

Once bitten, twice shy: barriers to reporting abuse and some lessons for church and society

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An African proverb says that a person who has been bitten by a snake is afraid even of a rope. I take a personal view of clerical sexual abuse of people, power and conscience and the concomitant imperative to make the institution of the church responsible, accountable and transparent, and the community of the church a safe space for children, young people and adults at risk.

In this presentation on the victim experience of reporting abuse to church authorities and why they delay reporting, I neither intend nor pretend to impersonate the voice of victims of sexual abuse. Abuse of any kind traumatises the victim and provokes visceral feelings and emotions. Unless told in the first person, any other account constitutes an approximation of the actual experience. We must always proceed with humility and respect, knowing that we are treading and standing on sacred ground.

The reason(s) why victims delay reporting cannot be a matter merely for speculative disquisition. My presentation draws on experiences that I have either become aware of or have been publicly discussed in the context of child protection and safeguarding. At all times, it is imperative that we honour the pain of victims, always seeking to protect them and to grant them the justice that they seek, deserve and are entitled to.

Institutional challenges

Reporting sexual abuse in the church as well as in society faces several institutional barriers. The following considerations are important but not exhaustive for understanding institutional challenges to victims' experience of reporting and why they delay reporting to church authorities.

In many instances, people who habitually exercise authority, governance and leadership in the church, namely, priests and bishops, form part of a band of comrades. By default, they act to protect their individual and collective interest, privilege and reputation in the face of pressure, threat or opposition. This unwritten code of mutual protection and self-preservation results in situations where clergy are reluctant to expose the abuses of one of their own, choose to defer their gaze from situations of abuse or decide to relocate suspected abuser priests. Notwithstanding the provisions of Article 3 of “*Vos estis lux mundi*” (7 May 2019), this culture of clerical comradeship militates against reporting, not only because of a tendency to dismiss, ignore, dispute or cover up accounts of abuse, but, more critically, because it signals a deterrent to whistle-blowers and victims. As the recent history of clergy sexual abuse shows, outside agencies, like courts, independent journalists and commissions of inquiry, have been at the forefront of the commitment to uncover and report cases of abuse, oftentimes to the displeasure of church authorities.

This phenomenon of self-protection and cover-up mirrors cultural factors at community level that encourage silence. Institutions like family, clans and religious communities in Africa are often accused of practising a culture of silence on the abuses that are allegedly committed within them, albeit the practice of maintaining silence on the issue of abuse is not unique to Africa. In particular, religious life can be the place where some people experience abuse, especially of power and conscience. In such instances, the need to preserve the honour of family, communities and parties involved impedes the exercise of victims’ civil rights to justice. In other words, whether in the church, in biological families or in social groupings, institutionalism trumps accountability, human dignity and pastoral care. The characteristics of this culture of silence, its mode of self-reinforcement and its practiced efficiency constitute a formidable barrier to reporting abuse.

It is common knowledge that until recently church institutions in several countries did not have the requisite structures, resources and personnel to respond to the crisis of clergy sexual abuse, including implementing the requisite minimum standards (e.g. safeguarding policies, case management protocols and training and formation of personnel) and hearing, handling and processing allegations of sexual abuse (as recently mandated by “*Vos estis lux mundi*, Article 2).¹

Such lack of effective mechanisms militates against victims’ reporting. Non-existent or inefficient case management systems discourage victims and witnesses from reporting abuse. At best such systems trivialise the experience or at worse re-traumatise victims who are compelled to relive harrowing details of abuse without adequate psychological care and/or pastoral support and accompaniment. Anecdotes abound of victims of sexual assault and violence being ridiculed and blamed by law enforcement agents for their predicament. Similar narratives are not unheard of in church communities.

