexual activity with youth in the future. Scandals and lawsuits will continue.

Perhaps an analogy may help our bishops and religious superiors to place this painful problem in perspective. Some years ago the commercial aviation industry had rules and regulations for commercial pilots such that, if any pilot admitted he had problems with alcohol or drugs in his life, he was immediately out of a job. Under these circumstances, pilots with such tendencies were not about to admit anything. Then someone enlightened top executives of the airline industry that they were creating greater risks by driving pilots with compulsive tendencies toward alcohol or drugs underground, and that instead they should initiate a policy in which any pilot who was troubled with such tendencies should have the opportunity to receive professional therapy without the danger of losing his job. Under this new policy, many troubled pilots came forward to receive the necessary help. Today, no one questions the wisdom of this decision. This sort of policy, however, is exactly what our bishops, with some exceptions, have failed to mandate. Their present policy continues to drive priests underground. It seems, then, that our bishops should reconsider how safe their present policy really is.

Speaking of scandal, it is said that the faithful will be scandalized if a priest who has been rehabilitated is allowed to resume priestly ministry under qualified conditions. This can be avoided if the faithful are properly instructed through the Catholic press, as Archbishop John Roach, for example, has done. Remember, moreover, that scandal cuts in both directions. Some of our Catholic faithful who are aware of the situation of priests reintegrated through the rehabilitation process support their return to restricted ministry, while others are puzzled and confused to know that priests now living chaste lives with a favorable prognosis are engaged in secular pursuits to earn a living. Given the grave scarcity of priests, why are these men not provided the opportunity to exercise pastoral ministry to the aged in nursing homes, adult education programs, and in other forms of ministry not involving youth? Our laity ask these questions.

With regard to the civil law and courts of justice one may speculate whether the law would support the return to ministry of a priest who has done everything he is asked to do (therapy, group support, spiritual direction, pastoral supervision). Under such circumstances might the diocese in all likelihood *not* be held responsible in the event of a relapse? In our civil law most questions cannot be answered with certainty, only with probabilities. Nonetheless, Robert W. McMenamain and William P. Kralovec, who have worked with clergymen of various denominations, judge that the religious institute would be protected if it followed the conditions I have described. Still, in the event of a relapse there will be a measure of uncertainty if there is a trial by jury. The jury would have to decide whether the religious authority acted in a reasonable manner under the circumstances. McMenamain and Kralovec are confident that such a jury would be fair.

Consider the question whether the civil law, the courts, and juries will look more kindly at programs of rehabilitation and aftercare supervision of priests restored to restricted ministry. I believe that in the event of a relapse by a priest who has gone through the process of rehabilitation, the civil law would not favor the exorbitant financial payments which continue to be given in the present. After all, in such a situation it would be noted that the Church had followed her own canon law and had taken every human precaution to prevent any relapse. Whenever a church of any denomination does not follow its own laws, it opens the doors for the civil courts to become involved. Unlike past cases, negligence would not be an argument against the bishop. The crucial test for church administrators would be whether they had followed completely the canon law of the church concerning the imputability of priests involved in sexual abuse of youth. Were the canonical rights of everyone concerned observed?

In light of their legal experience with such cases, McMenamain and Kralovec have some helpful observations about the necessity of rehabilitation and the good effects flowing from it. They stress the importance of finding employment for the offender: "Failure to find employment for an offender increases the punishment and may be totally unfair. Both justice and charity require looking for an environment where the reformed offender can function successfully and use his or her talents to full advantage."

McMenamin and Kralovec also note that many clergy malpractice cases are the result of mental and psychological problems, including stress, birth defects, and conditions of employment. The problem is usually not malice, but forms of human weakness, and one needs to rely on psychiatrists and clinical psychologists to discern whether and how these individuals can be rehabilitated. They caution, however, that no one can predict behavior with 100 percent certitude; nonetheless, one can have probability, and that is all we can expect in daily life.

In short, one can never remove risks from decisions about human behavior, and under the circumstances it is reasonable to follow the advice of these professionals and give qualified priests and religious a chance to fulfill their vocations. Besides, in this way you "help salvage a human life and human talents." The situation cuts to the heart of our faith. A priest who has worked a Twelve Step Program to overcome his own sexual addiction said to me, "Do we really believe that God's grace can transform a person, even

a sexual addict? Do we really believe that these priests are sick and not moral perverts. We cannot preach reconciliation and forgiveness, and then cast out our fellow priests. If we offer no hope to them, then our actions tell them they are unredeemable. Is this the message we want to give?"

The same priest believes many bishops do not understand that sexual addictions are a disease in the same sense that alcoholic and drug addictions are. Just as many priests suffering from alcoholism or drug addiction are restored to pastoral ministry after a program of rehabilitation, so also ought those suffering from sexual addictions have the same opportunity of restoration to pastoral ministry, provided they have fulfilled all the conditions already described and have received a favorable prognosis from the rehabilitation center. Yet what usually happens is that the priest is removed from all pastoral ministry, allowed to say Mass privately, and, in some instances, deprived of clerical residence. He is strongly advised to seek laicization, because no matter what diocese in the United States or Canada he may seek to work in, he will still place his own diocese in financial jeopardy in case of a possible relapse. For those who demand absolute certitude in human affairs, the argument is airtight.

