

2022

A Review of Organizational Laws and Management Policies of the Roman Catholic Church to Address Clerical Child Sexual Abuse in the 20th Century

Faisal Rashid

Follow this and additional works at: https://scholarworks.umass.edu/cie_materials

Rashid, Faisal, "A Review of Organizational Laws and Management Policies of the Roman Catholic Church to Address Clerical Child Sexual Abuse in the 20th Century" (2022). *CIE Materials and Commentaries*. 3. <https://doi.org/10.7275/v2tr-3944>

This Article is brought to you for free and open access by the Center for International Education at ScholarWorks@UMass Amherst. It has been accepted for inclusion in CIE Materials and Commentaries by an authorized administrator of ScholarWorks@UMass Amherst. For more information, please contact scholarworks@library.umass.edu.

**A Review of Organizational Laws and Management Policies of the Roman Catholic Church
to Address Clerical Child Sexual Abuse in the 20th Century**

Faisal Rashid

Federal Government, Karachi, Pakistan.

Faisal Rashid is an academic scholar on clerical child sexual abuse and historical origins of Christianity and Islam; who has focused on the protection of children, families, and communities. He currently works as an investigative/management/legal professional with the Federal Government, and is based in Karachi, Pakistan.

Supervisor: Dr. Ian Barron, Director of the Center for International Education, University of Massachusetts

Abstract

During the early 1980's and 1990's, clerical child sexual abuse (cCSA) in the Roman Catholic Church (RCC) gained public attention, escalating into a major scandal by the beginning of the 21st century. The Vatican's response and ignorance expressed globally created the impression that the RCC had encountered the problem of cCSA for the first time, only recently; in the 20th century. The ecclesiastical authorities sought to justify their strategies of non-reporting of abuse to secular authorities, silencing victims, and transferring abusing priests to other locations, as a result of being surprised and confused by a phenomenon, they had been unaware of. The *'Nolan Report'* commented that the RCC's ignorance of pedophilia compounded by a desire to save the reputation of the Church, and a Christian instinct to forgive, led to failures to recognize the extent of abuse, scrutinize candidates for priesthood, and appropriately convey suspicion or proof of alleged misconduct.

This paper examines the organizational laws and management policies developed by the RCC in the 20th century to address reported cCSA and highlights the perception of ignorance of the ecclesiastical authorities regarding pedophilia and deviant sexual behaviors amongst clerics as incredulous, in light of historical evidence. Such evidence includes knowledge, awareness, and development of organizational laws and internal institutional management strategies at the highest level of ecclesiastical governance, a continuously developed culture of secrecy, and an organized effort to avoid intervention of secular authorities.

Keywords: *Clerical Child Sexual Abuse, Catholic Church, Organizational Laws, Management Policies, 20th Century*

A Review of the Organizational Laws and Management Policies of the Roman Catholic Church to address Clerical Child Sexual Abuse in the 20th century

Development of Code of Canon Law (1917)

In light of instructions from Pope St. Pius X issued vide ‘*Motu Proprio*’ “*Arduum Sane Musus*” a Pontifical Commission for the codification of Canon law was set up in the year 1904. (Arduum Sane Musus, 1904). Cardinal Gasparri was commissioned to develop a canonical code for the organizational RCC, as per recommendations of the ‘First Vatican Council’ (1869-70). The commission was mandated to review and discard previous papal decrees, which had become irrelevant in the wake of latest political developments in Europe. The process of codification was completed in 1917, during the papacy of Pope Benedict XV, who promulgated the ‘Code of Canon Law (1917)’, the ‘*Codex Iuris Canonici*’; on 27th May 1917 to come into effect from 17th May 1918. The commission discarded all decrees which called for handing clergy over to secular authorities for punishment for their indulgence in serious crimes (Tapsell, 2014a). The new code discarded papal decrees and instructions addressing clerical sexual deviant behaviors (Peter, 2001), issued by Pope Innocent III, Leo X, Pius IV, the third, fourth and fifth Council of Lateran, and the Council of Trent (Tapsell, 2015), in the wake of modern socio-political developments. These papal decrees had explicitly called for strict and harsh punishments for sexually abusive clergy and called for their handing over to secular authorities for befitting punishments including death penalty, solitary confinement, hard labor, whipping and shaving of heads, restricted food, and permanent dismissals from priesthood (Rashid & Barron, 2018).

Historical Church records contained examples of clerics being defrocked, excommunicated or confined to monasteries for life for their indulgence in sexual abuse or handed over to secular authorities to carry out punishments including castrations and beheadings (Dale and Alpert, 2007). Records of ecclesiastical court trials of clergy in the 16th Century indicated that clergy were handed over to secular authorities for execution of sentences. In one case, the priest accused of sodomizing a 13-year-old boy was tried and then beheaded by the secular authorities (Sherr, 1991).

The ‘Code of Canon Law’ (1917) formally abandoned the mandated practice (*Instruction*, 1866) of involving secular authorities in church matters and handing over sexually abusive priests for punishment. ‘The Code noted “*Clerics in major orders, if they have committed an offence against the sixth commandment with minors under 16 years of age or being guilty of adultery, rape, bestiality, sodomy, traffic in vice or incest with blood relatives or relations by marriage in the first degree, they shall be suspended, declared infamous, deprived of every office, benefice, dignity, or position that they may hold or in more grievous cases they shall be deposed*” (2359: 2), under canon 2368:1 (Doyle, 2010a: 18).

***Crimen Sollicitationis* (1922)**

A set of instructions namely ‘*Crimen Sollicitationis*’ addressing cCSA was prepared and issued on 9th June 1922 by the ‘Supreme Sacred Congregation of the Holy Office’ with the approval of Pope Pius XI (Doyle, 2010a). Although this set of instructions ‘On the Method of Proceeding in Cases of Solicitation’ was addressed to Patriarchs, Archbishops, Bishops, and other local ordinaries, it was only made available to bishops who had to deal with such crimes, on request (Cafardi, 2010). The contents were printed by the Vatican’s Polyglot press (Cafardi,

2010), but not published by the Holy See in its official publication ‘*Acta Apostolicae Sedis*’ (Doyle, 2008). Doyle (2010a:5) further asserted that the document was sent to every bishop in the world. According to canon 379, evidence of cCSA was to be burned upon death of the accused priest or after ten years, with only a short summary of the record to be preserved (Tapsell, 2015). Article 11 of the ‘*Crimen Sollicitationis*’ (1922) imposed the ‘Secret of the Holy Office’ on all information pertaining to clerical sexual crimes obtained through RCC’s own internal inquiries and trials; the breach of which would lead to automatic ex-communication, (Tapsell, 2014a; Doyle, 2010a). Article 63 did provide for dismissal of the abusive clerics, but only if all other options to reform the priest had been exhausted (Tapsell, 2014a).

Religiosorum Instituto (1961)

On 2nd Feb 1961, the Pope issued a Papal encyclical called ‘*Religiosorum Instituto*’ (1961) or ‘Careful selection and training of candidates for the states of perfection and sacred orders.’ The orders contained a set of instructions for careful recruitment to the religious order and to bar those having homosexual tendencies, terming such tendencies as “evil” (30: 4). In light of later reported scandals of cCSA, these instructions appear to have been ignored and were not further incorporated into any organizational infrastructural mechanism.

Crimen Sollicitationis (1962)

On 16th March 1962, with the approval of Pope John XXIII, Cardinal Alfredo Ottaviani issued the second edition of the ‘*Crimen Sollicitationis*’ (1962) titled ‘INSTRUCTION on the Manner of Proceeding in Causes involving the Crime of Solicitation’ (1962) to all Patriarchs, Archbishops, Bishops and other local Ordinaries detailing the procedures regarding reported cCSA and referring to implementation of various rules as laid down in the ‘Code of Canon Law

(1917).’ For clarity, the first edition of ‘*Crimen Sollicitationis*’ will be mentioned as the ‘*Set of Instructions*’ (1922) and the second edition as ‘*Crimen Sollicitationis*’ (1962), further in this paper.

The ‘*Crimen Sollicitationis*’ (1962) explicitly called for the investigation of complaints of sexual abuse against members of the Church to be conducted ‘only’ by the ecclesiastical authorities while suggesting punishments, according to the nature of the crime. These punishments were limited to various forms of demotion within the Church’s organizational hierarchy and called for dismissal only in cases of grave nature (Code of Canon Law, 1917). Interestingly, there was no definition of ‘grave’ in Church law nor in subsequent instructions during the 20th century. ‘*Crimen Sollicitationis*’ (1962) failed to include criminal prosecution, mandatory reporting and surrendering of the accused to concerned judicial secular authorities (Murphy, 2010); despite cCSA being a criminal offence punishable under secular laws. It is argued that no Church or canon law can overrule the penal aspect of the crime as per secular law in modern nation states applicable to her citizens and non-citizens on soil. Moreover, the clerical or social status of an individual does not provide for any amnesty from prosecution, and application of the nation state’s criminal law.

***Crimen Sollicitationis*’ (1922) viz-a-viz 1962 Version**

It could be derived from the ‘*Set of Instructions*’ (1922) that the ecclesiastical authorities who concealed cCSA by not reporting priests to higher Church authorities in line with the ‘*Crimen Sollicitationis*’ (1962), committed violation of the said law and the Church’s own established management structure to deal with cCSA. Sipe stated the reason for such a response, quoting a bishop on record to concede that “some of the bishops are themselves abusers” (1995:

4); a fact later verified after convictions of high-profile Catholic clerics in different countries of the world including USA, Australia, UK, Mexico, and Chile.

Doyle (2008) observed that the '*Set of instructions*' (1922) was for the use of diocesan Bishops only, however, the '*Crimen Sollicitationis*' (1962) also covered other congregations and religious orders (Tapsell, 2014a). Both these documents were identical in forms of instructions, but the '*Crimen Sollicitationis*' (1962) described detailed procedures for an ecclesiastical trial of the offending priest. Section 72 of the '*Set of instructions*' (1922) and the '*Crimen Sollicitationis*' (1962) explicitly equated the punishments for indulgence in the 'crime of solicitation' declared valid for the '*Crimen Pessimum*' and '*De crimine pessima*', that is, the worst crime (Cafardi, 2010). '*Crimen Pessimum*' was defined in section 73 to include any "obscene act/behavior with pre-adolescent children of either sex or with brute animals" (*Crimen Sollicitationis*, 1962). Articles 71 and 73 of the '*Crimen Sollicitationis*' (1962) categorically included sexual abuse of minors as '*Crimen Pessimum*' to be dealt under the same procedural norms as for the crime of solicitation (Ferre, 2002).

Both documents contained specific instructions (section 11) on maintaining secrecy of the highest order due to the serious nature of the sexual crimes discussed, which can be seen as a continuation of the principles in the *Instruction* (1866), mentioned as the Instruction of the Holy Office, dated 20th February 1867, No. 14, section 11 of the '*Crimen Sollicitationis*' (1922/1962). The first page of both the documents explicitly stated for the document to be kept in secret diocesan archives for internal use, and not to be published or commented on in any canonical commentary (Cafardi, 2010). Both the '*Set of Instructions*' (1922) and '*Crimen Sollicitationis*' (1962), were hence never publicly acknowledged and remained secret till the end of the 20th century.

It is interesting to note, that all the Apostolic constitutions, Papal bulls, and orders by successive papal authorities addressing cCSA preceding these two documents were officially issued, but these two sets of instructions were never officially recognized, publicized, exhibited, translated or published on the official gazette, *Acta Apostolicae Sedis*, by the Holy See during the 20th century. Doyle (2018) expressed reservations on the unusual and secretive way the Church authorities issued the *Set of Instructions* (1922) and the *Crimen Sollicitationis* (1962), in contrast to otherwise historical church legislations in early centuries. Aurelius (1947) explicitly held that the only reason for observance of such strict secrecy was to avoid public exposure for the priests as “sex offenders” (Tapsell, 2014c: 17).

Imposition of the Secret of the Holy Office

The *Set of Instructions* (1922) and *Crimen Sollicitationis* (1962) called for the strictest secrecy and imposition of oath on everyone involved in the trial of an accused cleric, including priests and the victims, during and after completion of trial. All proceedings were to be treated as a ‘Secret of the Holy Office’ violation of which could lead to automatic ex-communication; from Catholic teaching this meant “banishment to hell for all eternity” (Doyle, 2010a: 21). This condition could also be judged to be equivalent to a threat to the victims, keeping them silent about their tragedies without calling for moral or legal support, justice, therapy, consolation, or compensation. It has been argued that the conditions contained therein the *Crimen Sollicitationis* had set the bar too high for a priest to be dismissed, which could practically cannot happen except without his own consent (Tapsell, 2014b). The ‘Secret of the Holy office’ was governed by two papal decrees, that of Clement I effective from 1st Dec 1709 and Clement III effective 1st Feb 1759. Both imposed the *Secret of the Holy Office* until 1974, when it was

revised as the ‘Pontifical Secret’ through the issuance of ‘*Secreta Continere*’ (1974) by Pope Paul VI and published in the *Acta Apostolicae Sedis* (1974).

Pontifical Secret- *Secreta Continere* (1974)

The conditions of absolute secrecy and extreme confidentiality in the ‘*Crimen Sollicitationis*’ (1962) were strengthened through the issuance of the ‘*Secreta Continere*’ (Tapsell, 2014a). The primary changes made in the ‘*Secreta Continere*’ were that the ‘Pontifical Secret’ was extended to include all allegations regarding cCSA beyond the scope of information obtained during internal church inquiries (*Secreta Continere*, 1974). However, ex-communication for a breach of the ‘Pontifical Secret’ was not automatic as had been the case previously with the ‘Secret of the Holy office.’

The scope of clerical sexual crimes covered was further enhanced through later instructions issued in 2001 to include possession of child pornography and abuse of vulnerable adults. The ‘Pontifical Secret’ continued to apply under the revised Code of Canon Law (1983) and procedural norms in 2001 through Article 25 of the ‘*Motu Proprio*’ ‘*Sacramentorum Sanctitatis Tutela*’ and under Article 30 (1) of its revised version in 2010, until its final abolition in Dec 2019, by Pope Francis.

Significance of the imposition of the “Secret of the Holy Office/Pontifical Secret”

It is argued that the imposition of the ‘Secret of the Holy Office’ through ‘*Crimen Sollicitationis*’ (1922) and the pontifical secret’ through ‘*Secreta Continere*’ (1974) prevented the bishops from reporting clerical sexual crimes to secular authorities (Beal, 2007); as evidently exhibit from the uniform response of the Bishops worldwide towards reported cases of cCSA, throughout the 20th century.

Imposition of the ‘pontifical secret’ was termed as the ‘legal framework for the cover up’ (Tapsell, 2014b). It was further concluded that the primary purpose of imposition of the ‘pontifical secret’ was to protect the reputation and public image of the Church itself; rather than to safeguard the reputation of the accused and the accuser, as has been consistently proclaimed by the ecclesiastical authorities in defense of the secrecy conditions contained in their organizational policies and institutional laws with respect to clerical sexual crimes (Beal, 2007). Clerical sexual crimes against children were hardly ever reported to law enforcement authorities, because of the imposition of the code of silence (‘Pontifical Secret’) under the threat of ex-communication (UNCRC, 2014). The ‘pontifical secret’ remained as a consistent root factor in sustenance of cCSA within the RCC (Tapsell, 2017). All the six Popes since 1922 till 2010 were responsible for maintaining a cover up through canon law in the form of the ‘pontifical secret’ (Tapsell, 2014a:12). The ‘pontifical secret’ was also criticized for being a contributor towards recidivism having disastrous consequences for the victims and for giving rise to building an atmosphere of cynicism and mistrust, witnessed in the organizational RCC (Beal, 2007).

Hence in so many reported cases of cCSA, it is hard to find a case over decades, where a priest had been reported by a bishop to Police/statutory authorities, in the 20th century. On the other hand, the Holy See has persistently denied disclosing detailed information on abusing priests to international organizations such as the UN and other secular nation states despite formal requests; as it refused to divulge any information to the United Nations Committee on the rights of children (UNCRC) and the Australian Royal Commission asking for provision of details of abusing clerics in Australia (AAP, 2014; Tapsell, 2014b; UNCRC, 2014). The secretive approach of the ecclesiastical authorities badly tarnished the image of the organization which could have been avoided; had the clerical authorities reacted with timely revelations and

action regarding clerical sexual misconduct, without the restrictions and secrecy imposed by the ‘pontifical secret’ (Beal, 2007).

Role of the Seal of Confession

Various researchers have viewed the ‘seal of confession’ as one of the major reasons for concealment of abuse and inaction on part of ecclesiastical authorities (Guerzoni and Graham 2015; Cornwell, 2014; Daly, 2014; Spraitz, Bowen and Bowers, 2014; Keenan, 2012). The secrecy conditions contained in the ‘*Set of Instructions*’ (1922) and the ‘*Crimen Sollicitationis*’ (1962) led to obtain an oath of secrecy from the victims under canon 1769, as otherwise the ‘seal of confession’ was not applicable to the penitents under canon 983, of the ‘Code of Canon Law’ (1917).