The vulnerability induced by the experience of sexual abuse provokes a variety of emotions and feelings (cf. Child Sexual Abuse Accommodation Syndrome). Besides anger, confusion and resentment, victims are prone to self-blame, shame and guilt for the occurrence of abuse. Perhaps the most potent single deterrent to reporting is fear. In situations where abusers wield considerable power, command respect and enjoy unquestioned influence in the ecclesial institution or community, the fear of retribution or ridicule constrain victims to conceal, repress or endure experiences of abuse. While the protection of victims is an accepted principle, the reality is often non-existent or barely functional in many ecclesial

¹ Besides *Vos estis lux mundi*, the obligation to report actual or suspected crimes of abuse to ecclesial authorities and of ecclesial authorities to report to designated civil judicial authorities and statutory bodies, like law enforcement agencies, is a widely accepted principle. See Pope Francis, “Instruction on the Confidentiality of Legal Proceedings” (2019, Articles 4-5); Congregation for the Doctrine of the Faith, “Circular Letter to Assist Episcopal Conferences in Developing Guidelines for Dealing with Cases of Sexual Abuses of Minors Perpetrated by Clerics” (2011); and Congregation for the Doctrine of the Faith, “*Vademecum* on Certain Points of Procedure in Treating Cases of Sexual Abuse of Minors Committed by Clerics” (2020).

communities. Abusers have long arms and their power to threaten or face down victims into silence means that many incidents of abuse go unreported, contrary to the provisions of Article 4 and Article 5 of “*Vos estis lux mundi.*”

Oftentimes, when crimes of sexual abuse occur, the victim is the only witness. If such situations involve a power differential, the onus of proving the crime beyond reasonable doubt creates a formidable barrier to victims who may want to come forward with reports. It is not unheard of that victims are disbelieved, while abusers have the upper hand in maintaining their credibility and protecting their reputation. Combined with the tendency for memories of abuse to be suppressed or repressed by victims, the burden of responsibility that lies on victims disadvantages the latter from reporting. Clifford Longley describes the issues as stake here:

And while survivors are often describing abuse that happened in the 1970s and 1980s, they are teaching us a lot about the long-term effects of child abuse, where the psychological damage only fully manifests itself decades afterwards. Immediately after the traumatic events, it may look as if the trauma has been dealt with, leaving no long-term consequences. The mind seems to try to bury it quickly, even brush it off, only to find the struggle to cope with the memories more and more difficult as the years go by. It is like a kind of emotional cancer – slow to develop, mild or even symptomless at first, but ultimately devastating. *The trauma was made worse by the failure of the authorities, church and civil, and sometimes even by teachers and parents, to take complaints seriously, and to deal with survivors with empathy and compassion.*²

² Clifford Longley, “Abuse: learning the lessons,” *The Tablet*, 21 November 2020, 8; italics mine.

In light of the foregoing institutional challenges, besides serving as lessons for church and society, the following suggestions highlight areas in need of reform in the church in order to improve and enhance the processes and culture of responsibility, accountability and transparency in matters of reporting.

Some lessons for church and society

Pope Francis has declared that “The crimes of sexual abuse offend Our Lord, cause physical, psychological and spiritual damage to the victims and harm the community of the faithful” (“*Vos estis lux mundi*”). Considered as a juridical and an administrative institution, the church has been complicit in sexual abuse by the actions of some people who represent the interest and defend the cause of the institutional church. There are names, faces and lives of people – members or not of the community of the faithful – who have been harmed by these crimes. Thus in the crimes of sexual abuse the church is either complicit at best or a perpetrator at worst. The abuse crisis has revealed disturbing flaws or gaps in the systems of clerical governance.

The church can no longer opt simply to police itself. A church that understands itself as the unjudged arbiter of private and public morality will mimic the authoritarianism and fallacies of social institutions and political systems, while concocting a sophisticated bureaucracy to conceal its failings, resist oversight and deceive its members. In this context of pervasive clericalism, it is imperative to find ways of overcoming barriers to reporting the crimes of sexual abuse.

Independent oversight of bishops and clergy

As a general principle, an independent mixed body of people should be created to ensure enforcement of reporting protocols and guidelines, including investigation of accusations and allegations against clergy, religious, bishops and lay church personnel or

volunteers. This would imply a radical shift in the ladder of responsibility and compel church leaders not only to answer upwards to Rome, but also, and more critically, downwards to the people of God. The composition of such bodies should be diverse in terms of demographics and areas of expertise.

A useful criterion would be the integration of young people and parents, especially women, into decision-making processes, structures and platforms to create a more cohesive and participatory ecclesiology, recently defined by Pope Francis as “synodality.” An independent and diverse oversight will enhance the capability of the Christian community to create a healthy church where people are held accountable for abuse of people, conscience and power – as well as negligence or cover-up of abuse. The involvement of lay people, survivors, parents and subject-matter experts would ensure accountability and the protection of victims, survivors and people at risk in the church that aligns with Pope Francis’s idea of synodality.