To repeat, the difficulty of many priests involved in sexual activity with youth is one of human weakness, not malice. When discovered, the weakness must be treated with professional therapy and strong spiritual support programs; it is hardly the time to apply canonical legislation concerning delicts and penalties, all of which presuppose that the priest/religious possessed both full awareness of the meaning of his acts and full freedom not to perform such acts. The collective experience of clinical psychologists and of pastoral counselors like myself is that these priests and religious did not possess the full freedom to which the canons apply. Over 30 years ago, John C. Ford, S.J., and Gerald Kelly thoroughly treated questions of possible diminished imputability because of various psychological factors, although in 1958 the question of clerical misconduct with youth was not raised.

Unfortunately, in the past the ignorance and negligence of both hierarchy and major superiors of religious orders in treating cases of clerical misconduct with youth contributed to the present situation of multiple lawsuits for millions of dollars. We have, I hope, learned a bitter lesson. But this does not mean that whenever a priest has been involved in sexual activity with youths, he should be persuaded to seek laicization. Again, I do not deny either the gravity of clerical misconduct with youth or our grave obligation to help the victims of such misconduct. Yet we cannot neglect the pastoral care of the priest or religious involved.

Thus far I have referred mainly to bishops and diocesan priests. A word is in order about provincials of religious orders. From my confidential sources I have discerned a greater willingness on the part of major superiors of religious orders to place men, after rehabilitation, in restricted ministry under a program of aftercare. Perhaps one reason may be that the threat of lawsuits has not been as great as in the situation of diocesan clergy. Perhaps another reason is the willingness of religious superiors to see promptly the person or the parents of the youth and to take care of the youth as soon as possible. The accused is given a fair chance to respond. Usually, he is sent away for rehabilitation, and when he comes back to community, he is given restricted ministry in a house of the order some distance from the area

where the sexual abuse took place. He is duly warned that if he does not fulfill the conditions of restricted ministry, he is subject to expulsion. One of these conditions is no unsupervised contact with youth. I still need to know more about other religious orders before commenting further. In the cases I do know, there has been close cooperation with local ordinaries, who trust the judgment of the provincials.

### **The Imputability Question**

In my Dallas paper I developed the thesis that sexual addiction reduced the imputability of many priests and religious involved in sexual acts with youths. If one grants that each individual act must be evaluated in terms of the person's awareness of the meaning of the act, as well as the degree of freedom he possessed at that time, one may conclude that many priests and religious did not possess the kind of knowledge or the degree of freedom necessary to incur canonical penalties. In such situations, it seems that ordinaries and religious superiors have the duty to see that these men receive residential therapy with proper aftercare, and, contingent upon the diagnosis and prognosis of professionals in the field, an opportunity for restricted ministry in the service of the Church.

The opposite policy of putting all such priests on the shelf—that is to say, taking them out of all ministry except private Mass—has many of the ingredients likely to provoke sexual relapse—shame (the root of addiction), stress, frustration, loneliness, alienation, despair, and lack of self-esteem. If, moreover, these priests are deprived of clerical residence while still incardinated in the diocese, it becomes very difficult to provide therapy and supervision.

As matters stand now, many priests receive no encouragement from their ordinaries to come back to restricted ministry; on the contrary, pressure is put on them to seek laicization. Desiring some form of pastoral ministry, many gather together in a spiritual support program to maintain a life of prayer with Christ and to encourage one another in keeping alive the sense of priesthood and religious life. Many are allowed to say a private Mass every day. Again, there is always the risk of relapse and possible financial liability for the diocese, but one can make the distinction between low risk and high risk. Where professional therapists have advised against restoring the man to ministry, there is high risk; the bishop then acts prudently in not allowing the priest to resume ministry. But if the same therapists advocate restoration to restricted ministry under qualified conditions, it seems that the bishops should respond favorably to such counsel.

Indeed, some bishops have listened to such counsel and have restored such priests to restricted ministry. Why have others not done so? Bishop Matthew Clark of Rochester, New York, gives us his perspective, which I believe is representative of many other bishops. "In the ideal order," Bishop Clark says, "a priest who is a child molester could be restored to public ministry provided that he has come through treatment to a degree of personal integrity where all concerned—the bishop, the psychologists, and the people—are confident that he can avoid any relapse." But, the bishop laments, "that ideal order does not yet exist."

He goes on to say that the danger of lawsuits is so great that he would find it difficult to assign a priest who is publicly known to have a history of child abuse to ministry in his own diocese, or to allow him to take ministry in another diocese. He concludes regretfully: "All parties will be well served by the priest not returning to pastoral ministry."

One needs to look carefully at Bishop Clark's position. Many instances of clerical sexual abuse of children are not publicly known, and the priests involved, after rehabilitation, have been restored to restricted ministry by religious orders and some bishops. The danger of scandalizing the faithful is not usually present, particularly if these priests are not known in their new area of ministry. Fellow priests and religious, as a group, are fully supportive of the ordinary or religious superior who has given this man another chance.