Culture of Secrecy

The specific instructions for secrecy called for keeping the ‘*Set of instructions*’ and ‘*Crimen Sollicitationis*’ (1922/1962) in secret archives of the church, accessible only to the concerned Bishops and authorized persons. Such an approach was indicative of a closed institutional structural environment leading towards building up a culture of secrecy and strengthening of ecclesiastical control over sexual crimes committed by priests, in complete disregard to lawful secular authorities. The ‘*Crimen Sollicitationis*’ (1962) was termed as a significant document urging Bishops globally to maintain a strict culture of secrecy over the worst form of cCSA (Doyle, 2018). Although the ‘*Crimen Sollicitationis*’ (1962) does not appear to have been appropriately followed to conduct canonical trials of the offending clergy in line with the scope of the problem, it is evident from historical sources seized by secular authorities during investigations, that secret trials for cCSA did get conducted in certain cases

(Doyle, 2018). However, the whole process of the ecclesiastical trials continues to remain in a shadowed culture of secrecy and even now, no detailed statistics of trials have ever been published or made public by the Vatican. Apparently, the secret canonical trials remained limited in cases of grave nature only, as per the relevant canon law and as per the strategy adopted by Pope Leo IX in the 11th Century in response to the criticism by St. Peter Damien (Rashid & Barron, 2018).

Persistent difficulties were cited for church authorities to reconcile reporting of abuse to pastoral concerns of confidentiality (Morrison, 2005). The silence regarding cCSA within the Catholic Church was a direct outcome of the secrecy obsessed organizational psychology and institutional culture prevalent therein (Beal, 2007: 236). It stands well established that the RCC was aware of indulgence of its clerics in child rape and sodomy and yet despite this, went on to create a ‘culture of secrecy’ and silence; rather than organizational accountability and responsibility (Wall, 2018; Crisp, 2010). US bishops were held responsible for obstructing justice and for using intimidation, deception, evasion, and destruction of documentary evidence to impede investigations into cCSA scandals (Sipe, 2010a).

It has also been argued that seminary training and education prior to the second Vatican Council had contributed towards fostering this culture of silence (McDevitt, 2012:214). The RCC did not possess the same political power in the 20th century as it had held in the Middle Ages; hence the cover of secrecy became a necessity to avoid open trials of clerics by state authorities under secular law (Tapsell, 2014b). It appears that political and reputational reasons underpinned RCC’s actions to develop an increasingly secretive approach (Doyle, 2018). Pope John Paul II viewed the publicity regarding the cCSA scandal as, “more damaging than the crime” itself (Kwitny, 1997:639). It could hence be argued that as the RCC continued to lose its

grip on political power in the first millennium, it remained more concerned about maintaining Papal strength and organizational stability, rather than developing concerns for child safety and welfare.

Previously, from 12th to the 18th Century; cCSA was discussed more critically with stricter punishments called for by successive papal authorities (Rashid & Barron, 2018). The practice of secrecy in the 20th century appears to have been imposed by Pope Pius IX in his instructions issued by the ‘Sacred Congregation of the Holy Office’ in 1866 CE, for observance of absolute secrecy by all in knowledge of the ecclesiastical trials related to cCSA (Doyle, 2008). This was also called for by the Papal constitution ‘*Sacramentum Poenitentiae*’ (1741) of Pope Benedict XIV dealing with the ‘solicitation in confessional’ which was later incorporated in the ‘Code of Canon Law’ 1917.

Isely and Smith (2004) reported that most evidence about cCSA remained concealed by the authorities at the Archdiocese of Milwaukee, who were aware of the abuse before it was reported. The secrecy conditions imposed by the Church were termed as an official sanction for the irresponsible response by the ecclesiastical authorities in cases of cCSA (Beal, 2007). It has been held that the Church’s obsession with secrecy was influenced by the exalted ideals of celibacy and virginity for the clergy, compared with the state of laity or married life (Doyle, Sipe & Wall, 2006) termed as a mentality of criminal deception born out of the obsession of secrecy and to avoid scandal (Berry, 1992).

Doyle (2008, 2010) rightfully stated that the ‘*Crimen Sollicitationis*’ (1962) did not explicitly prohibit victims or bishops from reporting to civil authorities ‘before’ proceedings of the secret trial. It is however argued that in presence of these instructions of extreme secrecy, no

bishop would have dared to report such matters to secular authorities, especially in presence of the ‘Secret of the Holy Office’ since 1922 and then after the promulgation of the ‘*Secreta Continere*’ in 1974, which continued till end 2019. Given the position of clergy in society, it is further argued, that the clerical authorities would have been the first place for the victims and their families to report their ordeal and seek help; the latter because of the context of trust in priests, as an essential part of their religious and spiritual beliefs; a significantly cared aspect in their lives. The conditions of secrecy were termed as “almost paranoid” (Doyle, 2008: 19), within the context of a threat on a massive scale scandal for the RCC, and the inviolability of the ‘sacrament of penance’ vide protecting the ‘seal of confession’ (Doyle, 2010a: 22). The former major concern is consistently demonstrated in later actions of the RCC after the media outbreak of the scandal in English speaking countries with established systems of criminal justice and child welfare, while acting as global role model of a modern nation state and democracy. The latter, however, was limitedly to the crime in solicitation. According to testimonies of victims (Doyle, 2010a), the limited practice of investigation and conduction of ecclesiastical trials in line with the ‘*Set of Instructions*’ (1922) and the ‘*Crimen Sollicitationis*’ (1962) had continued in secrecy till the end of the twentieth century, that is, “after they have been settled and given over to sentencing, are to be completely suppressed by perpetual silence” (Doyle, 2010a: 33). This attitude was further established and condemned by Doyle, while citing different investigative reports at national level into the scandal in USA, Canada, Ireland, United Kingdom, Australia, New Zealand, Mexico, Italy, Germany, and Austria, to point out one common factor of overall casualty; holding ineffective and inadequate reaction of the Bishops as a primary cause of consistency and continuity of the problem (Doyle, 2016), including outright lying and attempts to intimidate the victims to obstruct justice and manipulate the truth. (Doyle, 2010a).

It was not before the 21st century, that the Vatican admitted, that the ‘*Set of instructions*’ (1922) issued to tackle child sexual abuse was communicated only to those Bishops already dealing with particular cases and that, very few copies of ‘*Crimen Sollicitantian*’ were distributed at the ‘Second Vatican Council’ (1962-65), and the rest were never distributed (*Sacramentorum Sanctitatis Tutela*, 2001). This fact was later confirmed by Msgr. Charles Scicluna in an interview in March 2010 (Cardinale, 2010), who stated that an insufficient two thousand copies of the document were printed and that distribution was postponed indefinitely. Ignorance by bishops of these instructions, however, cannot be an excuse of ignorance of the canon and respective civil laws.

The heavily clouded ‘culture of secrecy’ continued to sustain within the Church’s management hierarchy, until the rapidly occurring social and cultural changes led to further awareness of rights amid rapid growth of information technology and media. Victims were then able to turn to civil courts after being denied justice by the respective clerical authorities. It thus became known to the public, that not only the church’s management was aware of wide spread cCSA within its clerical ranks; but the RCC had successfully kept secret its own decades old sets of instructions, management policies, and organizational laws to deal with reported cases of cCSA.

In the state sponsored inquiry in Ireland, the management of the Archdiocese of Dublin was found to be responsible for ignoring its own canon law and trying to avoid application of any other law of the state (Murphy Report, 2009). In spite of extensive knowledge about the massive scale of prevalent cCSA; the Vatican authorities tried to portray it as an American problem with their only concern about the financial costs for the Church, in case of acknowledging the problem (Doyle, 2010c). It can thus be concluded that despite existence of organizational laws

and relevant management mechanisms; the clerical authorities intentionally, willfully and forcefully promoted a culture of secrecy related to cCSA throughout the 20th Century.

Non-Reporting, Silence, Concealment, and Cover up

Later, during various independent investigations, research, papal visitations, and national inquiries conducted in Canada, USA, Ireland, Britain, Australia, Austria, Belgium, Netherlands, Germany, Chile, and France; it was established that a greater concern than the cCSA, was its concealment by the Bishops, non-reporting of incidents to higher church or local civil authorities, and failure to take action against the accused clergy (Andriannsen et al, 2010; AP, 2018; Australian Royal Commission, 2017; Cloyne, 2011; Deetman, 2011; Ferns, 2005; IICSA, 2020; John Jay 2004, Klansic, 2019; Maine, 2004; Massachusetts, 2003; McLellan, 2015; MHG, 2018; Murphy, 2009; New Hampshire, 2003; Pennsylvania, 2018; Philadelphia, 2005, 2011; Ryan, 2009; SCAI, 2021, a, b, c; 2019; 2018; Sauve, 2021 Suffolk, 2002; Westchester, 2002; Winter Commission, 1990).

It could be argued that most organizations and corporations will try to avoid public disgrace and loss of faith by its customers, by trying to address customers' concerns. The steps taken by the institutional RCC to save its image and tarnished reputation, if looked at from an organizational perspective, was a natural tendency and justified approach. What remains incomprehensible for the customers in this case (the laity), is the betrayal of trust and moral authority on the basis of which the organization itself has been built. The institutional RCC is supposed to be based on the moral principles of the sacred trust and name of GOD. This is in contrast to other corporations and organizations that are dependent upon market forces and behavior for material profitability. It can thus be considered appropriate for Church's customers

(the laity) to expect the Church to behave in line with its espoused moral principles in light of the gospels, instead of personal interest, material benefits, and reputational concerns.

State sponsored inquiries in Ireland identified denial, arrogance, and cover up along with incompetence and incomprehension, as primary response from the ecclesiastical authorities towards the victims of cCSA (Murphy Report, 2009). It was found that male religious congregations were not ready to accept responsibility for the immoral sexual misconduct of religious brothers as congregational loyalty remained their utmost priority, over safety of children (Ryan Report, 2009). Response of the US bishops to the CSA crises was found to be indicative of their approach of an organized cover up (Doyle, 2010c).

The response of the ecclesiastical authorities towards cases of cCSA had lessened the trust in the ability of the Church to deal effectively with such situations (Dale, 2013:70). Threats of ex-communication for anyone who discloses cCSA to anyone other than church authorities, thus bounds the victims from reporting their tragedies outside the Church as failure to preserve this could have meant perpetual debarring. The Church not only covered up sexual abuse but responded aggressively towards any complainants (Dokecki, 2004). The secrecy shrouding cCSA in the Catholic Church during 20th century, has been termed as consistency of an ecclesiastical policy adapted by the organizational hierarchy over a long period of time, as described in a number of its penal and canonical documents; a result of a self-styled concept of a “hierarchical-monarchial political structure with God’s given value conceived to be protected at all costs by the clerics.” (Wall, 2018).

Crimen Sollicitationis Unveiled (2001)

The '*Crimen Sollicitationis*' (1962) was eventually brought to light through a document issued by the Holy See (the Pope) in April 2001, that is, the Apostolic Letter (*Motu Proprio*) namely, the '*Sacramentorum Sanctitatis Tutela*.' There was further detailed deliberation through the shortly followed letter '*de delictis gravioribus*' (2001) written by Cardinal, the then head of the 'Congregation for the Doctrine of Faith' (CDF), later, Pope Benedict XVI, Joseph Ratzinger, on 18th May 2001. This letter not only formally authorized the CDF to take control of all reported cases of cCSA, but also confirmed the legal status of '*Crimen Sollicitationis*' (1962) as the existing law dealing with cases of cCSA. Hence it could be stated that the '*Crimen Sollicitationis*' (1962) remained technically in force from 1962 till 18th May 2001 as the Church's approved institutional mechanism regarding organizational laws and policies, management strategies, operational procedures, and adapted practices in dealing with cases of cCSA.

The RCC's response then remained focused on taking remedial steps to protect her reputation, maintain the existing hierarchical organizational structure and individual authority of the bishops, and remain confined to issue public apologies to appease the victims. No further action was taken to provide for pastoral support, justice, or compensations to the survivors. There is nothing on record to state that the ecclesiastical authorities ever issued instructions for the provision of pastoral care for the victims of cCSA (Doyle, 2010a). The cCSA scandal had not only proved that the Bishops had an insufficient understanding of pastoral care but also exposed corruption in numerous areas with a rising demand for accountability (Doyle, 2013). Gavrielides (2013:629) highlighted the importance of the practices adapted by certain religious institutions to

take responsibility of the actions of offenders leading to support healing, restorative justice, and compensation for the victims.

Later, details contained within the '*Crimen Sollicitationis*' (1962) were publically reported through media investigations by CBS news (Collins, 2003; Doyle, 2018). The document was reported to have been discovered in the archives of the Boston Archdiocese during investigations into cCSA reported in 2002. It was later published on the Vatican's website in 2003 (Tapsell, 2014b). Revelations about the existence of '*Crimen Sollicitationis*' (1962) put in doubt the organizational RCC's claims of not being aware of the scope and nature of cCSA (Doyle, 2008). Doyle et al, while describing the problem of cCSA to be "as old as the Church itself" (2006: 295), established that the RCC had a long history of awareness of indulgence of clerics in sexual abuse of minors, and had been enacting various organizational laws and management mechanisms to deal with cCSA throughout centuries (Rashid and Barron, 2018). The Church was well aware of the criminal nature of sexual acts perpetrated by clerics against children punishable by the State for over 1500 years (Tapsell, 2014b). It has been argued that a surprising number of clerical authorities were aware of the actual scope and magnitude of the problem (Sipe, 1995). The sexual abuse of minors by Catholic clergy has been termed to be neither an unknown phenomenon nor a new problem in the Church (Doyle et al, 2006). The very existence of the document '*Crimen Sollicitationis*' proved that the clerical authorities were well informed about clerical sexual crimes and hence could not credibly claim ignorance about the problem of cCSA prior to 1980s (Doyle, 2008).

Aurelius (1947) referred to universal seminarian training to have included knowledge regarding the '*Crimen Pessimum*' but when the priests came to know about incidents of cCSA, "the vast majority simply chose to turn a blind eye" (Murphy, 2009: 7/1.24). The mysterious and

secretive working of the Roman Curia was responsible for generating an “additional touch of intrigue” regarding the crises of cCSA (Keenan, 2012: xxv). It remained unclear if the instructions were used to conduct trials of offending priests. But one thing was evident; that the church wanted to maintain the confidentiality regarding cCSA even within its own organizational hierarchy (Plante, 2010).

In spite of the problem being known; the Vatican decided to remain distant from the scandal (Doyle, 2010b). Kaiser likewise reported that the “bishops pursued a policy of looking the other way” (2015: ix). This finding is contrary to the position regarding the acclaimed lack of knowledge over the issue taken earlier by the ecclesiastical authorities of the RCC, during 1980’s and 90’s. The secretive attitude of the ecclesiastical authorities regarding cCSA was consistently and successfully maintained throughout the 20th century, prompting Kerr (2007) who criticized the sexual behaviors prevailing within the Church community by drawing upon references from a long history of sexual indulgence of the clerics to conclude that “not much has changed since the days of early Christianity.”

Limited awareness regarding ‘*Crimen Sollicitationis*’ (1962)?

Although the ‘*Crimen Sollicitationis*’ (1962) was meant to be distributed to the bishops at the Second Vatican Council, but a very few copies were selectively distributed and the rest were never distributed (*Sacramentorum Sanctitatis Tutela*, 2001; Cafardi, 2010), prompting Doyle (2008; 2010a: 29/35) to opine that the Bishops appointed during last three decades may not be even aware of the existence of ‘*Crimen Sollicitationis*’ (1962). Beal (2007) referred to changes in priestly seminaries and curriculum to reflect upon the ignorance regarding the existence of ‘*Crimen Sollicitationis*’ (1962) amongst many of the bishops; who were surprised

to know about the document after the issuance of “*Sacramentorum Sanctitatis Tutela*” (2001). It was argued that there was not much evidence on record to substantiate that majority of the bishops were aware about the existence of ‘*Crimen Sollicitationis*’/1962 (Coughlin, 2003). A large number of Bishops and Ordinaries remained unaware of its existence resulting in non-implementation of procedures and protocols at the time, when required (Beal, 2007).

Nelson (2010) however argued that it was unlikely that such secret and confidential orders from the Holy Office could be ignored, and quoted a ‘Decree on the life and ministry of priests’ issued by the ‘Second Vatican Council’ (1965), calling for timely help and, if necessary discreet admonishment, for “those in difficulties”. This could be interpreted as to be a further instruction in follow up of ‘*Crimen Sollicitationis*’ (1962) to protect the reputation of the Church, conceal cCSA and support abusing clergy. It is also important to note that these instructions were issued during the 1960s/70s time period, when cases of cCSA were at peak as established in contemporary research (John Jay, 2004; FCDC/Victorian parliament inquiry, 2013).

Interestingly, as the issuance of ‘*Crimen Sollicitationis*’ (1962) was followed by the instructions of the ‘Decree on the life and ministry of priests’ (1965:8) instructing for a more considerate and helpful approach towards “those indulged” in “unspecified problems”, so were the 1866 AD “Instruction” of secrecy and removal of any role for secular authorities had earlier been followed by the First Vatican Council (1869-70), calling for removal of laws superseded in the wake of later political developments. Hence as the decrees of the ‘First Vatican Council’ acted as a supportive measure for the ‘Instruction’ (1866), so did the ‘Second Vatican Council’s’ ‘Decree on the life and ministry of priests’ (1965) for the ‘*Crimen Sollicitationis*’ (1962). This consistent pattern of leniency provided for a secretly diluted and ineffective set of organizational laws and institutional policies constrained to threats to take action rather than actually enforcing

the relevant provisions; sting of which had continued to be successfully removed consistently in the 20th century, eventually making it practically ineffective. This policy of the Church appears to fall in line with the instructions of Pope Gregory V (1622), who staunchly advocated exhibiting threats for action rather than actually enforcing penalties of demotion. (Doyle et al: 2006).