As well as accountability upwards, therefore, there needs to be accountability downwards. A system of church government which allows informed input from priests and lay people is termed “synodality”, and its time, as Pope Francis stated in his announcement, has come. Accountability without transparency is meaningless. Hence under a synodal system, decision-making in the Church should be accompanied by explanations, and open to challenge. Wiser bishops will embrace this as treatment for what went wrong.³

Children and adolescents can take substantial roles in ensuring and monitoring the social accountability of ecclesial leaders, motivate other young people to renew faith in the community, and help design and lead programmes and interventions of protection, care and

³ Editorial, *The Tablet*, “An Idea Whose Time has Come,” 14 March 2020, 2.

safeguarding in the church. Those who have been exposed to the violence and humiliation of abuse deserve a voice and a role in defining the terms of this reform.

Women's voices and presence

As mentioned above, an insidious culture of clerical comradeship, poses a serious barrier to reporting cases and experiences of abuse. US theological ethicists James Keenan has proposed the “Gallant Rule” (named after Margaret Gallant, who courageously called on church leadership to pay attention to and act decisively in instances of sexual abuse), according to which in dealing with any instance that concerns abuse the absence of women should automatically trigger an alert in regard to the motives and intentions of an enclave of male privilege and complicity, self-preservation and deception that could cause grave harm to others.⁴

Keenan observes that “in the church and in the university, as sexual abuse cases show, there are all-male enclaves of power.... [where] women are not present.”⁵ Such exclusive spaces of “single gendered gatherings and deliberations” breed deceit and cover-up. As Margaret Gallant demonstrated, while highly placed members of this all-male-club culture attain a frightening level of sophistication in committing and covering up heinous crimes of abuse, women take a contrary stand. They open our eyes to the culture of abuse that targets both girls and boys. Their ethical stance sunders the veil of silence that shrouds and protects the sexual perversion and malevolence of the high and mighty in church and society. Accordingly, Keenan argues that instances of all-male exercise of power and authority should immediately arouse suspicion, precisely because the absence of women is a deliberate part of the plot to abuse with impunity, while hiding behind the wall of perverse clerical male

⁴ James Keenan, “The Gallant: A Feminist Proposal,” in *Feminist Catholic Theological Ethics: Conversations in the World Church*, edited by Linda Hogan and A. E. Orobator (Maryknoll, New York: Orbis, 2014), 219-31.

⁵ *Ibid*, 227.

privilege. He then proposes “a fundamental rule that all men should embrace: no meeting of social responsibility should ever be held that does not have the participation of women in it. If women are not present, men should ensure that women participate, even if the one making the complaint has to abdicate his space to accommodate women.”⁶

This approach calls for vigilance in order to dismantle an abusive culture of ascribed (unearned) male privilege that would rather suppress evidence and/or reports of abuse in favour of preserving the reputation of the institutional church and its gatekeepers of orthodoxy and clerical privilege.

Safe and protected spaces

A third and final point is the imperative of creating safe spaces in the church for victims and survivors to be heard without intimidation, judgement or stigmatisation. Ideally, the church should be a space where all, especially the vulnerable, can feel safe and welcome; where they are free to voice their fears and report any threats to their person and dignity no matter the provenance. This would align with the vision of Francis when he declares that: “The Church loves all her children like a loving mother, but cares for all and protects with a special affection those who are smallest and defenceless. This is the duty that Christ himself entrusted to the entire Christian community as a whole. Aware of this, the Church is especially vigilant in protecting children and vulnerable adults.”⁷

For this lofty ideal to become a reality, mechanisms are needed to provide listening with empathy and understanding to promote trust; accompaniment to ensure healing; and decisive action to guarantee justice.

⁶ Ibid.

⁷ (http://w2.vatican.va/content/francesco/en/letters/2016/documents/papafrancesco_20161228_santi-innocenti.html).