As for scandalizing those who know the priest's past, I have found that most people are edified, and view the priest's or religious' endeavor to change his way of life as the work of the Spirit, as conversion. If lay persons are properly informed concerning the rehabilitation process (which is similar to Alcoholics Anonymous), and if they are aware of the priest's or religious' determination to pursue his vocation, then they will be scandalized if superiors refuse to give him hope to be what he has promised to be.

The present policy of many American bishops concerning priests involved in pedophilic or ephhebophilic acts is unfairly different from their policies concerning alcoholics, drug addicts, or promiscuous heterosexual priests. These latter are often encouraged to continue ministry in another diocese after proper rehabilitation. To be sure, in such instances the risk of financial liability is not as great. Should, then, the financial risk be the determining criterion in allowing one priest to continue ministry in his own or another diocese, and not allowing another to do so? Proper treatment for priests who have been involved in sexual activity with youths reduces the risk of relapse just as effectively as proper treatment for heterosexual offenders. In all these situations, treatment facilities aim to overcome different forms of addiction.

Our culture and our Catholic faithful have rightly been severe on priests and religious who have violated their trust, and on bishops and provincials who have failed to take adequate measures to provide sound rehabilitation for those involved in the sexual abuse of children. As I have said, this is one of the reasons for the crushing financial claims made against dioceses. People were outraged by the violation of trust by those whom they had always trusted. Of course, there are some lawyers who seek huge sums from the so-called deep pockets of the churches, but they would have had little ground for such claims were it not for previous negligence and cover-up attempts by those in authority. It should be pointed out, however, that in many instances of child sex abuse by laymen in positions of public trust, the financial penalties were small compared with those leveled against Roman Catholic clerics. But all this is changing for the better as we recognize where we have failed to practice justice and mercy. Gradually, can we not expect a better attitude, a change of public understanding, if the faithful are made aware of the care which is taken, not only or primarily to rehabilitate a man, but also to help him on his spiritual comeback?

## Recent Developments

Three new documents have recently been issued on the question of clerical sexual misbehavior with adolescents and children. In a statement at the end of the Spring 1992 Conference of the U.S. Bishops, the president of the National Conference of Catholic Bishops, Archbishop Daniel Pilarczyk, repeated the five recommendations made by the Conference for the last five years: (1) prompt response to allegations of abuse; (2) speedy removal of the alleged offender if the evidence is sufficient; (3) compliance with civil law in reporting such incidents, as well as cooperation with investigations; (4) help for victims and their families; and (5) while respecting the victim's privacy, dealing with the incident as openly as possible. Nothing is said here about the possible rehabilitation of the clerical offender.

In Chicago, the Cardinal's Commission on Clerical Sexual Misconduct with Minors presented a report that offers qualified hope to a priest who has gone through rehabilitation: "One needs to have a prudentially sound judgement in allowing such a priest to return to any kind of ministry.... Tracking the cooperation and the progress is the key.... And the priests should know how the Church will deal with failure to cooperate."

The full statement of the Canadian Catholic Bishops is contained in a booklet, *From Pain to Hope*, published in Ottawa. Its "Fifty Recommendations: The Church and Child Sexual Abuse" were reprinted in *Origins*, June 25, 1992. The statement seeks the maximum reconciliation of three principles: (1) justice towards all those implicated; (2) diligence; and (3) respect for civil authorities and their proper jurisdiction in these matters. It also speaks of compassion to both the victims of abuse and those accused: "The Church must manifest the compassion of Christ."

Besides compassion, however, there must also be responsibility. This means getting to the truth of a difficult situation, while firmly maintaining the principle that a person is innocent until proven guilty. It also means a search for appropriate remedies, and eventually reconciliation through the actions of an authorized representative of the Church. The Canadian document outlines a protocol for helping both the victim and the sexual abuser. For the victim it recommends that the Church provide all possible therapeutic services, and that the priest abuser make restitution to the extent possible. In discussing compassion towards the accused, or those found guilty, the document says, "Despite the extremely strong negative reactions aroused in the public because of child sexual abuse by priests or male religious, one must strive to maintain an attitude of charity towards those accused and even toward those found guilty. Our legitimate desire to protect children to the utmost must not lead us to be unjust toward the adults who inflicted such serious wrongs upon them nor to surmise summarily that such individuals must bear the scarlet mark of shame for the rest of their lives." Insisting that canonical norms must be carefully observed by diocesan authorities, the committee takes up the question whether a priest convicted of child sexual abuse who has served his sentence, or has received a suspended sentence, can be restored to some kind of ministry under controlled circumstances. It makes the safety of children the top priority as the diocese consults with the treatment center, and it concludes: "The bishops should neither promote re-entry of priests at all costs, nor refuse re-entry of priests under any circumstances."

Finally, the document warns against overgeneralization: “It should be emphasized that not all sex offenders have the same motivations or behavior patterns.” Thus, it is clear that the Canadian statement affirms a thesis of hope that some priests can be returned to restricted ministry under carefully qualified conditions, such as proposed in my article.



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