Institutional Environment

Sexual exploitation is more likely to occur in closed organizations through systemic abuse of power; especially where there are insufficient checks and balances and the centralized leadership is not accountable (White, 1995). “Organizational Deviance” has been termed as a direct outcome of ‘routine non-conformity with institutional norms’ helped by the social institutional environment, organizational characteristics and the cognitive behavior of those, running the organization itself (Vaughan, 1999: 274).

Situational opportunity has been held to be of significant importance in sexual abuse of children and that the same factor likely operated in the early history of the Church when schools were run by the monasteries on similar patterns as missionary schools, today (Parkinson, 2004; John Jay, 2004). Terry and Ackerman (2008) highlighted the necessity of avoiding situational opportunities for clerics to be alone with children **to** assert the importance of a uniform policy to define the limitations between priests and minors.

Case studies from Germany highlighted abuse to have occurred in all closed institutional environments, where male educators had charge of male children (Schneider, 2010). Institutional cultures and practices such as clericalism and indoctrinated church allegiance were identified as major factors to have facilitated prevalence of sexual criminality (Keenan, 2012; Terry, 2008;

Doyle, 2003). A persistent culture of clericalism, sexual deprivation, and psychosexual immaturity, coupled up with celibacy amongst the clergy, were found to be premier reasons for deviant clerical sexual behaviors (Sipe, 2012).

Keenan (2012) saw the RCC as requiring a separate in-depth investigation of specific organizational factors, which might have led to further complicate the problem. In Australia, majority of the abuse cases were reported from religious organizations having closed institutional structures than any other management type, and amongst all the religious organizations; 62% cases of cCSA were found to have occurred in the Catholic Church (ARC, 2017).

RCC's Management

Weak organizational structures and poor management policies were found to have facilitated cCSA (Winter Commission, 1990). Failure of the bishops to exercise proper control, who tried to minimize or ignore priestly sexual misconduct against children without realizing the seriousness and frequency of abuse, was reflective of poor governance and management (John Jay, 2004). O' Malley (2002) called it a 'crises of authority.' Necessity for a national code of ethics was emphasized for the Church for organizational reform within its institutional hierarchy (Gaillardetz, 2008). Sullivan and colleagues (2010) stressed upon the importance of policies to evaluate the identification of inappropriate behavior by members of staff towards children and management practices to control it.

Childers (2006) criticized the monitoring system for abusive priests within the dioceses. It was established that the authoritarian systems prevalent within the RCC's management hierarchy prevented disclosures, hence facilitating abuse (Ryan Commission, 2009). The Ryan report further contended that no attempt was made to address the systemic nature of the persistent

problem, as every incident was dealt in secrecy and isolation. The Murphy report (2009) similarly held that the structures of the RCC facilitated the cover up. The Catholic Church displayed poor management while dealing with cases of cCSA (Scott, 2010). cCSA was termed as systemic, having its roots in the structural governance model of the Church (Sipe, 2012).

McDevitt (2012) stressed the importance of systemic institutional change within the RCC to effectively deal with sexual problems faced by the clergy, as the Catholic Church possessed distinctive aspects of ministry, institutional governance and sexuality, compared with other organizations (Keenan, 2012). In the absence of a middle level management system in the RCC's organizational hierarchy, it is evident that the Bishops did not feel pressure from the management to follow the prescribed procedures in letter and spirit. Lack of checks and balances in the church's management hierarchy were cited as a main cause of this problem as compared to other religious groups, which had developed better management mechanisms to evaluate performances with hire and fire authority of their employees (Plante, 2010); unlike the Catholic Church, where bishops are not answerable to anyone except the Pope, without any middle management hierarchical model (Plante, 2004).

This approach of bishops indicates the absence of effective institutionalized management mechanisms, called for in the '*Set of Instructions*' (1922) and '*Crimen Sollicitationis*' (1962). On the other hand, non-reporting of all such cases to secular authorities by the Bishops fell in line with the secrecy conditions imposed by successive Church laws developed since the 19th century. Hence, the bishops were bound by these laws to observe strict codes of confidentiality and avoid efforts by the secular administrative authorities to bring clerical sexual crimes against children to public attention (Keenan, 2012: xxvi).

Management Failure or Success?

Findings from various investigative reports highlighted bad management and lack of sympathy exhibited by the Church authorities towards the victims to have influenced their handling of cCSA cases, and failure to respond adequately to the problem (Keenan, 2012). Inaction on part of the ecclesiastical authorities to provide compassionate pastoral care to the victims of clergy sexual abuse was stated to be the greatest failure to the gravest challenge the Catholic Church had faced in centuries (Doyle, 2010a: 38). The 20th century clerical child sexual abuse scandal was termed as the most devastating crises and challenge; the Catholic Church has faced since the Protestant reformation (Daly, 2014; Doyle, 2018; Wall, 2018). Plante (1999) identified four factors required for sexual abuse to go unchecked including an atmosphere of secrecy, powerlessness of the victim, denial, and lack of accountability, all well entrenched in the organizational hierarchical model of the Catholic Church.

It could be stated that concerns for secrecy by church authorities were well founded and the management protocols were thus carefully planned, designed, and successfully executed, at least since the 19th century onwards, to protect the reputation of the organization as the priority. Hence, it was not the nonexistence of an organizational law, institutional management policy or absence of any appropriate structural management mechanism to deal with the problem of cCSA; but the absence of the required will to do so. This absence of will was also the root cause for consistent tolerance of cCSA in order to protect the reputation of the organization and thus was the need for maintenance of strict confidentiality.

The ecclesiastical authorities tried to deal with cCSA secretly but due to increasing public concern and media pressure, were forced to adopt a more direct approach (Piquero et al, 2008). Case and Egerton (2006) deplored the attitude of the RCC's authorities and quoted Cardinal Rodriguez of Honduras of publicly stating his intention of preferring to go to jail, rather harming any of his priests. The response of the ecclesiastical authorities towards reported cCSA cannot thereby be categorized as a failure of organizational policy, but is rather an issue of non-implementation of the institutional management mechanism designed to address the problem (Beal, 2007). The Philadelphia Grand Jury (2005:55) concluded that the continuous chain of cCSA cases had sustained primarily because of the "purposeful decisions, carefully implemented policies and calculated indifference" instead of "failures or lapses" on part of the ecclesiastical authorities. The primary concern of the ecclesiastical authorities was found to be the protection of the hierarchy, not the victims (Doyle, 2015).

As evident from the above analysis, although there were internal institutional management protocols to tackle abuse, they were very rarely used and the most common approach was to transfer priests without mentioning their past behaviors, as recorded by a number of investigative commissions, inquiries, and reports in Ireland, USA, England and Wales, Netherlands, Australia, and Germany (ARC, 2017; Deetaman, 2010; IICSA, 2018; 2020; Maine, 2004; Massachusetts, 2003; McLellan, 2015; MHG, 2018; Murphy, 2009; Ryan, 2009). Thus on one hand, as it appears to be an 'institutional management failure' on part of the ecclesiastical authorities to control cCSA; but on the other, it can be termed as an 'organizational management success' for more than a century to successfully maintain secrecy in the light of successive Papal instructions and as per the accordingly developed and designed organizational laws and management policies at the highest level ecclesiastical governance, since the 19th century.

Clericalism

Doyle (2006) criticized the clerical mentality of thinking themselves as an elite group and superiority over the laity as erroneous to state that it led to different levels of social privileges and corruption. Secrecy and loyalty were termed as essential binding elements for this clerical culture to thrive (Sipe, 2012). Secrecy provisions imposed by the ecclesiastical authorities were aimed not only at the avoidance of scandal, but also led to the secret restoration of the centuries old clerical privilege of '*privilegium fori*' (Tapsell, 2015; Doyle, 2008), granted by the Roman emperor Constantine in the 4th century, under which clerics could only be tried in church courts, not under secular laws (Doyle, 2010a). The roots of the '*privilegium fori*' stretched as far as back to the fourth century, when Christianity became the official religion of the Roman Empire (Gibbon, 1781). Many bishops perceived their exclusion from civil law as a divine right, instead of a privilege granted by the state, termed to be the root cause of corruption (Anderson, 2004). A number of clergy in the USA were able to escape prison because of their religious status and despite admissions regarding destruction of evidence and conspiracy to hide crimes; none had been charged with perjury (Sipe, 2010a). In order to avoid scandal, which could have arisen from public trials of the clerics, the Church clandestinely and effectively revived the centuries old clerical privilege of '*privilegium fori*', whereby the clergy could not be tried in civil courts (Tapsell, 2014b). This concept of '*privilegium fori*' is in sharp contrast to RCC's laws prevalent during the 16th century, which called for ecclesiastical trials of accused clergy, and mandated secular authorities to carry out punishments as included in Pope Pius V Apostolic Constitution, '*Horrendum illud scelus*' (1568) and the '*Sacramentum Poenitentiae*' (1741) instructions, which were revised later through the '*Instruction*' (1866), to rule out a role for secular authorities (Rashid & Barron, 2018).

Clerical status and privileges were further strengthened within a decade of the issuance of the ‘*Set of instructions*’ (1922) through different political treaties with Latvia (1922), Poland (1925), Italy (1929), and Nazi Germany (1933). This awarded a higher status to the clerical class, so that any jail sentence was to be served within the monasteries (Tapsell, 2015). Such treaties were also concluded with Spain in 1953, the Dominican Republic in 1954 and Colombia in 1887, 1928 and 1973; which limited the power of the state to try a cleric without the consent of the concerned bishop, and effectively barred the secular authorities to question a priest regarding canonical investigations about the cases of cCSA (Tapsell, 2017). The ‘Code of Canon Law (1917)’ referred to be the main law in ‘*Crimen Sollicitationis*’ (1962), provided for the trial of an accused clergy by an ecclesiastical court instead of a secular court under the same traditional privilege claimed by the institutional church as “privilege of the forum” or “*privilegium fori*” (Doyle, 2008: 8:21, 2010a:24:1/2).

Doyle (2010a:25/26) further quoted interviews of several Vatican officials/Cardinals expressive of this consistent mentality even in the 21st century, in spite of the fact that the same had been quietly removed from the ‘Code of Canon Law’ (1983), (Doyle, 2008). The bishops considered Church law to be superior to civil law and oath of obedience to the Pope and the Church to supersede any other obligation towards anyone (Sipem 2010a). The bishops treated sexual abuse by clergy as an internal supervisory matter considering it a traditional ecclesiastical right with no role for secular intervention (Formicola, 2016). Traditionally, the church authorities have remained aversive to the hold of secular laws over members of Church (Doyle, 2008); a perspective that persists even in the modern secular world today.

Kaiser (2015: x) termed clergy sex abuse to have strong roots within the clerical mentality of thinking themselves as “ontologically different”; hence being a different species and therefore accountable to no one, except the Pope. This belief was termed as a myth being sustained only to boost up clerical power and clout (Doyle, 2013), negatively influenced the response of the bishops to the disadvantage of victims of CSA in a detrimental way (Doyle, 2010b). The CSA crises led to exposure of a clerical culture which not only nurtured sex offenders amongst priests but also ensured complete protection to them when publicly revealed (Doyle, 2010c). Clericalism was held to be responsible for the massive denial the ecclesiastical authorities in USA offered in response to the victims of cCSA (John Jay, 2004).

Similarly, the clerical culture has been criticized for encouraging privilege, power, and secrecy resulting in the failure of organizational and ethical safeguards leading to abuse (Aldag, 2008). Plante (1999: xii) while indicating a correlation between trust and exercise of power held that it was through acquisition of trust that moral authority was created and religious power was exercised. Rochford (1998) criticized the use of religious authority to exploit children and then cover it up.

Mandatory Reporting and RCC’s Response to US and Irish Conferences of Bishops

During the last decade of the 20th century, various requests from Bishops Conferences of Ireland (1996), Australia (1996), England and Wales (2001), to allow mandatory reporting were consistently rejected by the Vatican viewing such requests as breach of canon law. However, restricted reporting of sexual abuse was allowed as and if required by secular law in the country where abuse was committed in 2002 for USA, and for the rest of the world through the revised

norms of 2010 (Formicola, 2014; Tapsell, 2014b) in contrast to the continuous application of the ‘Pontifical Secret’ until 2019.

Nelson (2010) held Joseph Ratzinger the later Pope Benedict XVI and the then Prefect of the ‘CDF’ responsible for challenging episcopal initiatives generated by the Catholic Bishops Conferences of USA and Ireland to control cCSA, by quoting the example of the envisioned policy of ‘zero tolerance’ by the US Conference of Catholic Bishops (1992). Apparently, “the danger of Bishops acting together on their own was seen as an even greater threat to Rome than that of pedophile priests.” (Nelson, 2010:7). However, later on in 1994, stricter measures including an ‘indult’ increasing the age of the minor to 18 years from 16 and enhancing the statute of limitations to 10 years from 5 years applicable from the 18th birth day of the victim were approved for the USA only, by the Vatican; due to pressure exerted by the United States Conference of Catholic Bishops (USCCB). It was then, when the first ever guidelines were designed by the USCCB in a three-part manual in 1994, 1995, and 1996 (Sipe: 2009; 8). It was around the same time, that the Catholic Church of England and Wales also compiled its first ever pastoral and procedural guidelines to respond to reported cCSA (CCR: 19).

A somewhat similar response was given to the Irish bishops, who had prepared policy guidelines on cCSA in a document titled ‘Child Sexual Abuse: Framework for a Church Response’ which was approved by the Irish Conference of Bishops and the Conference of Religious of Ireland in January, 1996 (Framework: 1996). Although the same indult as issued to USCCB in 1994 was extended to Ireland in 1996, but reservations were raised regarding the ‘Framework’ (1996) document and the ‘*Recognitio*’ as requested by the Irish bishops was declined, as the document called for mandatory reporting of cCSA allegations to the civil authorities (Framework, 1996; 11: 2.2.1).

The 'Framework' (1996, 12: 3.3) had identified eight major guidelines regarding the response of clerical authorities to the allegations of cCSA in line with the principle of 'paramountcy of child welfare' and safety. It called for an immediate response and reporting to civil/police authorities, care for emotional and spiritual wellbeing of the victim and family, and immediate consideration about the continuation of an accused priest in ministry. Consideration was also given to the protection of rights of an accused under civil and canon law ensuring principles of natural justice, requirement of appropriate pastoral response, and importance of taking adequate measures to restore reputation of a priest; if found to have been wrongly accused. The document had been adapted by the Irish Conference of Catholic Bishops and Religious with the understanding that every diocese or religious institute would enact its own protocol to implement the policy guidelines. However, when the Irish Bishops sought recognition ("*Recognitio*") of the policy guidelines from the Vatican; which if granted, would give the guidelines status of canon law; the response was far from encouraging.

It was on 31st Jan 1997, when the then Papal Nuncio of the Holy See to Ireland wrote a 'strictly confidential' 'Letter to the Irish Episcopal Conference' while expressing "serious reservations of both moral and canonical nature" (Tapsell, 2014a:6), at its explicit calling for "mandatory reporting" of the allegations to the civil authorities (NYT, 1997:1). The letter also termed the guidelines to be in conflict with certain provisions of canon law and indicated that their implementation in present form could bring embarrassment to the concerned dioceses (1997:1; James, 2011; Robertson; 2005).

The letter explicitly directed the Bishops Conference to deal with cases of cCSA as per canon law, while declaring the guidelines as a "merely study document"; not an 'official document of the Episcopal Conference.' (1997:2). As the Irish bishops were beginning to take

stringent remedial measures to counter cCSA in Ireland; the Vatican enforced its own policy asking them to give primary consideration to the interest of the accused priests, while not even mentioning anything about the victims (Keenan, 2012). Another request by the Irish bishops for allowing mandatory reporting of clerical sexual crimes against children to the Police was again refused by the Vatican in Nov 1998 (Tapsell, 2014b:26). Further in 1999, the Irish priests were called to Rome and told by the Perfect of the 'CDF' to act as "fathers to your priests, not policemen" (Keenan, 2012; Tapsell, 2014b: 26).

Thus, through the letter of 1997, a perception was conveyed by the Vatican; that in spite of on-going media revelations and building up of pressure about cCSA in the worldwide Catholic Church; the Vatican still placed the Church's reputation, organizational independence, and canon law ahead of the welfare of the victims, principles of natural justice, and secular law. This communication proved to be a source of great encouragement for those within the Irish Church hierarchy who were not in favor of any outside interference in what they considered to be a matter of the Church's exclusive domain. Similar requests for '*RECOGNITIO*' calling for mandatory reporting to secular authorities in light of the recommendations of the Nolan (2001) and Cumberlege Commission (2007) reports, which if granted would accord these recommendations the status of Canon Law within the Catholic Church of England and Wales, were also denied by the Vatican.

Misprision of felony laws in common law countries (English speaking world) had existed for centuries and the same was in knowledge of the Vatican authorities, when the above mentioned letter was written to the Irish Episcopal Conference by the Holy See (James, 2011). Furthermore, the 'Towards Healing' document prepared by the Australian Conference of Catholic Bishops in 1996, a year ago, was in accordance with the same law or its statutory

equivalents in different Australian States. It has been held that the Church was willing to comply with the concerned secular authorities but conditionally; while first prioritizing its own interests and safeguard its internal structural hegemony (Guerzoni and Graham, 2015).