Conclusion

Bold new approaches to policy-making, governance and decision-making are needed in order to overcome barriers to reporting crimes of abuse in the church. Silence and secrecy are neither viable nor tenable options. The church is a weak and sinful community in need and capable of conversion and ongoing reform, rather than a perfect institution which projects and mimics attitudes of power and dominance that merely cover up crimes and failings. By fostering a culture of accountability and transparency even in the face of moral lapses, especially of its leaders, and the institutional weakness of its structures, the church will open itself to an honest evaluation and appropriate scrutiny, as well as strengthen its ability to listen to, accompany and heal the wounds of victims and survivors. This is not a tall order. This is what the Gospel of Jesus Christ asks and demands of us.

Annexes

“Vos estis lux mundi”— Pope Francis

“...whenever a cleric or a member of an Institute of Consecrated Life or of a Society of Apostolic Life has notice of, or well-founded motives to believe that, one of the facts ... has been committed, that person is obliged to report promptly the fact to the local Ordinary where the events are said to have occurred or to another Ordinary among those referred to in canons 134 CIC and 984 CCEO...”

M.p. Vos estis lux mundi, Pope Francis, article 3 (2019)

“Vos estis lux mundi” — Pope Francis

“These norms apply without prejudice to the rights and obligations established in each place by state laws, particularly those concerning any reporting obligations to the competent civil authorities.”

M.p. Vos estis lux mundi, Pope Francis, article 19 (2019)

“Instruction on the Confidentiality of Legal Proceedings” — Pope Francis

“Professional secrecy does not preclude the fulfilment of the obligations established in every place by state laws, including any reporting obligations, as well as the execution of executive requests by civil judicial authorities” and “The person making the report, the person claiming to have been offended and witnesses may not be bound by any obligation of silence regarding the facts of the case.”

Instruction on the Confidentiality of Legal Proceedings, Pope Francis, article 4-5 (2019)

“Circular Letter” — CDF

“Sexual abuse of minors is not just a canonical delict but also a crime prosecuted by civil law. Although relations with civil authority will differ in various countries, nevertheless it is important to cooperate with such authority within their responsibilities. Specifically, without prejudice to the sacramental internal forum, the prescriptions of civil law regarding the reporting of such crimes to the designated authority should always be followed.”

Circular Letter to Assist Episcopal Conferences in Developing Guidelines for Dealing with Cases of Sexual Abuses of Minors Perpetrated by Clerics, Congregation for the Doctrine of the Faith (2011)

“Vademecum” — CDF

“Even in cases where there is no explicit legal obligation to do so, the ecclesiastical authorities should make a report to the competent civil authorities if this is considered necessary to protect the person involved or other minors from the danger of further criminal acts.... It is absolutely necessary to avoid in this phase [*i.e. preliminary investigation*] any act that could be interpreted by the alleged victim as an obstacle to the exercise of his or her civil rights vis-à-vis the civil authorities”

Vademecum on Certain Points of Procedure in Treating Cases of Sexual Abuse of Minors Committed By Clerics, Congregation for the Doctrine of the Faith (2020)

“Policy Statement” — CSAS

“All allegations of abuse against children, reported to anybody working or ministering within the Catholic Church in England and Wales, must be reported to the statutory authorities, within 1 working day, in accordance with national policy and procedure. If a child or young person is in immediate danger this must be reported immediately to the Police”

Procedures Manual, Catholic Safeguarding Advisory Service (2020)

“Responding to Safeguarding Concerns or Allegations” — BCOS

“The Catholic Church in Scotland is committed to the mandatory reporting of all allegations of recent or historic abuse made against clergy, religious, Church employees or volunteers to the statutory authorities for investigation.... However, in an emergency situation in which a child or vulnerable adult appears to be at risk of harm, any responsible adult to whom an allegation is disclosed should contact the statutory authorities without delay.”

“In God’s Image,” *Bishops Conference of Scotland, standard 3 (2018)*

“To Guarantee an Effective Response to Allegations of Sexual Abuse of Minors”**USCCB**

“Dioceses/eparchies are to cooperate with public authorities about reporting cases even when the person is no longer a minor. In every instance, dioceses/eparchies are to advise victims of their right to make a report to public authorities and support this right.”

“Charter for the Protection of Children and Young People,” *United States Catholic Conference of Catholic Bishops, article 4 (2018)*