In August 2002, the US Bishops agreed at Dallas to implement a nationwide mandatory policy to report all cases of cCSA to Police and to ensure removal of any priest found to be involved in child sexual abuse. However, the Vatican expressed serious reservations terming some of the provisions of the drafted guidelines in conflict with the Canon Law. In the next meeting, the bishops modified the policy to accommodate concerns of the Vatican, resulting in disposing off the condition of ‘mandatory reporting’ to the Police and enhancement of judicial cover to safeguard the rights of the accused priests (Boston Globe Investigative Team, 2002: 212). Eventually the Vatican enforced its own definition of clerical sexual abuse, granting some concessions; which were however limited to the US bishops only (Formicola, 2016:7).

Role of Canon Law

It is evident from the Vatican’s approach, that the Bishops viewed canon law to be of prime importance even in those matters; which constituted crimes under secular laws. The clerical officials remained concerned about only those aspects of canon law, which dealt with secrecy (Murphy Commission, 2009:8/1.27). The Church’s own legal system was termed not only as a hindrance to justice for the victims but also as a source of comfort for the offending clergy to provide protection (Doyle, 2015). It was argued that the complications involved in the implementation of canon law discouraged the bishops to initiate any action against the accused (Daly, 2009:37). Canon Law comprised of certain elements borrowed from civil law or writings of individuals; with no ecclesiastical authority (John Jay Report, 2004:26).

In light of the policies and official communication referred above, it can be substantially argued that on one hand the Vatican explicitly instructed the bishops to follow the canon law requiring “pontifical secrecy” so as not to disclose sexual abuse of minors to the outside world, and on the other it also advised them to follow local secular laws in this regard. The stance taken by the Vatican explicitly states that in any case whatsoever, the bishops must follow the canon law first as they are bound by the organizational Church in this regard. But at the very same time it does not explicitly address the conflict between the canon law and the secular law, while requiring the bishops to follow local laws regarding mandatory reporting of abuse cases; hence creating a contradictory stance itself, while ensuring that whatsoever; the principles of Canon Law are not compromised.

Clerical CSA: Sin or Crime and Role of Secular State

The Church had always remained aware of cCSA and viewed it as a sin against the sixth commandment of the Book of Deuteronomy (5:18) considering sexual abuse by a priest to be especially “evil” (Daly, 2009: 3:35). It has been noted that the ecclesiastical authorities viewed sexual abuse of minors more of a sin rather than a crime (Death, 2012). It was argued that the changes carried out in Church laws in early 20th century were reflective of the RCC’s attitude to clerical sexual misdemeanors as more of a ‘moral sin’ to be adjudicated upon by the ecclesiastical authorities, rather than a crime punishable by imprisonment; as the latter had become the exclusive right of the state by the 19th century (Tapsell, 2015). Ballano (2016) termed clerical abuse as a sin which could be forgiven by priests and bishops and stressed on exercising mercy and compassion in cases of offending clergy.

Thus through the promulgation of the aforementioned laws and policies, the maximum punishment for clerical sexual crimes against children was reduced to ‘dismissal’ from priesthood and that too only where it had become impossible to reform the priest as provided under the newly devised ‘Code of Canon Law’ (1917). As all the information pertaining to clerical sexual crimes was to be kept secret, the involvement of the state was ruled out meaning no criminal liability and penal consequences for sexual crimes against children.

Clerical sexual abuse of minors has been termed as a violation of a general law of the Church to avoid indulgence into a sexual act as per canon 277 of the Code of Canon law (1983); and abuse of authority, position, and power as per canon 1389 (Doyle: 2017). Beal (2007) however argued that the sexual offences covered by the ‘*Set of Instructions*’ (1922) and ‘*Crimen Sollicitationis*’ (1962) were crimes as per both canon and secular law, and thus, subject to jurisdiction of both the Church, and the State. It was amid reputational concerns and in order to avoid scandal, that the Church enabled its own mechanism to deal with this itself, before the abuse could attract the attention of secular authorities, or at least to demonstrate that ecclesiastical authorities were as concerned as secular authorities in punishing serious sexual crimes (Beal, 2007). It was found that unparalleled deferential treatment was meted out to the institutional Church in USA which kept the problem of cCSA hidden for some time, as the accused clergy were extended ‘special treatment’ by officers of law enforcement agencies and prosecutors (Doyle, 2010b).

Clerical Status and Religious Clout

The Church has been an influential force due to its size, power and religious clout to influence local civil authorities (Plante, 1999). Doyle and colleagues (1985) had earlier pointed out the religious stature enjoyed by the bishops in the society. In terms of the organizational status enjoyed by the priests and Bishops in the church's hierarchy, Ben-Yahuda (2001) termed it as 'power to betray.' Figgis and Laurence quoted Lord Acton's letter to Bishop Mandell to state that "power tends to corrupt and absolute power corrupts absolutely" (1906: 9). Hildalgo (2007) held the religious influence and stature enjoyed by clergy to have affected believing in the ordeals of the victims and pointed out how societal structures were bent in favor of the perpetrating clerics to provide protection. The psychological and spiritual power exercised by clerics over lay persons was instrumental in silencing the voice of the victims of cCSA (Death, 2013). Such influences as exercised by clerics had contributed towards the Church's response to protect abusing clergy (Benkert and Doyle, 2009).

It was concluded that huge amount of resources, time, and money had been consumed not to ensure protection of children or provide justice to the victims of cCSA; but rather to protect abusing clerics and image of the organizational Catholic Church, as avoidance of scandal and preservation of clerical authority, power, and property continue to remain the topmost priorities of the ecclesiastical authorities (Sipe, 2010b). It was held that unchecked pastoral power protected and fostered sexual abuse (Death, 2013).

Significance of time period (1960s-80s)

Besides issuance of the '*Religiosorum Instituto*' (1961) and the second version of '*Crimen Sollicitationis*' (1962); work on the revision of 'Code of Canon Law' (1917) started under Pope Paul VI who inaugurated the 'Pontifical Commission for the revision of the 1917 'Code of Canon Law' on 25th Nov 1967, completed on 22nd April 1982. The revised 'Code of Canon Law' (1983) was promulgated on 25th Jan 1983 by Pope John Paul II and came into effect from 27th Nov 1983 (Waters, 2016).

It is important to note that majority of the reported cases which came to light much later in the 20th century had occurred during the 1960s and 70s; which is considered as the peak time period for such cases in contemporary research (John Jay, 2004; FCDC/Victorian parliament inquiry, 2013). The same may well have been a reason for re-issuance of the '*Set of Instructions*' (1922) in a revised format as '*Crimen Sollicitationis*' (1962) by the topmost ecclesiastical authorities to include administrative protocols for canonical trials of priestly sexual misconduct, as a timely requirement in order to avoid enforcement of secular law on clergy, to avoid scandal and protect the reputation of the RCC.

However, no explicit reason was ever stated for the re-issuance of '*Crimen Sollicitationis*' 1962, (Doyle, 2018), which was neither published officially, nor was widely circulated amongst bishops. (*Sacramentorum Sanctitatis Tutela*, 2001). Beal (2007) expressed inability to identify a reason for the need for reissuance of the '*Crimen Sollicitationis*' in 1962; as the question remains categorically unanswered till today. The working of the Vatican's bureaucracy inflated the image of intrigue because of its perceived secretive and mysterious mode of operation with regards to the handling of priestly abuse cases (Keenan, 2012).

But at the same time, it is strange to note that Msgr. Charles Scicluna, the prosecutor of ‘CDF’ in an interview in 2010 as reported on the Vatican’s website claimed to have received not a single allegation of cCSA between the period 1975-1983 (Cardinale, 2010), when the abuse rates were at peak, and priests were being sent for alternative treatments and therapies? It is also interesting that the above time period starts soon after the promulgation of the ‘*Secreta Continere*’ (1974) and continued till necessary amendments to provide complete canonical legal protection to the abusing clerics were made part of the revised ‘Code of Canon Law’ (1983) through placement of a statute of limitation for five years to report cCSA (Code of Canon Law, 1983; 1362: 2/1395:2). These changes in Canon law made it virtually impossible to bring any abusive cleric to justice, and are indicative of a uniformly implemented secret policy and well-planned management strategy by the RCC, leading to a substantive global cover up. Brown (2010) termed the admittance by Scicluna as pertaining to a culture of secrecy rather than a specific policy, holding the Church to be “structurally sinful.”

Historic Church Laws and their modification in favor of Clerics in the 20th Century

In light of the *Instruction* (1866), the ‘Code of Canon law’ (1917), the ‘*Set of Instructions*’ (1922), ‘*Crimen Sollicitationis*’ (1962), ‘*Secreta Continere*’ (1974), and the revised ‘Code of Canon law’ (1983); it is clear that not only were the ecclesiastical authorities in full knowledge of cCSA over centuries; but since the 19th and 20th centuries had revised previous organizational laws much to the favor of the abusing clerics, while modifying and discarding all such previous papal decrees related to any role/involvement of secular authorities regarding clerical sexual crimes against children.

It is interesting to note that the promulgation of ‘Code of Canon Law (1917)’ in the light of the *Instruction* (1866) and directions of Pope Pius X at the ‘First Vatican Council’ in (1869-70) calling for removal of those parts which appear to be superseded in the light of later modern historical developments successfully removed the harsh penalties for cCSA including ex-communication and role of secular authorities provided for in the *Sacramentum Poenitentiae* (1741) and earlier successive Papal decrees by Pope Gregory V (‘*Universi Dominici gregis*’, 1622) and the Apostolic Constitution of Pope Pius V (1568 A.D) (Rashid and Barron, 2018). Thus the law developed from the 19th century onwards in light of the ‘*Instruction*’ of 1866 and recommendations of the Second Vatican Council later took the form of the ‘Code of Canon Law (1917)’ and special procedures developed in 1922 in the ‘*Set of instructions*’; through which the otherwise harsher criminal penalties for sodomy and pedophilia were significantly reduced to limited administrative action thus bringing an end to the role of secular authorities, in sharp contrast to what had been an established practice from the 16th to the 18th century.

The ‘Code of Canon Law (1917)’ hence, not only modified but also discarded previous papal decrees calling for the offending clergy to be stripped of their clerical status and to be handed over to secular authorities for punishment; up to a maximum of clerical dismissal and that too only in cases of grave nature, a similar position taken earlier by Pope Leo IX in response to the letter of St. Peter Damien in the 11th century (Rashid and Barron, 2018).

Furthermore, the ‘Code of Canon Law’ (1917) placed a strict legal obligation on the victim of solicitation to report the matter to the concerned authorities within thirty days of the occurrence of the crime. Failure to make the denunciation could lead to ex-communication (Beal, 2007). However, this was applicable only to the victim in solicitation; not to minors sexually abused by clergy outside the sacrament of confession (Doyle, 2010a: 37/f). It thus stands

established that the ecclesiastical authorities had always treated the crime of solicitation as a grave sin and had consistently enacted strict penal legislation from 16th till the 19th centuries which were diluted and modified to the benefit of abusing clergy, since late 19th and beginning of the 20th century (Rashid & Barron, 2018).

Code of Canon Law (1983)

The promulgation of the ‘Code of Canon Law’ (1983) effectively removed the aforementioned obligation on the victim to report the clerical sexual crime and inserted a ‘statute of limitation’ of five years (Code of Canon Law, 1983:1362); hence making it almost impossible to try a cleric under the revised law leading to a blanket cover to all abusing clerics who had committed sexual crimes against children over decades.

The revised ‘Code of Canon Law’ (1983) dealt with cCSA in these words: *“A cleric who in another way has committed an offence against the sixth commandment of the Decalogue, if the delict was committed by force or threat or publicly or with a minor below the age of 16 years, is to be punished with just penalties, not excluding dismissal from the clerical state, if the case so warrants”* (1395: 2). With the promulgation of the new code, the ‘Code of Canon Law’ (1917: 2359:2) was much diluted as the “detailed disgraceful penalties” were replaced with “just penalties” and “grave” with “if the case so warrants” in canon (1395: 2) in its revised version (1983). The revised ‘Code of Canon Law’ (1983) also called for adaption of a ‘pastoral approach’ for abusing clerics (Canon: 1341), before they could be subjected to a canonical trial as mandated by the ‘*Crimen Sollicitationis*’ (1962), and was diluted to such an extent in favor of clergy that an admission of guilt ensured that no criminal action could be instituted against an

abusing cleric. The cleric was also provided with full protection from the clutches of secular justice through restriction of public ministry.

The statute of limitation of five years for all cases of cCSA, (Canon: 1362) inserted in the law, had earlier been removed by the Apostolic Constitution '*Sacramentum Poenitentiae*' (1741 CE) (Rashid & Barron, 2018). There was no such time limitation for processing reported cases of cCSA since the 18th century till the revised 'Code of Canon Law' (1983) imposed such a time limit after a gap of 242 years. The insertion of the time frame provided legal cover to the abusing clerics, so that no action could be initiated against them, even under canon law, and the very presence of the '*Secreta Continere*' (1974), continued to shelter the abusing clergy from being proceeded against for sexual crimes against children under secular law.

Furthermore, the late Pope John Paul II imposed conditions treating diagnosis of pedophilia as equivalent to insanity in civil law (Chapman; 1995: 805); which effectively prevented a priest from being dismissed for being a pedophile (Tapsell, 2014a; 2015). The clause ensured complete protection and immunity to the perpetrators of cCSA by the ecclesiastical authorities. Thus the revised code (1983) effectively avoided even a remote possibility for conducting the trial of a priest involved in cCSA according to Church law.

Reese (1992) noted that the 'Code of Canon Law' (1983), made it almost impossible to dismiss sexually abusive clergy. The changes brought by the Late Pope John Paul II in canon law effectively made the church's internal procedures, to deal with reported cases of cCSA as mandated by the '*Set of Instructions*' (1922) and the '*Crimen Sollicitationis*' (1962), useless (Tapsell, 2014b). Through introduction of a statute of limitation, the Church exhibited its primary concern for the abusing priest, not the victim, as the right of suspension accorded to the

concerned bishop was also technically abolished by linking it to completion of preliminary investigation; which could not commence after the insertion of the statute of limitation in majority of the reported cases. The reaction to cCSA cases, in full knowledge of Vatican authorities, was to protect clergy rather than bring perpetrators to justice and ensure help to victims, who after losing all hope in the Church, then turned their attention to civil courts (Sipe, 1995).

Although the 'Code of Canon Law (1917)' to be followed in dealing with cases of cCSA as per the '*Set of Instruction's* (1922) and the '*Crimen Sollicitationis*' (1962) was revised in 1983, no further instructions were issued for deviant sexual misendeavours to update the '*Crimen Sollicitationis*' (1962), until 2001. Hence the papal Motu Proprio '*de delictis gravioribus*' (2001) stated that from 1962 till its issuance; '*Crimen Sollicitationis*' (1962) had been the law in force pertaining to clerical sexual crimes and after the promulgation of the 'Code of Canon Law 1983', it was necessary to revise the '*Crimen Sollicitationis*.' This view was endorsed by canonical scholars, officials of the 'CDF' and the officers of the Cannon Law Society of America, who visited the Vatican in 1996, to discuss the document (Doyle, 2010a).

The 'Code of Canon Law (1917) had earlier removed certain parts of previous Church laws to the advantage of the abusive clergy. Although it upheld various penalties for cCSA, including restrictions of ministries and dismissal from the clerical state; it removed the clauses mentioning harsh penalties including 'ex-communication' and handing the abusers over to secular authorities after being tried by church tribunals which was the case up till the 18th century. The remaining of these penalties were not only effectively diluted but were made impossible to implement after the promulgation of the Code of Canon Law (1983), which rendered the

‘*Crimen Sollicitantias*’ (1962) ineffective for all practical purpose making it practically impossible to take offending clergy to task.

Impact of Church Laws developed in the 20th century

In the latter half of the 19th and beginning of the 20th century, once again a backward trend and a softer position towards offending clergy is evident in comparison to the stricter approach which had developed after the consolidation of the papal institution in the 12th/13th century; and later during the Inquisition era (Rashid & Barron, 2018).

A consistent trend to protect offending priests becomes visible onwards from the 19th century with the issuance of the ‘*Instruction*’ (1866), providing for maintenance of secrecy with no role or interference for secular authorities. Quoting from a variety of historical sources, Doyle (2010a) established that the growing pattern of secrecy related to cCSA developed from late 19th century onwards and strengthened in the 20th century although throughout Middle Ages. The clerical authorities had explicitly remained vocal and concerned about cCSA, as evident from the published instructions from successive papal authorities. It is, however, evident that from the 19th century onwards, the Papal authorities were not supportive of any outside involvement from secular authorities in matters related to the church; especially cCSA. This culture of secrecy and non-inclusion of secular authorities in church related matters developed since the 19th century and has continued to persist since then (Wall, 2018).

It was noted that the Church had a conflict of interest in reporting priestly sexual crimes against children to the Police and civil authorities, keeping in view its “concerns about ‘scandal’, the theological teaching of the father/son relationship between a bishop and a priest, and its history of cover up” (Tapsell, 2014b:313). The bond between the bishops and their priests

coupled up with cultural impacts might create compassion for the accused priests (Ballano, 2016). The bishops treated priesthood as sacred and more important than any victim (Dreher, 2013). In the wake of the cCSA crisis; it was important for the bishops to stick up to their priests as a father (Vlazny, 2010: 155). The ‘zero tolerance’ policy of the USCCB regarding cCSA had left the priests wondering if they could still count on the support and patronage of their respective bishops in the time of need; hence having an adverse impact on the traditional bond and trust they once enjoyed with their spiritual fathers (Rossetti, 2010).

International Reports/Inquiries

Following the emergence of reports of clerical sexual abuse of children in a number of countries; State and Church sponsored inquiries were conducted in USA, Canada, Ireland, Australia, United Kingdom, Belgium, Netherlands, Germany, Austria, and Chile. These inquiries identified various similarities in the overall global response by the organizational RCC to the cCSA crises.

The Winter Commission (1990:13/14) report in Canada held the ecclesiastical authorities responsible for not taking appropriate administrative measures despite formal knowledge regarding sexual abuse of children by the clergy. The Shadow Report of the Holy See and the UN Convention on the Rights of the Child (2002) also pointed out lack of will and administrative failures on part of the Church’s management to take notice and appropriate action. The report held the Church’s management responsible for concealing cases of CSA from becoming public in violation of its international obligations as a member of the United Nations Convention on the Rights of the Child (UNCRC, 2002).

In USA, the Report of the Grand Jury of Westchester County, New York (2002:6/9) also deplored the role of the ecclesiastical authorities to mislead and pressurize the victim to cover up the issue, through routinely questioning the veracity of the allegations in spite of knowing the truth and adapting delaying tactics and coercive measures, in order to bar the victims from approaching law enforcing agencies. This indicated a failure of the church's management mechanism and leadership, as an institution to guard its own charter of duties.

The report of the Grand Jury of Suffolk County, New York (2002) about the Diocese of Rockville Centre, established awareness and knowledge of the diocesan authorities in the whole matter, their inability to take any action, and failure in responsibility to protect children, while placing the reputation of the organization above the concerns of justice. The report concluded that the Church was incapable of handling cCSA cases and held the ecclesiastical authorities responsible for deception and intimidation to conceal priestly sexual crimes and bar victims from seeking legal assistance. The report of the attorney general of New Hampshire (2003) on the Diocese of Manchester, established that the diocese willfully breached its duties required to be carried out under its own organizational charter to address abuse concerns appropriately, hence perpetuating the abuse leading to further assaults and endangering the welfare of children. Similar failures on part of church authorities to implement its own management procedures were identified in the report by the attorney general of the State of Maine (2004).

The John Jay report (2004) noted that the US bishops exhibited excessive leniency, moral laxity, secrecy, and neglect, in their inadequate response to the victims while allowing offending priests to continue, transferring abusive clergy to other dioceses, not reporting offending clergy to civil authorities, and taking no action to remove the abusing priests from the ministry failing in their pastoral duties towards the victims. The Philadelphia Grand Jury report (2005) held

Church officials responsible for covering up for offending priests and delaying reports of abusive behavior to oust the state's statute of limitations, so no criminal proceedings could be initiated against the offending clerics, and for taking a number of other steps aimed at avoiding civil liability. Likewise, the Deffenbaugh report (2006), found the Archdiocese of Chicago not to have followed its own charter of duties, responsibilities, policies, procedures, and protocols.

The second Philadelphia Grand Jury report (2011) held that support programs for the victims of cCSA could not operate by the Church itself, as dozens of abusers after successfully dodging the statute of limitations, had continued to perform duties within the Archdiocese. The report established that the ecclesiastical authorities were only interested in protecting predator priests and avoiding scandal and financial liability. The Pennsylvania Grand Jury report on the dioceses of Altoona-Johnstown (2016) discovered numerous reasons to have affected delayed reporting of abuse by the victims and held the bishops responsible for not reporting the sexual misconduct of offending clergy to civil authorities and for not removing them from their positions. The report of the Pennsylvania Grand Jury (2018) confirmed systematic cover up orchestrated by senior church leaders amid reputational concerns, while protecting predator priests at the cost of the victims. The report identified at least 1000 victims and 300 offending clerics over a seventy-year period and noted efforts undertaken by senior bishops to discourage victims from reporting their abuse to Police.

In Ireland, the Ferns report (2005) held the authorities at the Ferns dioceses responsible for not appropriately handling complaints regarding reported cCSA. The Murphy report (2009) found that at least until mid-1990s, the priorities of ecclesiastical authorities at the Archdioceses of Dublin remained confined to maintain secrecy to avoid scandal and protect the reputation of the Church, while preserving her assets. The Ryan report (2009) held that protecting the

institutional reputation remained the paramount concern of the ecclesiastical authorities, as indulgence in cCSA was treated as a ‘moral failing’ on part of a religious brother, rather than a crime to be reported to civil authorities. The report further added that despite the systemic nature of the problem; the religious authorities did not take any steps to counter abuse and the victims were treated harshly. In his pastoral letter to the Catholics of Ireland, Pope Benedict XVI (2010) termed the actions of concerned bishops as “grave errors of judgment, failures of leadership, and serious mistakes.” The Cloyne report (2011) concluded that the clerical authorities at the dioceses of Cloyne failed to implement its own guidelines regarding abuse.

The Adriaenssens Report (2010) detailed horrific details of cCSA in the Catholic Church of Belgium, identifying around 300 cases over a period of 30 years. The Deetman Commission report (2011) also confirmed widespread sexual abuse of children within the Dutch Catholic Church from 1945-2010. These various inquiries established mismanagement of abuse allegations, occurrence of significant abuse, and a complete failure to protect children by the ecclesiastical authorities of the RCC (Balboni, 2011). The Catholic Church was held responsible for putting children at risk in contravention of its own teaching (Keenan, 2012), and criticized for not been able to implement its own canonical law in an effort to cover up and to avoid such scandal (Wall, 2018).

The report of the German Episcopal Conference (2018) established a history of cover up by the ecclesiastical authorities amid reputational concerns with at least 3677 victims identified over a period of 68 years (1946-2014). The report was also criticized for not allowing access to original files to the researchers, who noted evidence confirming manipulation and destruction of records (AP, 2018). Similar practices related to manipulation of evidence and records had been recorded earlier as well on part of some actors within the Church’s hierarchy (FCDC/Vic Par

Inquiry, 2013; Frawley-O'Dea, 2007). The Holy See's own investigation led by Archbishop Charles Scicluna, the Holy See's top sex abuse investigator; confirmed widespread occurrence of CSA within the Catholic Church in Chile leading to resignations submitted by all the bishops of Chile to the Pope (Vella, 2018; Vatican, 2018). The independent inquiry into child sexual abuse confirmed concealment and a culture of secrecy related to clerical sexual crimes against children in the Catholic Church of England and Wales (IICSA, 2020). The Sauve Commission report confirmed at least 216000 victims and identified 3000 abusing priests over a period of 70 years (1950-2020) in the French Catholic Church (Sauve, 2021).

Catholic Church's awareness and uniform global response

There are no signs and it would not be fair to expect that despite strict instructions to maintain secrecy practiced from earlier times, as provided by the *"Instruction"* (1866), the *'Set of Instructions'* (1922), the *'Crimen Sollicitationis'* (1962) and finally the *'Secreta Continere'* (1974), the church authorities would have had encouraged the victim to report the matter to civil authorities. Hence there is nothing on record to suggest if during this time period of history, any Bishop encouraged or reported any such incidents to secular authorities. Hence a great similarity is found in responses as exhibited by the bishops universally, in transferring priests and silencing the victims in reported cases of cCSA (Tapsell, 2014b). The handling of complaints by the Universal RCC all over the world has been found to be "unusually consistent" (Keenan; 2012, xxiv/xxv), which further compounded the already complex problem. The Church acted in a highly defensive and arrogant manner, while not exhibiting any concerns, understanding and compassion for the victims and their families (Plante, 2004: xxii/xxiii). The response of secular authorities to initiate legal/criminal action against the clergy remained unsatisfactory (Young and Griffith, 1995).

The condition of ‘mandatory celibacy’ in the Catholic Church has been criticized for being imposed on men; who neither possessed the grace nor the aptitude for such life leading to truncated psycho-sexual development (Phipps, 2004); a common factor detected in CSA offenders, thus establishing a strong link of cCSA with the ‘mandatory celibacy practice’ adopted by the Catholic Church since the 12th century. Homosexual and heterosexual forms of abuse were common amongst the secular and clergy, and most celibacy violations involved heterosexuality. However, in the case of monks who lived an isolated life from women, homosexuality was extensive and many monasteries enacted their own rules adding harsher punishments for monks than for secular clergy, in order to curb abuse of young boys (Doyle,2018).

The Church could have done more to prevent cCSA and treat the victims, and their families with compassion and respect (Plante,1999:175). The Church leaders were held responsible for violating people’s sacred form of trust (Friedrich, 2007). The detailed plans (*The Manual*) to counter clergy abuse problem were given no weight by the National Conference of Catholic Bishops (NCCB/now USCCB), in 1985; despite early warnings on flimsy pretexts exhibitiv of their unwillingness, non-cooperation, and lack of interest (Doyle, 2010c:9). There is enough historical evidence to establish that the ecclesiastical authorities had remained well aware of the destructive effects and criminal behavior of her clerics throughout centuries (Doyle, 2018; Doyle et al, 2006; Rashid & Barron, 2018). The occurrence of abusive sexual activity amongst clergy contradicted everything the institutional Church publicly stood for (Keenan, 2012: xxiv).

Role and Jurisdiction of the ‘CDF’ in clerical sexual crimes

The office of the ‘Supreme Sacred Congregation of the Roman and Universal Inquisition’ was formed by Pope Paul III through promulgation of the Apostolic Constitution ‘*Licet ab intio*’ on 21st July 1542. Later on, through the promulgation of the Apostolic Constitution ‘*Immensa aeterni Dei*’ (1588), Pope Sixtus V systematically organized various congregations of cardinals to examine a variety of issues, subjects, and problems to advise the Pope (Beal, James, & Thomas, 2000). The congregation was further enhanced by bestowing upon it the premier functions of the Roman Curia along with special powers including investigations, prosecution and sentencing with regards to dealing with all kinds of abuses of the sacraments and heresy, including clerical sexually deviant behaviors (Beal, 2007). It has been argued that the ‘CDF’ had always acted as the supervisory body over faith and morals within the RCC, since its emancipation as the ‘Supreme Sacred Congregation of the Roman and Universal Inquisition’ in 1542 (Brundage, 1987; Beal, 2007).

Pope Gregory XV through Apostolic Constitution (1622), ‘*Universi Dominici gregis*’ granted special responsibility to the ‘Congregation of the Inquisition’ to deal with the crime of solicitation. Further, the powers of investigation and prosecution for cCSA were exclusively reserved for the said office through Pope Benedict XIV’s Apostolic Constitution ‘*Sacramentum Poenitentiz*’ (1741) which came to become part of the ‘Code of Canon Law’ (1917) as canon 904, and remained so until the promulgation of the revised ‘Code of Canon Law’ 1983 (Beal, 2007). It is well established that cCSA cases were dealt by the ‘Congregation for Doctrine of Faith’, at least since the 18th century (Doyle, 2010a; 2008).

It is pertinent to mention that the crime of solicitation was at times regarded as ‘heresy’ depending upon the nature of cases, at least since Pope Paul IV’s letter (*Cum sicut nuper*) in 1561 CE; a provision which continued to become part of the ‘*Crimen Sollicitationis*’ 1922/1962 (Beal, 2007), after the promulgation of the ‘Code of Canon Law’ (1917). Boswell quoted records of civil and ecclesiastical trials conducted against “heresy” to have included both “sodomy and crimes against nature” and stated that the common official terminology regarding “heretics included traitors, heretics, and sodomites” (Boswell, 1981: 283/284). The French word “Bougre” was used for ‘heretics’ to refer to those engaged in sodomy or homosexual practices (Brundage, 1987, 473). Hence it could be argued that the ‘CDF’ had consistently remained a supervisory authority to deal with cCSA soon since its emancipation. The crime of solicitation being not only against the morals and the faith of the Christian doctrine but also an explicit abuse of the sanctity of the sacraments, and at times being treated as ‘heresy’ had continued to be dealt by this most important office of the Roman Curia, i.e. the present ‘CDF’, since the 16th century.

No further reorganization of the Roman Curia took place for three hundred years until the 20th century, till the Apostolic Constitution of Pope Pius X ‘*Sapientis Consilio*’ in 1908, which while reorganizing the Roman Curia’s congregations, established tribunals and offices to deal appropriately with a number of issues in the wake of the socio, cultural, and political developments from late 17th to the early 20th century, and the same re-organization was then largely made part of the new ‘Code of Canon Law’ 1917 (Beal et al., 2000).

The name of the ‘Supreme Sacred Congregation of the Universal Roman Inquisition’ was also changed to ‘Supreme Sacred Congregation of the Holy Office’ by Pope Pius X, and it was later further revised to ‘Sacred Congregation for the Doctrine of the Faith’ on 7th December 1965 through *Motu Proprio*, ‘*Integrae servandae*’ after the Vatican II Council (1962-65),

granting it absolute powers of judicial review over the entire Roman Catholic Church in all matters pertaining to faiths and morals (Doyle, 2008). After the promulgation of the ‘Code of Canon Law’ (1983), the word ‘Sacred’ was removed, giving the ‘Congregation for Doctrine of Faith’ (CDF) its present form (Doyle, 2010a).

After the promulgation of ‘*Crimen Sollicitationis*’ (1962) and the ‘Decree on the life and ministry of priests’ (1965) and ‘*Integrae servandae*’ (1965); Pope Paul VI, through the Apostolic Constitution ‘*Regimini Ecclesiae Universae*’, issued on 15th August 1967, confirmed the administrative control and judicial competence of the ‘CDF’ over matters as described in the ‘*Crimen Sollicitationis*’ 1962 (Waters, 2016). It’s status to function as an Apostolic Tribunal was further reinforced through the Apostolic Constitution ‘*Pastor Bonus*’ promulgated on 28th June 1988 (1988:52; AAS, 89: 874). The authority of the ‘CDF’ to deal exclusively with such matters was further elaborated through issuance of the ‘General Regulations of the Roman Curia’ under article 112(2) in compliance of article 37 of the Apostolic Constitution ‘*Pastor Bonus*’ vide ‘Bulletin No. 2’ on 4th Feb 1992 (Sodano, 1992; 112), and in the revised regulations ‘*Regolamento Generale Della Curia Romana*’ under article 128 (2), issued on 30th April 1999 and effective from 1st July 1999 (Sodano, 1999).

Hence, it is difficult to accept the assertion of those who argue that the ‘CDF’ took direct control of cCSA cases after the issuance of *de delictis gravioribus* in 2001; a stance taken by the Msgr. Charles Scicluna, the chief prosecutor of ‘CDF’, in his interview as reported on the Vatican’s website (Cardinale, 2010). It can thus be understood that the ‘CDF’ (of which the Pope Benedict XVI remained the ‘Head/Perfect’ from 1981 till 2005) had continued to deal with cCSA cases in secrecy much longer before the formal issuance of ‘*de delictis gravioribus*’ in 2001 and this jurisdiction has not only continued uninterrupted to date; but has been consistently

strengthened and elaborated through further administrative reforms since the beginning of the 20th century.

Policy of transferring abusive priests

In case of an accused being found guilty; the '*Crimen Sollicitationis*' (1962) explicitly states for transfer of the abusing priest. Throughout the 20th century, the local church leaders used to exercise discretion by shifting or transferring abusing priests to other locations or psychiatric treatments without taking any further appropriate action.

Nelson (2010) quoted a similar policy of transferring the offending clerics in 'The Piarists' Order, operative in Italy during the 17th century which failed to control widespread cCSA, pedophilic tendencies, and sexual corruption crises, resulting in its shutting down by the 'Roman Inquisition' in 1646 AD. This discretion of transferring priests by local Bishops became a matter of severe criticism for the church authorities pointing out serious deficiencies in the Church's management structure (Plante, 2010). The response of bishops by shifting abusing priests was termed as a damage control exercise of an organization, like a corporation trying to shield its self from liability for indulgence of its employees in a white-collar crime (Gross, 1980). The second Philadelphia Grand jury (2011) which indicted four priests, two for sexual abuse, and 2 high officials for negligent behavior endangering children, also expressed reservations, that in spite of its first report no action had been taken against the involved priests; and rather they were transferred to other places. It was established that this policy of transferring abusive priests to other locations placed more children at risk of abuse (IICSA, 2018).

Adaption of alternate methods and management strategies to conceal cCSA

Doyle (2018) highlighted efforts of Fr. Gerald Fitzgerald, founder of the ‘Servants of the Paraclete’ also known as the ‘Paraclete Order’; a rehabilitation Centre for priests for keeping abusing priests away from lay persons and confined to monasteries for life; an approach which was similar to as called for by St. Peter Damien in the 11th century and by the ‘Fourth Lateran Council’ 1215 AD (Rashid & Barron, 2018). The ‘Paraclete Order’ was established in 1947, but received its official status as a diocesan community in 1952 and was formally placed under the authority of the Pope through grant of Pontifical Rights Status in 1971 (Sipe, 2009).

Fr. Gerald Fitzgerald wrote to Bishop Robert Dwyer of Reno (1952), against the retention of sexually active priests on duty and their transfers from one diocese to another as contributing to a scandal. In his communication with Bishop Matthew Brady in 1957, Fitzgerald viewed abusive priests as incurable, their repentance as superficial, and pointed out that shifting from one place to another led to new victims to abuse; providing the perpetrators with greener pastures. In a letter to Archbishop Edwin Byrne in the same year, Fr. Gerald reported abusive priests as too dangerous for children at the diocese and called for their reduction to the status of laymen (Doyle, 2018). The efforts of Father Fitzgerald to treat offending clergy were appreciated by Pope John XXIII in 1959. In his further communications with various Bishops including Bishop Ernest Primeau (1961), Bishop Vincent Hines (1963), Bishop Joseph (1964) and the ‘CDF’ (1962); Fitzgerald stressed purging the RCC of sexually offending clergy (Sipe, 2009).

It is pertinent to mention that as Father Fitzgerald was informing various ecclesiastical authorities of his concerns regarding offending priests; around the same time, *Crimen Sollicitationis* (1962) was distributed to concerned bishops, who were to deal with sexually abusive clergy. In the same year, Fitzgerald at the request of the Vatican submitted a special

report on clergy abusers of minors, recommending their confinement within monastery walls or complete laicization (Doyle, 2011).

In 1963, Fr. Gerald Fitzgerald recommended to Pope Paul VI adaption of a ‘zero tolerance’ policy regarding abusing clerics and warned him of disastrous consequences in case of his failure to dismiss the offending clerics (Tapsell (2014b; Sipe, 2009). This stance of Fr. Gerald was in line with the canon (2359:2) of the ‘Code of Canon Law’ (1917) as called for in the ‘*Set of Instructions*’ (1922) and the ‘*Crimen Sollicitantias*’ (1962), which largely remained unimplemented throughout the 20th century. The assessment of Fr. Gerald Fitzgerald turned out to be accurate, however, the Bishops adopted the same approach towards his warnings as Pope Leo IX had adapted in response to St. Peter Damien in the 11th century, indicative of the clerical mind set about fellow clerics, the Organizational Church, the importance of the laity, and treatment towards children over centuries (Rashid & Barron, 2018).

The alternate treatment of psychological counseling of offending clergy is established through communication of Fr. Gerald Fitzgerald with numerous Bishops since 1948 including Bishop Dwyer (1952), Bishop Brady (1957), Bishop Primeau (1961), Bishop Hines (1963), Pope Paul VI (1963) and Bishop Schenk (1966); highlighting that Fr. Gerald Fitzgerald’s primary concern was the welfare of children and lay persons, rather than the image and reputational concerns of the Church (Doyle, 2011).

It is not difficult to ascertain that in spite of the presence of clear instructions contained within the ‘*Set of Instructions*’ (1922) and ‘*Crimen Sollicitantis*’ (1962); the clerical authorities preferred to treat offending clergy through spiritual healing, mental therapy, and psychological counseling; instead of responding as per the prescribed organizational laws and institutional

policies; hence adapting alternate unapproved measures, unofficial policies, and unwritten management strategies in place of clearly written instructions, official management policies, and organizational laws already developed by the organizational Church on the subject.

The 'Paraclete Order' accepted such clergy until the late 90's when forced to cease as a result of civil suits in USA and later in 2004 in UK (Doyle, 2011). A number of requests were made by the church authorities to the 'Paraclete Order' between mid and late 60's for the treatment of sexually offending clergy (Doyle, 2011); as the 'Paraclete Order' treated 600 priests from 1976-86 (Sipe, 2009). It is a matter of established record that the 'Paraclete Order' had been treating sexually abusive clergy since 1948 (Doyle, 2011). On one hand, this is another proof regarding knowledge of the higher ecclesiastical authorities about awareness of the nature, scope, and extent of widespread cCSA; and on the other, evidence of the response adopted by the Bishops to keep such matters secret, while violating the organizational laws and established protocols of the Church.

It is also important to note that the 'Paraclete Order' was funded by none other than the Church authorities as the order continued to operate as a diocesan community since 1952, before being placed formally under the Pope in 1971 (Doyle, 2011). The case records and persistent communications by Father Fitzgerald was evidence of the knowledge, the ecclesiastical authorities had about the sexual abuse of minors within the Catholic Church, at least since the 1940's (Sipe, 2009). However, most of the record pertaining to clergy abusers at the 'Paraclete Order' had been destroyed by 1990, under a document destruction policy (Doyle, 2011).

The Church has been criticized for ignoring its own management mechanism and canonical procedures while adopting alternative measures of psychiatric treatment and therapy to address cCSA, termed as a misguided strategy by the Bishops to receive favorable reports in cases of offending clergy in order to re-assign them to ministries (Doyle, 2018). Some of the treatment programs did not prevent the accused priests from performing ministerial duties in neighboring parishes, which provided them further opportunities to commit more sexual crimes (Bassett, 1994).

It is worthy to note that throughout history there have been consistent voices raised against the deviant sexual activities of clergy by highly regarded and noble Christians such as the likes of St. Peter Damien and Pope Pius IX, calling for strict actions to purge the institutional Church of sexual offenders, permanently (Rashid & Barron, 2018). However, these views have been unable to find much support and remained ignored over centuries as an established practice; which continued throughout the 20th century.

Fear of disbelief; an impediment to report abuse?

Allegations made by a child against religious authorities were more likely to be ignored by parents and other adults due to the stature enjoyed by the clergy as religious figures in the society (Berry, 1992). The victims encountered problems to state their ordeals for fear of disbelief in case of organizations held in high esteem by local agencies and parents, such as the Church and the clerics (Gallagher, 2000).

Davis (2006) cited the plight of the victims who had no proper public platform to voice their tragedies. Fear of shame and disbelief due to the Church's prestige and high esteem the clerics culturally enjoyed, were identified as reasons for victims' failure to report cases of sexual

abuse (Pratt, 2009). The sense of ‘clericalism’ enjoyed by the clergy made them firmly believe that the abused children would not dare to speak about their ordeal in the wake of the clerical status, power, and religious clout enjoyed by the clergy (Keenan, 2015). cCSA had its roots in the power possessed by priests over their subjects, which was used to avoid detection and prosecution from secular law (McSherry and Keyser, 2009). Victims of cCSA did not report their abuse due to a fear of disbelief and punishment which was bound to become “normal practice” if it went unpunished and hence widespread, as the perpetrators and institutions engaged therein become well aware that nobody would resist or protest; a similar situation as witnessed in the sexual abuse of children at the Catholic Church (Keenan, 2012: xiii).

Long delays in reporting abuses were also established by Finkelhor and Jones (2004) and Hershkowitz and colleagues (2007). A study on sexual abuse in the Anglican Church in Australia reported an average of 23 years after the occurrence of incident; for a child victim to report abuse (Parkinson and colleagues, 2009). Doyle (2018) held that ‘docility and obedience’ to clergy were projected to be the response of being a true Christian to the victims of sexual abuse over centuries of history of abuse in the Catholic Church.

Christian Doctrine of forgiveness

Christian institutions manipulated the Christian doctrine of ‘forgiveness’ to shelter and protect abusive clergy (Appleby, 2000). The Christian doctrine of forgiveness was found to be one of the major reasons for the response and inaction on part of the ecclesiastical authorities regarding offending clergy (Nolan Report, 2001). Macaskill (2005) highlighted the centrality of ‘forgiveness’ in Christian doctrine to have been exploited strategically as a response to the abuse perpetrated by clerics. Such perceptions of forgiveness were believed to have justified transfers

of abusing priests without mentioning their abusing history (Isely and colleagues, 2008). The Church stressed the Christian concept of forgiveness to aid the abusing clergy (Death, 2013; 2012). Wide differences were identified between the expected Christian response of the institutional Church and the actual experience of the victims and their families (Doyle, 2013). Ballano (2016) highlighted the norm of forgiveness contained within canon law to argue that the bishops' response towards abusing clerics was dominated by concerns to avoid scandal, and protect the image of the Church.

Loss of Trust and Faith in the Institutional Roman Catholic Church

The importance of religious faith in development of human societies and cultures cannot be ignored and the organizational Catholic Church has a major role to play in it, for being followed by more than a billion people, all over the world. The organization has continued to assume an important role to command and control various social, spiritual, emotional, religious, and psychological aspects of common laity, thus resulting in various practical actions in their everyday life directly influencing the management of individual day to day affairs, people to people relations, professional behaviors, and outcomes of individual actions, in particular, and hence the development affairs and structure of the society, in general. It could be viewed from the organizational perspective that such reports could bring tremendous pressures including damage of reputation and loss of faith of the faithful, and this later happened in the late 20th century onwards when the news, well-guarded throughout centuries, eventually broke out.

Bibby (1993) reported cCSA to have led to a lack of interest in organized religion within a decade (1980-1990), quoting figures to suggest that only 26% of people in Canada gave some importance to religion in their lives in 1990 as compared to 60 %, a decade earlier. The declining

influence of the universal organizational Church as a result of cCSA scandals, was also noted in Europe, Canada, and USA as the influence of the institutional Church appeared to have waned for good. (Beyer, 1997; Finke and Stark, 2005). The Catholic Church suffered incalculable damage as an institution as a result of the cCSA scandals including tarnished image, forced resignations, criminal charges, financial losses, cutbacks in social, educational and medical services to church members and lawsuits amounting to billions of dollars. (Bartunek and Keenan, 2006). In numerous cases, the abuses perpetrated in religious contexts lead to loss of faith, which had shaped entire social lives and communities (Hurcombe et al, 2019; Taylor et al, 2014).

The Pew Forum religious landscape survey (2007) in USA, stated that Catholicism suffered the greatest net losses reporting a decline from nearly one out of three (31%) raised as Catholic to below one in four (24%) at present, and held that these losses would have been much higher had they not been offset by Catholic immigration to the country (PEW, 2007). Thiessen and Dawson (2008) described the phenomena as a “proportionate decline of the committed.” The 21st century Church was termed as a “church without priests” with its broad institutional framework contracting for the first time in its history, loss of confidence in the organizational hierarchy and unprecedented organizational activity being witnessed among the laity (O’ Toole, 2008). The clerical child sexual abuse scandal became a dominant reason for diminishing influence of institutional Catholicism (Doyle, 2010). In Germany, the year 2010 recorded a 40% increase in number of German Catholics (1,80,000), leaving the Catholic Church in protest after revelations of indulgence of Catholic priests in child sexual abuse started coming to light and the trend has been found to have continued to date (DW, 2022; Jones, 2020; Strack, 2021). It was argued that existing patterns of cCSA could lead to continuation of further disclosures and be the focus of

international concern for at least some time in future; a rightly conceived perception in the light of later global developments (Keenan, 2012).

It was thus through active participation and willful inclusion of the whole management organizational hierarchy from top till bottom, proclaiming a state of absolute denial about the whole issue publically, that led to the betrayal of trust and shaking of faith, for many. Clerical sexual abuse was psychologically more damaging than non-clerical abuse (Bottoms et al,1995). Rochford (1998) opined that involvement of religious leaders looked upon as God's ordained representatives on earth by the common laity, certainly magnified the scope of trouble associated with the problem. It could hence be termed as a 'spiritual betrayal' for the whole Catholic community, who perceived and placed the holy clergy in picture of none other than the Holy 'Jesus', only to find them fulfilling lustful tendencies and desires declared evil by decree through religious authority for the faithful and innocent laity, but practiced and committed consistently for centuries against the weaker and emotionally clergy dependent sections of the society, by the clergy themselves. Friedriches (2007) held church leaders responsible for violating people's sacred form of trust.

The violation of the highest moral ground by the very much guardian of it, respected and treated as 'Holy' amongst vast communities of 'non celibate laymen' who played a highly respectable role in latter's lives and to whom they looked for spiritual guidance and eternal salvation to be in union with Christ proved to be devastating for the laity (lifelong customers), when those very men were proved to have succumbed to the forceful desire of human sexuality against helpless and innocent minors even during the holy act of confession.

Shattered faith and trust by the laity in the credibility and integrity of religious leaders in response to reported clerical child sexual abuse was noted towards the end of the 20th century (Pullen, 1998). It was not uncommon for victims of clerical sexual abuse to change or withdraw altogether from religion (Bottoms et al, 1995:99). Crisp (2004) highlighted the possibilities of religious withdrawal from the faith by victims of sexual abuse.

These very acts of the clergy were a blatant violation of the organizational charter of duties of the Catholic Church and in the process destroyed the very moral base of entrance to the state of holy priesthood bringing along incalculable spiritual/psychological damage to the survivors and loss of trust of general laity in the institutional/organizational Catholic Church. These survivors of abuse then grew up to assume different roles of responsibility in life related to professional and societal development, themselves marred by scars of emotional, psychological and spiritual torture leading to the building up of societies with their own serious psychological traumatic deficiencies and mental health problems, and at times resulting in loss of faith in the Church, the priesthood, Jesus, and even God.

Conclusions

It is established that the RCC developed organizational laws and secret management policies through promulgation of the 'Code of Canon Law' (1917), the '*Set of Instructions*' (1922), the '*Crimen Sollicitationis*' (1962), '*Secreta Continere*' (1974) and 'Code of Canon Law' (1983) to deal with cCSA in the 20th century. The provisions of maintaining secrecy, and confidentiality as instructed in the '*Crimen Sollicitationis*' (1962) were duly implemented in letter and spirit all over the world by the relevant clerical authorities on a similar universal pattern.

Other organizational policies as prescribed by the RCC's charter were not implemented in its true sense by respective administrative authorities (primarily the Bishops and above); who instead preferred to adapt out of the book remedies and alternative management strategies including spiritual healing, medical therapy, and psychological counseling. Majority of the cases were dealt with transfers and pushing the victims into silence throughout the 20th century as an established organizational practice and consistently adapted management strategy by the ecclesiastical authorities as the RCC developed and practiced an institutional culture of secrecy over cCSA since the late 19th century, and transferred offending clergy to other places, putting more children at risk. The actions of Bishops were not in line with their own organizational charter, hence leading to what could be termed as a 'willful institutional management failure' to control cCSA as well as a 'successful management strategy' to keep all such matters as secret in the 20th century.

It stands established that the organizational hierarchy of the Catholic Church had consistently adapted an overt approach to dismiss concerns about clerical sexual abuse since 1980's; when the scandals first started to erupt in mainstream media and had continued to exhibit their unfamiliarity and ignorance about it, till the last decade of the 20th century, in spite of not only being in knowledge of it, but also in possession of various written records depicting enacted laws and management policies against the widespread sexual abuse prevalent in the Catholic Church framed from time to time, for centuries. The paramount element of secrecy, efforts to confine knowledge of the abuse within church hierarchy, and an approach to conceal such information from becoming public amid reputational and financial concerns has undoubtedly been the track record of the RCC, at least, since the 19th century.

The primary importance for church authorities remained the protection of the reputation of the Church and to safeguard the abusing clergy with little or no concern for the welfare, healing and justice for the victims. The relevant Codes of Canon Laws developed in the 20th century were developed and modified in favor of clergy to protect them rather than to discipline them, and to provide help or/and justice to the victims. In comparison to the RCC's legislation in the preceding centuries, these laws led to the admonishment or minimal punishment for cCSA.

Throughout the 20th Century, the RCC consistently discouraged interference from secular authorities treating reported cases of cCSA as internal church matters, while continuing to insist on implementing canon law for its clergy, without any regard for secular criminal laws. The adapted management practices by the ecclesiastical authorities failed to address cCSA and adaption of more leniency and secrecy towards reported deviant clerical behaviors allowed cCSA to flourish in the 20th century.

The practices of the ecclesiastical authorities thus fall into the definition of gross professional misconduct in modern corporate language. Knowingly transferring offending clergy to other places amounted to abetment in sexual crimes, endangering welfare of children, and an effort to avoid and hinder justice for the victims whose complaints had been brought to their notice.

References

AAP. (2014). Vatican refuses to hand over files on priests to abuse royal commission.

<http://www.theaustralian.com.au/news/nation/vatican-refuses-to-hand-over-files-on-priests-to-abuse-royal-commission/news-story/9039682c0466326587a1b64262de210c>

Adriaenssens Report. (2010). Commission for the handling of sexual complaints abuse in a Pastoral relationship. Sept 2010. Belgium.

<https://assets.documentcloud.org/documents/243734/2-adriaenssens-report-original.pdf>

Aldag, R. J. (2008). Jean M. Bartunek, Mary Ann Hinsdale, and James F. Keenan, eds.: Church Ethics and Its Organizational Context: Learning from the Sex Scandal in the Catholic Church (p188-191).

Anderson, C. (2004). When magisterium becomes imperium. *The Journal of Theological Studies*. 65(4), 741-766.

<http://cdn.theologicalstudies.net/65/65.4/65.4.3.pdf>

Appleby, R.S. (2000). *The Ambivalence of the Sacred: Religion, Violence, and Reconciliation*. Lanham: Rowman & Littlefield Publishers Inc.

AP. (2018). German Catholics release report on church sex abuse. 25th Sept.

<https://cruxnow.com/church-in-europe/2018/09/25/german-catholics-release-report-on-church-sex-abuse/>

Ardua Sane Musus. (1904). Motu Proprio. A Truly Arduous Task. 14th April.

http://w2.vatican.va/content/pius-x/la/motu_proprio/documents/hf_p-x_motu-proprio_19040414_arduam-sane.html

Aurelius, Y. (1947). De crimine pessimo et de competentia Sti. Officii relate ad illud. p ;438.
Lucronii Typis Moderna.

Australian Royal Commission. (2017). Final Report. Religious Institutions. Summary.
<https://www.childabuseroyalcommission.gov.au/religious-institutions>

Ballano, V. (2016). Enforcing the Canon Law: Normative Pluralism and Clerical Abuse in the Catholic Church. *Mabini Review* 5, 28-43.

Balboni J. (2011). Clergy Sexual Abuse Litigation: Survivors Seeking Justice. Boulder: First Forum Press.

Bartunek, M. J. and Keenan, F. (2006). Church Ethics and its Organizational Context: Learning from the Sex Scandal in the Catholic Church. Introduction. Rowman & Littlefield publishers, INC. Oxford. UK.

Bassett, W. (1994). Pedophilia's victims. *Commonwealth*, 28–30.

Beal, P. J. (2007). THE 1962 INSTRUCTION Crimen Sollicitationis: Caught red handed or handed a red herring? *Studia Canonica* 41(1), 199-236.

Beal, P. J., Coriden, A. J. and Green, J. T. (2000). New Commentary on the Code of Canon Law. Canon Law Society of America. Paulist Press. New York.

Benkert, M. and Doyle, T. (2009). Clericalism, Religious Duress and its Psychological Impact on Victims of Clergy Sexual Abuse. *Pastoral Psychology* 58(3): 223-238.

Ben-Yehuda, N. (2001). *Betrayal and Treason: Violations of Trust and Loyalty*. Boulder, CO: Westview. Cambridge Press.

Berry, J. (1992). *Lead Us Not Into Temptation*. Chicago: University of Illinois Press.

Beyer, P. (1997). Religious vitality in Canada: The complementarity of religious market and secularization perspectives. *Journal for the Scientific Study of Religion*, 36(2), 272-88.

Bibby, R. (1993). *Unknown Gods: The Ongoing Story of Religion in Canada*. Toronto, ON: Stoddart.

Boswell, J. (1981). *Christianity, Social Tolerance and Homosexuality. Gay people in Western Europe from the beginning of the Christian era to the Fourteenth Century*. Chicago: University of Chicago Press.

Bottoms, B; Shaver, P; Goodman, G; and Qin, J. (1995). In the name of God: a profile of religion –related child abuse. *Journal of Social Issues*. 51(2), 85-111.

Brown, A. (2010). Where was the real cover up? *The Guardian*. 23rd March.

<https://www.theguardian.com/commentisfree/andrewbrown/2010/mar/23/religion-catholicism>

Brundage, A. J. (1987). *Law, Sex and Christian Society in Medieval Europe*. University of Chicago Press. Chicago, USA.

Cafardi, P. N. (2010). *The Scandal of Secrecy: Canon Law & the Sexual-abuse Crisis*.

Commonweal. 21st July. <https://www.commonwealmagazine.org/scandal-secrecy>

Cardinale, G. (2010). Interview of Msgr. Charles Scicluna on the strictness of the Church in cases of Pedophilia.

http://www.vatican.va/resources/resources_mons-sciicluna-2010_en.html

Case, B. and Egerton, B. (2006). 'Cardinal offered sanctuary to admitted molester'. Dallas Morning News, 1st February.

http://www.dallasnews.com/sharedcontent/dws/news/longterm/stories/Cardinal_offered_sanctuary.5ee3c0ba.html

CCR. (2007). Cumberlege Commission Report.

www.cumberlegecommission.org.uk

Chapman, G. (1995). Canon Law: Letter & Spirit: A Practical Guide to the Code of Canon Law. Canon Law Society of Great Britain and Ireland. p, 805. London.

Childers, D.T. (2006). Report on the Archdiocese of Chicago accused priest abuser monitoring system. 7th March.

http://www.bishopaccountability.org/reports/2006_03_07_Childers_Report_on_Chicago_Archdiocesan_Monitoring_System.pdf

Cloyne Report. (2011). Commission of Investigation report into the Catholic Dioceses of Cloyne. 13th July. <http://www.bishop>

[accountability.org/reports/2011_07_13_Cloyne_Report/Cloyne_Rpt.pdf](http://www.bishopaccountability.org/reports/2011_07_13_Cloyne_Report/Cloyne_Rpt.pdf)

Code of Canon Law (1917). (1341), (1362), (2359:2).

http://www.vatican.va/archive/ENG1104/_INDEX.HTM

Code of Canon Law. (1983).

http://juiciobrennan.com/files/bishopselection/code_of_canon_law_1983.pdf

Collins, D. (2003). Sex Crimes Cover-Up By Vatican? CBS News. 6th August.

<https://www.cbsnews.com/news/sex-crimes-cover-up-by-vatican/>

Cornwell, J. (2014). *The Dark Box: A Secret History of the Confession*. London: Profile Books Ltd.

Coughlin, J, John. (2003). The clergy sexual abuse crises and the spirit of canon law. *Boston College Law Review*, 44, 977-997.

Crisp, B. (2010). Silence and Silenced: Implications for the Spirituality of Survivors of Sexual Abuse. *Feminist Theology*, 18(3), 277-293.

Crisp, B. R. (2004). Spiritual direction and survivors of sexual abuse. *The Way*, 43, 7–17.

Crimen Sollicitationis. (1922). Articles 11; 63.

http://www.awrsipe.com/patrick_wall/selected_documents/1922%20Instruction.pdf

Crimen Sollicitationis. (1962). 'INSTRUCTION on the Manner of Proceeding in Causes involving the Crime of Solicitation.' Vatican Polyglot Press.

www.vatican.va/resources/resources_crimen-sollicitationis-1962_en.html

Cum sicut nuper. (1561). Pope Pius IV. 16th April 1561.

http://www.awrsipe.com/patrick_wall/selected_documents/1561%20Cum%20sicut%20super.pdf

Dale K.A. and Alpert J.L. (2007). Hiding behind the cloth: Child sexual abuse and the Catholic Church. *Journal of Child Sexual Abuse*, 16(3), 59-74.

Daly, B. (2009). Sexual abuse and Canon law. www.compassreview.org/spring09/6.pdf

Daly, K. (2014). Redressing Institutional Abuse of Children. Basingstoke: Palgrave Macmillan.

Davis, J. (2006). Accounts of Innocence. Chicago, IL: University of Chicago Press. p,53.

Death, Jodi. (2013). Identity, Forgiveness and Power in the Management of Child Sexual Abuse by Personnel in Christian Institutions. *Crime Justice Journal*, 2(1)82-97.

Death, J. (2012). Lessons on sin and forgiveness: a crisis in the Roman Catholic Church. Atta, Abe (Ed.) Catholics and Catholicism in Contemporary Australia: Challenges and Achievements. David Lovell Publishing, Melbourne.

Decree On The Ministry And Life Of Priests. (1965). PRESBYTERORUM ORDINIS.

Promulgated By HIS Holiness, Pope Paul VI On December 7, 1965.

http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19651207_presbyterorum-ordinis_en.html

De delictis gravioribus. (2001).18th May.

http://www.vatican.va/roman_curia/congregations/cfaith/doc_dis_index.htm

Deetman Commission Report. (2011). Sexual Abuse of Minors in the Roman Catholic Church.

26th Dec. The Netherlands.

http://www.bishopaccountability.org/news2011/11_12/2011_12_26_DeetmanCommission_DeetmanCommission.pdf

Deffenbaugh Report on Archdioces of Chicago. (2006). 20th March.

http://www.bishopaccountability.org/reports/2006_03_20_Defenbaugh_Due_Diligence_Review.pdf

Dokecki, R, P. (2004). *The Clergy Sexual Abuse Crisis: Reform and Renewal in the Catholic Community*. Washington, DC: Georgetown University Press.

Doyle, P.T, Peterson, M. and Mouton, R. (1985). *The Doyle Peterson Mouton Report*. December.

<https://www.documentcloud.org/documents/1216510-doyle-mouton-peterson-report-1985.html>

Doyle, T.P. (2003). Roman Catholic clericalism, religious duress, and clergy sexual abuse. *Pastoral Psychology*, 51(3), 189-231.

Doyle, P.T. (2006). Clericalism: Enabler of clergy sexual abuse. *Pastoral Psychology* 54(1), 189-213.

Doyle, P.T., Sipe, R. and Wall, J. P. (2006). *Sex, Priests and Secret Codes: The Catholic Church's 2000 year of paper trail of sexual abuse*. Volt Press; USA.

Doyle, P.T. O.P., J.C.D. (2008). Commentary on "CRIMEN SOLLICITATIONIS." The 1922 Instruction and the 1962 Instruction "CRIMEN SOLLICITATIONIS," promulgated by the Vatican. 3rd Oct. www.awrsipe.com/Doyle/index/2008/2008-10-03-Commentary

Doyle, P. T. (2010a). The 1922 and 1962 Instruction "CRIMEN SOLLICITATIONIS," promulgated by the Vatican. 4th March. http://www.awrsipe.com/Docs_and_Controversy/2010-03-04-solicitation.html

Doyle, P. T. (2010b). Clergy Sexual Abuse in the Catholic Church Reflections 1984 to 2010. 27th August. <http://www.awrsipe.com/Doyle/2010/2010-08-27-reflections.htm>

Doyle, P. T. (2010c). A Short History of the Manual. 12th Oct.

http://www.awrsipe.com/Doyle/pdf_files/2010-10-12-Manual-History.pdf

Doyle, P. T. (2011). Paraclete Report. 11th Jan. http://www.awrsipe.com/Doyle/2011/2011-01-11--paraclete_report.htm

Doyle, P. T. (2013). Thirty Years: What we have learned and what I have learned. 27th July.

<http://www.awrsipe.com/Doyle/2013/2013-07-21-Thirty-Years.pdf>

Doyle, P. T. (2015). Book offers insight into canon law's role in sexual abuse crisis. 22nd April.

Book Review. <https://www.ncronline.org/books/2017/08/book-offers-insight-canon-laws-role-sexual-abuse-crisis>

Doyle, P. T. (2016). Excerpts from reports on sexual abuse by Catholic clergy. February 17, 2011; Revised March 4, 2016.

IND.0684.001.0001

Doyle, P. T. (2017). Expert Report in the case of Jennifer Hendrick vs Thomas Knowles.

Supreme Court of New South Wales. Proceedings No. 2013/212143. Australia. p.34.

<http://www.awrsipe.com/Doyle/2017/2017-03-19-Doyle-Report-Herrick-v-Knowles-Addendum-revision.pdf>

Doyle, P. T. (2018). A Very Short History of Clergy Sexual Abuse in the Catholic Church.

<http://www.crusadeagainstclergyabuse.com/htm/AShortHistory.htm>

Dreher, R. (2013). "Priest: Here's Why Bishops Cover Up Abuse". The American Conservative.

<http://www.theamericanconservative.com/dreher/priest-bishops-cover-up/>

DW (2022). Germany: Record number leaving Churches. DW News. 28th June.

<https://www.dw.com/en/germany-record-numbers-leaving-churches/a-62286684#:~:text=According%20to%20newly%20published%20documents,221%2C390%20who%20left%20in%202020.>

FCDC. (2013). Family and Community Development Committee. Betrayal of Trust: Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organizations, Volume 1. East Melbourne: Parliament of Victoria.

Ferns Report. (2005). Ireland. https://archive.org/stream/243711-2-complete-ferns-report-so-ireland/243711-2-complete-ferns-report-so-ireland_djvu.txt

Figgis, N.J. L. (1906). Lectures on Modern History. 1st Letter of Lord Acton to Bishop Mandell Creighton. 5th April 1887. Macmillan. London.

http://lf-oll.s3.amazonaws.com/titles/2254/Acton_PowerCorrupts1524_EBk_v6.0.pdf

Finke, R. and Stark, R. (2005). The Churching of America (1776-2005): Winners and Losers in our religious economy. Piscataway, NJ: Rutgers.

Finkelhor, D. and Jones, L. (2004). Explanations for the decline in child sexual abuse cases. Juvenile Justice Bulletin. U.S. Department of Justice.

<http://www.ncjrs.gov/pdffiles1/ojdp/199298.pdf>

Ferre, B. (2002). "Graviora Delicta: the apostolic letter M.P., Sacramentorum sanctitatis tutela," in Il Processo Penale Canonico, edited by Z. Suchecki, Rome. Lateran University. 2002.

Formicola, J.R. (2014). *Clerical Sexual Abuse: How the crisis changed U.S. Catholic Church-State Relations*. Palgrave MacMillan.

Formicola, J.R. (2016). *The Politics of Clerical Sexual Abuse*. Religions. Department of Political Science and Public Affairs, Setan Hall University. USA. www.mdpi.com/2077-1444/7/1/9/pdf

Frawley- O'Dea, M.G. (2007). *Perversion of Power: Sexual Abuse in the Catholic Church*. Nashville: Vanderbilt University Press.

Friedrich, W.N. (2007). *Children with sexual behavior problems: Family-based, attachment-focused therapy*. New York: W.W. Norton.

Gallagher, B. (2000). The extent and nature of known cases of institutional child sexual abuse. *British Journal of Social Work*, 30, 795-817.

Gaillardetz, R. (2008). *Church Ethics and its Organizational Context: Learning from the Sex Scandal in the Catholic Church*. Ecclesiological perspectives on Church reform. 3: (57-68). Rowman & Littlefield publishers, INC. Oxford. UK.

Gavrielides, Theo. (2013). Clergy Child Sexual Abuse and the Restorative Justice Dialogue. *Journal of Church and State*, 55(4), 617-639.

Gibbon, E. (1781). *The history of the decline and fall of the Roman empire*. Vol. 2. p,335. London. Strahan & Cadell.

Guerzoni, A. M. and Graham H. (2015). *Catholic Church Responses to Clergy-Child Sexual Abuse and Mandatory Reporting Exemptions in Victoria, Australia: A Discursive Critique*. *International Journal for Crime, Justice & Social Democracy*, 4(4), 58-75.

Gross, E. (1980). G. Geisn and E. Stotland (Eds). Organizational structure and organizational crime. *White-collar crime: Theory and Research*. (pp. 52-76). Beverly Hills; CA: Sage.

Hershkowitz, I., Lanes O. & Lamb, E. Micheal. (2007). Exploring the disclosure of child sexual abuse with alleged victims and their parents. *Child Abuse & Neglect*, 31, 111-123.

Hildalgo, M.L. (2007). *Sexual Abuse and the Culture of Catholicism: How Priests and Nuns Became Perpetrators*. New York: The Harworth Maltreatment and Trauma Press.

Horrendumilludscelus. (1568). Apostolic Constitution. Pius V. 30th August, in *Bullarium Romanum*, Rome: Typographia Reverendae Camerae Apostolicae, Mainardi, 1738, Chapter 3, p. 33.

http://www.traditioninaction.org/religious/n009rp_HomosexualPriests.htm

Hurcombe, R., Darling, A., Mooney, B., Ablett, G., Soares, C., King, S., and Brahler, V. (2019). Truth Project Thematic Report: Child Sexual Abuse in the context of religious organizations. Independent Inquiry into child sexual abuse. England and Wales. IICSA Research Team.

IICSA. (2020). The Roman Catholic Church Investigation Report. *Independent Inquiry into Child Sexual Abuse in England and Wales*.

<https://www.iicsa.org.uk/publications/investigation/roman-catholic-church>

IICSA. (2018). Independent Inquiry into Child Sexual Abuse. Ampleforth and Downside: English Benedictine Congregation case study. Investigation Report. August 2018.

<https://www.iicsa.org.uk/key-documents/6583/view/ampleforth-downside-investigation-report-august-2018.pdf>

Immensa aeterni dei. (1588). Apostolic Constitution. Sixtus V. Magnum Bullarium Romanum, Luxemburg, Andrae Chevalier, 1727, Vol. 2, p: 667.

<https://webdept.fiu.edu/~mirandas/immensa.htm>

Integrae Servandae. (1965). Motu Proprio. 7th Dec 1965.

https://w2.vatican.va/content/paul-vi/en/motu_proprio/documents/hf_p-vi_motu-proprio_19651207_integrae-servandae.pdf

Instruction. (1866). http://www.awrsipe.com/patrick_wall/official_documents.htm

Irish Catholic Bishops' Advisory Committee on Child Sexual Abuse by Priests and Religious. (1996). *Child Sexual Abuse: Framework for a Church Response: Report of the Irish Catholic Bishops' Advisory Committee on Child Sexual Abuse by Priests and Religious.* Veritas.

<https://www.catholicbishops.ie/wp-content/uploads/images/docs/csaframework.pdf>

Isely, P. & Smith, J. (2004). Report on Sexual Abuse in the Archdiocese of Milwaukee.

<http://terrenceberres.com/ise-sex.html>

Isely P, Freiburger. J. and McMakin, R. (2008). In their own voices: A qualitative study of men abused as children by Catholic clergy. *Journal of Child Sexual Abuse* 17(3): 201-205.

James. (2011). The Papal Nuncio's Letter to the Irish Bishops 31st January 1997. 23rd Jan.

<http://www.catholica.com.au/forum/index.php?id=65474>

John Jay Report. (2004). "The Nature and Scope of the problem of Sexual Abuse of Minors by Priests and Deacons." John Jay College of Criminal Justice. New York. USA.

Jones, T. (2020). Germany: Catholic Church sees record drop in membership. DW News. 26th June.

<https://www.dw.com/en/germany-catholic-church-sees-record-drop-in-membership/a-53959392>

Kaiser, R. (2015). Whistle: Fr. Tom Doyle's Steadfast Witness For Victims Of Clerical Sexual Abuse. Author's Note; p: ix. 11th June. Caritas Communications. Winconsin, USA.

Keenan, M. (2012). Child Sexual Abuse and the Catholic Church: Gender, Power and Organizational Culture. Oxford University Press.

Keenan, M. (2015). Masculinity, Relationships and Context: Child Sexual Abuse and the Catholic Church. Irish Journal of Applied Social Studies. (15:2). p,64-77. Social Care, Ireland.

Kerr, N. R. (2007). Christ, History and Apocalyptic: The Politics of Christian Mission. SCM Press. London. UK.

Kwitny, J. (1997). Man of the Century: The life and times of Pope John Paul II. p, 639. Henry Holt Publishers. New York.

Licet ab initio. (1542). Apostolic Constitution. Paul III. 21st July.

<http://xoomer.virgilio.it/ikthys/Inq.bolla-PaoloIII.htm>

Macaskill, A. (2005). Defining forgiveness: Christian clergy and general population perspectives. *Journal of Personality*, 73(5), 1237-1266.

McDevitt, P. (2012). Sexual and Intimacy Health of Roman Catholic Priests. *Journal of Prevention & Intervention in the Community*, 40(3), 208-218.

McSherry, B. and Keyser, P. (2009). *Sex Offenders and Preventative Detention: Politics, Policy and Practice*. Sydney: The Federation Press.

Morrison, Z. (2005). *Reporting the abuse of children and young people and responding to adult sexual assault: A study into the attitudes and behaviors of clergy and church-workers in the Anglican Diocese of Adelaide when dealing with the abuse of children and sexual assault of adults*. Adelaide: Anglican Diocese of Adelaide. Australia.

Murphy Report. (2009). *Commission of investigation into the Catholic Archdiocese of Dublin*. (CICA). Dublin. Ireland.

<https://www.documentcloud.org/documents/243712-4-murphy-report-entire-ireland.html>

Murphy, S. (2010). *Response to Christopher Hitchens. The Great Catholic Cover-up*.

<http://www.catholiceducation.org/articles/apologetics>

Nolan Report. (2001). *A program for action. Final Report of the Independent Review on Child Protection in the Catholic Church in England and Wales*. Sept 2001.

<https://www.bishop-accountability.org/resources/resource-files/reports/NolanReport.pdf>

Nelson, J. (2010). *Ratzinger's responsibility for the sex scandals*.

<http://archives.weirdload.com/docs/ratzi-responsible.pdf>

NYT. (1997). *Papal Nuncio Letter to the Irish Episcopal Conference*. Storero, Luciano. N 808/97. 31st Jan. Ireland.

<https://graphics8.nytimes.com/packages/pdf/world/Ireland-Catholic-Abuse.pdf>

O'Malley, J. (2002). *The scandal: A historian's perspective*. *America*, 186, 14–17.

Parkinson, P., Oates, K. and Jayakody, A. (2009). A study of reported child sexual abuse in the Anglican Church. Australia.

<https://www.childabuseroyalcommission.gov.au/sites/default/files/ASQ.251.002.0165.pdf>

Parkinson, P. (2004). Child Sexual Abuse and the Churches: A Story of Moral Failure? *Current Issues in Criminal Justice*, 26(1), 119-138.

Pastor Bonus. (1988). Apostolic Constitution. Article 52. AAS 89, p.874. 28th June.

http://w2.vatican.va/content/john-paul-ii/en/apost_constitutions/documents/hf_jp-ii_apc_19880628_pastor-bonus.html

Pennsylvania Grand Jury Report. (2016). 1st March. p,146.

http://www.bishopaccountability.org/reports/2016_03_01_Pennsylvania_Grand_Jury_Report_on_Diocese_of_Altoona_Johnstown.pdf

Peter, E (2001). The 1917 or Pio-Benedictine Code of Canon Law. Ignatius Press. San Fransisco, USA.

Philadelphia Grand Jury Report. (2005). Philadelphia, PA.

https://www.bishopaccountability.org/reports/2005_09_21_Philly_GrandJury/Grand_Jury_Report.pdf

Philadelphia Grand Jury Report. (2011). Philadelphia, PA.

http://www.bishopaccountability.org/reports/2011_01_21_Philadelphia_Grand_Jury_Final_Report_Clergy_Abuse_2.pdf

Phipps. W. (2004). Clerical Celibacy: The Heritage. Continuum, New York.

Piquero, R.A., Piquero, L, N. Terry, J.K., Youstin, T. and Nobles, M. (2008). Uncollaring the Criminal: Understanding Criminal Careers of Criminal Clerics. *Criminal Justice and Behavior*, 35, 583-599.

Plante, G. T. (2010). A perspective on Clergy sexual abuse. April.

<https://www.psychologytoday.com/us/blog/do-the-right-thing>

Plante, G.T. (2004). Sin against the innocents: Sexual Abuse by Priests and the Role of the Catholic Church. Praeger. USA.

Plante, G.T. (1999). Bless me Father for I Have Sinned: Perspectives on Sexual Abuse Committed by Roman Catholic Priests. Praeger. USA.

Podles, L. (2008). Sacrilege: Sexual abuse in the Catholic Church.

Pope Benedict XVI. (2010). Pastoral Letter of the Holy Father Pope Benedict XVI to the Catholics of Ireland. 19th March. http://w2.vatican.va/content/benedict-xvi/en/letters/2010/documents/hf_ben-xvi_let_20100319_church-ireland.html

Pratt, J. (2009). From abusive families to internet predators? The rise, retraction and reconfiguration of sexual abuse as a social problem in Canada. *Current Sociology*, 57, 69-88.

Pullen, E. (1998). Advocacy group for victims of clerical sexual abuse. In A. Shupe (Ed.), *Wolves within the fold: Religious leadership and abuses of power* (pp. 67–84). New Brunswick, NJ: Rutgers University Press.

Rashid, F. & Barron, I. (2018). The Roman Catholic Church: A Centuries Old History of Awareness of Clerical Child Sexual Abuse (From the First to the 19th century). *Journal of Child Sexual Abuse*, 27(7), 778-792.

Reese, T. (1992). *A Flock of Shepherds: The National Conference of Catholic Bishops.*

Religiosorum Instituto. (1961). 2nd Feb. (30:4).

<https://www.ewtn.com/library/CURIA/CCL1961R.HTM>

Regimini Ecclesiae Universae. (1967). Apostolic Constitution. 15th August.

http://w2.vatican.va/content/paulvi/la/apost_constitutions/documents/hf_pvi_apc_19670815_regimini-ecclesiae-universae.html

Report of the Attorney General of New Hampshire on the Diocese of Manchester. (2003). 3rd

March. www.bishop-accountability.org/resources/resource-files/reports/ManchesterReport02.pdf

Report of the Attorney General of the State of Maine. (2004). Portland, Maine. 24th Feb.

www.bishop-accountability.org/resources/.../reports/MaineAG.pdf

Report of the Massachusetts Attorney General. (2003). The Sexual abuse of children in the

Roman Catholic Archdioceses of Boston. Boston, Massachusetts. USA. [http://www.bishop-](http://www.bishop-accountability.org/downloads/archdiocese.pdf)

[accountability.org/downloads/archdiocese.pdf](http://www.bishop-accountability.org/downloads/archdiocese.pdf)

Report of the Pennsylvanian Grand Jury. (2018). Report I of the 40th statewide investigating grand jury. Office of the Attorney General, Commonwealth of Pennsylvania.

<https://www.attorneygeneral.gov/report/>

Report of the Supreme Court Special Grand Jury, Suffolk, County, New York. (2003). Long Island, New York.

http://www.bishopaccountability.org/reports/2003_02_10_SuffolkGrandJury/Suffolk_Full_Report.pdf

Report of the Grand Jury, Westchester County, New York. (2002). Report of the April 'E' 2002, Westchester County Grand Jury Concerning Complaints of Sexual Abuse and Misconduct against Minors by Members of the Clergy. 19th June. www.bishop-accountability.org/reports/2002_06_19_Westchester_NY_Grand_Jury/

Robertson, K. (2005). Dark Days for the Church: Canon Law and the Response of the Roman Catholic Church to the Sex Abuse Scandals, 4, *Washington University Global Studies Law Review*, 161-185.
https://openscholarship.wustl.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1201&context=law_globalstudies

Rochford, B. (1998). Child abuse in the Hare Krishna movement: (1971-1986). *Iskcon Communications Journal*, 6(1), 41-69.

Rossetti, S. (2010). The relationship of Priests and Bishops today. (40:10), page 158. 22nd July.
<http://trs.cua.edu/res/docs/faculty-pages/rossetti/Origins%20Article%20-%20Relationship%20of%20Priests%20and%20Bishops.pdf>

Ryan Report. (2009). Commission to Inquire into Child Abuse / Ryan Commission Report. Dublin. Ireland. www.childabusecommission.ie

Sacramentum Poenitentiae. (1741).
http://www.awrsipe.com/patrick_wall/selected_documents/309%20Council%20of%20Elvira.pdf

Sacramentorum Sanctitatis Tutela. (2001). Motu Proprio. The Norms of the Motu Proprio
http://w2.vatican.va/content/john-paul-ii/en/motu_proprio/documents/hf_jp-ii_motu-proprio_20020110_sacramentorum-sanctitatis-tutela.html

Sapienti Consilio. (1908). Apostolic Constitution. Pius X. 29th June.

http://w2.vatican.va/content/pius-x/la/apost_constitutions/documents/hf_p-x_apc_19080629_sapienti-consilio-index.html

SAUVE (2021). Sauve Commission (CIASE) Report. Independent Commission on Sexual Abuse in the Church. France.

<https://www.ciase.fr/rapport-final/>

Schneider, P. (2010). Benedict's fragile Church. New York Times. March 22.

www.nytimes.com/2010/03/23/opinion/23/Schneider.html

Scott, R. (2010). Separating fact, fiction and anti-Catholic bias.

www.about.com/catholicism/b/2010/03/23

Secreta Continere. (1974). 'Acta Apostolicae Sedis'. 4th Feb.

http://www.vatican.va/roman_curia/secretariat_state/card-villot/documents/rc_seg-st_19740204_secreta-continere_lt.html

Shadow Report of The Holy See and UN Convention on the Rights of the Child. Catholics For Free Choice. (2002). Geneva. Switzerland.

<http://www.bishop-accountability.org/resources/resource-files/reports/HolySeeAndCRC.pdf>

Sherr, R. (1991). A Canon, a Choirboy and Homosexuality in Late Sixteenth Century Italy: A Case Study. *Journal of Homosexuality*, 21, 1-22.

Sipe, R. (1995): *Sex, Priests and Power: Anatomy of A Crises*. Brunner/Mazal Publishers. New York. USA.

Sipe, R. (2009). Father Gerald Fitzgerald. 12th Sept.

http://www.awrsipe.com/Docs_and_Controversy/2009-09-12-Father.Gerald.Fitzgerald.pdf

Sipe, R. (2010a). The Vatican Connection. PEDOPHILIA & CELIBACY. 18th March.

http://www.awrsipe.com/Miscl/vatican_connection.htm

Sipe, R. (2010b). Did Belgium get it right? [http://www.awrsipe.com/Comments/2010-07-](http://www.awrsipe.com/Comments/2010-07-15.htm#top)

[15.htm#top](http://www.awrsipe.com/Comments/2010-07-15.htm#top)

Sipe, R. (2012). Catholic Clergy Sexual Abuse in the US: Context and Causes. 11th May.

<http://www.awrsipe.com/reports/2014/Sexual-Abuse-in-the-Catholic-Church.pdf>

Sodano, A. (1992). Bulletin No. 2. General Regulations for the Roman Curia. 4th Feb. Article

112: 2. http://www.vatican.va/roman_curia/labour_office/docs/documents/ulsa_b02_2_it.html

Sodano, A. (1999). Secretary Status Rescriptum Ex Audientia SS.MI quo Ordinatio generalis

Romanae Curiae foras datur. General Regulations of the Roman Curia. 30th April. (Article 128:

2).

http://www.vatican.va/roman_curia/secretariat_state/1999/documents/rc_seg-

[st_19990430_regolamento-curia-romana_it.html](http://www.vatican.va/roman_curia/secretariat_state/1999/documents/rc_seg-st_19990430_regolamento-curia-romana_it.html)

Spraitz, J. Bowen, K. and Bowers, J. (2014). Neutralizations and a history of ‘keeping the kid’ on it: How church leaders handled and explained sexual abuse in one diocese. *Journal of Crime and Justice*, 39(2) 264-281.

Strack, C. (2021). Leaving the Church in Germany: A liberation. *DW News*. 14th July.

<https://www.dw.com/en/leaving-the-church-in-germany-a-liberation/a-58268079>

Sullivan, J; Beech, A; Craig, L. and Gannon, T. (2010). Comparing intra-familial and extra-familial child sexual abusers with professionals who have sexually abused children with whom they work. <http://ijo.sagepub.com/content/55/1/56>

Taylor, K., Piotrowski, C., Woodgate, R.L., Letourneau, N. (2014). Child Sexual Abuse and Adult Religious Life: Challenges of Theory and Method. *Journal of Child Sexual Abuse*, 23(8), 865-884.

Tapsell, K. (2014a). The Catholic Church and Child Sexual Abuse: It's Time to Come Clean. <http://www.awrsipe.com/Misc/Catholics-for-Renewal-Speech-29-October-2014.pdf>

Tapsell, K. (2014b). Potiphar's Wife: The Vatican's Secret and Child Sexual Abuse. ATF Press, Adelaide. Australia.

Tapsell, K. (2014c). Address of Rev Professor Ian Waters The Pumphouse Hotel, Melbourne, 29 October 2014 on Kieran Tapsell's book: Potiphar's Wife: The Vatican's Secret and Child Sexual Abuse With a Response from the Author.

<http://www.awrsipe.com/Misc/Ian-Waters-Speech-with-Commentary5.pdf>

Tapsell, K. (2015). Canon Law and Child Sexual Abuse through the ages. Summary.

https://www.catholicsforrenewal.org/Documents%202015/CANON%20LAW%20ON%20CHILD%20SEXUAL%20ABUSE%20THROUGH%20THE%20AGES%20SUMMARY%204_1.pdf

Tapsell, K. (2017). Secrets and the Royal Commission's final report. 21st Dec.

<https://johnmenadue.com/kieran-tapsell-secrets-and-the-royal-commissions-final-report/>

Terry, K; and Ackerman, A. (2008). Child Sexual Abuse in the Catholic Church: How situational crime prevention strategies can help create safe environments. *Criminal Justice and Behavior*, 35, 643-657.

Terry, J. (2008). Stained Glass: The nature and scope of child sexual abuse in the Catholic Church. *Criminal Justice and Behavior* 35(5), 549-569.

The Boston Globe Investigative Team. (2002). *Betrayal: Crises in the Catholic Church*. p,211-212. Little Brown & Company. USA.

Thiessen. D. (2008). Is there a renaissance of religion in Canada? A critical look at Bibby and beyond. *Studies in Religion/Sciences Religieuses*; 37 (3-4), 389-415.

UNCRC. (2014). Concluding observations on the second periodic report of the Holy See. 31st Jan. United Nations CRC/C/VAT/CO/2.

<https://www.secularism.org.uk/uploads/concluding-observations-holy-see-crc-annotated-by-nss.pdf>

Vatican. (2018). Letter sent by the Holy Father to the Bishops of Chile following the report of Archbishop Chales J. Scicluna. 8th April.

http://w2.vatican.va/content/francesco/en/letters/2018/documents/papa-francesco_20180408_lettera-vescovi-cile.html

Vaughan, D. (1999). The dark side of organizations: mistake, misconduct and disaster. *Annual Review of Sociology*, 25, 271-305.

Vella, M. (2018). Chilean bishops resign en masse after Scicluna report into sex abuse cover-up. 18th May. Malta Today.

https://www.maltatoday.com.mt/news/world/86949/chilean_bishops_resign_en_masse_afterscieluna_report_into_sex_abuse_coverup#.XH1efWZ7lYc

Vlazny, J. (2010). Bishop as Father to his Priests. *Origins*. CNS Documentary Service. (40:10). page, 155. 22nd July.

Wall, J. (2018). http://www.awrsipe.com/patrick_wall/executive_summary.htm

Waters, I. (2016). The Law of secrecy in the Latin Church. *The Canonist*, 1, 75-87.

Winter Commission. (1990). The Report the Archdiocesan Commission of Enquiry into the Sexual Abuse of Children by Members of the Clergy, Archdiocese of St John's, Newfoundland, Canada.

http://collections.mun.ca/PDFs/cns_tools/TheReportoftheArchdiocesanCommissionofEnquiryConclusionsandRecommendations.pdf.

White, W. (1995). A systems perspective on sexual exploitation of clients by professional helpers. In J. Gonsiorek. *Breach of Trust. Sexual Exploitation by Health Care Professionals and Clergy*. (p;176-192). Thousands Oak, London: Sage.

Young, J. L., & Griffith, E. E. H. (1995). Regulating pastoral counseling practice: The problem of sexual misconduct. *Bulletin of the American Academy of Psychiatry and the Law*, 23, 421-32.