

*Litigation and Spiritual Sorrow:  
Special Issues Associated with Sexual Abuse by Catholic Clergy*

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The sexual abuse scandal in the Catholic Church has captured headlines and the imagination of the country since 2002 when the breadth and depth of sexual abuse by priests became public. Since then, more than 3,500 men who were active priests between 1950 and 2004, representing almost 5% of the priesthood for those years, have been reported to have sexually abused minors in their care. More than 700 priests have been removed from ministry and over 11,000 victims have come forward to Church officials to allege past sexual abuse. Because many sexual abuse victims never report their abuse, at least to the abuser's family or organization, we know these numbers are low. Most commentators on the Church crisis, in fact, estimate the number of minors abused between 1950 and 2002 to be closer to 75,000. To date, the Catholic Church has paid out over one billion dollars in claims to alleged sexual abuse victims and there is end in sight.

The sexual abuse of a minor boy or girl by a Catholic priest often leads to the same constellation of sequelae suffered by many survivors of early sexual victimization and now commonly described in the literature. Because of the

historical status of a priest in a Catholic family, however, and because of the publicity and litigation accompanying revelations of priestly sexual abuse, there are issues particularly relevant to priest abuse survivors and their families.

Today, I will address two of these: the potential impact of litigation on healing and the spiritual sorrow evoked when Catholic priests violate the young.

*Litigation: On the Road to Healing or Driving Up A Dead End?*

If clinical work goes well with sexual abuse survivors, there comes a day on which they fully comprehend their losses. It is a dreadfully painful and poignant time for both patient and therapist as the survivor confronts and grieves for the childhood and/or adolescence that never was, the defensively idealized caretakers who never existed, and perhaps most poignantly, the self that could have been had hope and possibility not been shattered. One patient, at this point in treatment, cried,

This is too much. I can deal with the abuse...I think...maybe I can. But the idea that this is all there will ever be. That when I think of being little, all I will feel is pain and terror...that's too much...I can't live with that. The sense of safety, I want a place that's safe. I want to get into trouble and be mischievous...safe trouble...usual trouble. You say I can feel some of these things as a grown-up...you tell me about them. But how can I feel them when I'm not sure what they are...words. It's like trying to describe a color to someone who was born blind.<sup>i</sup>

Further personal growth and healing require that, at this point, the therapeutic couple face the mourning process together. Quite understandably, though, sexual abuse survivors may yearn to avoid the deep grieving necessary to move on from the abuse and all that was stolen from them. For a while, patients may keep mourning and finality at a distance by giving full reign to fantasies of revenge in which the abuser and his protector(s) are forced to pay, to make restitution for the lost childhood. Most survivors do not enact these fantasies and instead – when things go well – continue to grieve that which really never can be restored. The Church crisis, however, has afforded many survivors the opportunity to turn fantasy into reality by involving themselves in litigation with the Catholic Church. The impact on healing, especially on the grieving process, can be complicated.

On the one hand, no matter the amount of the ensuing financial settlement, a residue of emptiness and lost hope often persists for the clergy abuse survivor. At the core of his or her being, the worst has happened once again; s/he has been paid to go away while life goes on relatively unscathed for the perpetrator and, even more, for those – like bishops and other Church officials -- who shielded him. Only when the suit is over, the lawyer is on to other cases, and the media has bigger news to report may the survivor realize that, in many of the ways that count, nothing has changed.

After receiving her settlement check from the Archdiocese of Boston, sexual abuse survivor Alexa MacPherson said, “This money means nothing to

me. ... I thought I'd feel light-hearted. Instead, I feel weighed down....I feel like a price has been put on my head. That's not what I wanted."<sup>ii</sup> As a clinician, my concern is that many survivors, stimulated by unrealistic hope and perhaps avoiding mourning a childhood gone forever by chasing the Church in court, may one day face even more depression and despair when their checks have been deposited and they still are visited by ghosts in the night.

On the other hand, it is important to note that lawsuits, when all requests for pastoral responses have failed (as they did for so many victims) may represent healthy efforts by survivors to become agents in their own lives. Further, lawsuits put into action an understandable demand that the truth be told one way or another. By bringing the names of accused priests into the public when Church officials refused to remove them from contact with children also sometimes mark adaptive attempts on the part of survivors to protect children from suffering at the hands of these priests and to reach out to other victims of the same perpetrators who might then feel free to come forward. Finally, Susan Archibald, former Director of The Linkup, a survivors' group, says that lawsuits can help survivors psychologically return their guilt and fear to the rightful owners of those emotions - their perpetrators and Church officials who covered up crimes.<sup>iii</sup>

Whether involvement in lengthy and often frustrating litigation with the Church promotes growth and healing or impedes it will differ from one survivor to another. For Scott Gastal, the jury award of one million dollars did little to

alleviate his suffering.<sup>iv</sup> The money was given to his parents who lost it all in bad business ventures. Working at a horse ranch in Louisiana bayou country, Gastal tries not to feel much of anything at all, stays away from people most of the time, continues to be haunted by his abusive experiences, and suspects that he never will really recover from them. Ryan Di Maria, however, settled with the Church for \$5.2 million dollars and a series of reforms required in the dioceses of Orange County, CA and Los Angeles to provide more effective and pastoral responses to victims coming forward with reports of sexual abuse by a priest.<sup>v</sup> In June 2003, recently married and expecting his first child, he was sworn into the bar as an attorney in Orange County by Superior Court Judge James P. Gray who mediated the settlement between Di Maria and the Church. Di Maria now uses his legal talents to help other victims of childhood sexual abuse.

In the end, whether survivors of sexual abuse by priests sue or not, it usually is mourning the youth that can never be that increases the chance of maximum recovery. Finally, the abuse takes its proper place as a truly past part of life as when incest survivor Louise Armstrong responds to a question about early childhood trauma:

So it doesn't go away?

*Armstrong:* It recedes.

I don't like that.

*Armstrong:* You don't have to like it. You just have to live with it. Like a small, nasty pet you've had for years.<sup>vi</sup>

*Spiritual Sorrow: Sexual Transgression that Sears the Soul*

Most victims of priestly sexual abuse taking place in the 1960s, 1970s and early 1980s were raised at the tail end of what inactive priest and psychologist Eugene Kennedy calls the Brick and Mortar stage of the American Catholic Church.<sup>vii</sup> From the time of the great immigrations of the mid- and late nineteenth century until just past the middle of the twentieth century, the Catholic Church flourished in America. In many cities, the social status of Catholics was gauged as much by their parish affiliation as by their street address and there was reasonably friendly rivalry between parishes about being “best.” There was real anti-Catholicism at work in the country, leading Catholics to be both protective of and defensive about their Church.

The parish priests were the center of Catholic life and were held in awe by their flocks, especially the women. Not infrequently there was a cadre of parish women who covertly but intensely competed with each other over which one of them had “Father” to dinner or whose apple pie he raved most about. The priest also often was a source of advice and comfort about alcoholic husbands who drank their paychecks or hit the kids, or about kids who were heading in the wrong direction. Because there were so many priests, they were able to function as pastors to their flocks, playing the roles of therapist, social welfare representative, and shepherd to the living, the troubled, the sick, the dying, and the dead.

In addition to the loyalty and affection he earned through performance of pastoral functions, the priest on the altar was revered as Christ's delegate on earth. Through the spiritual gifts believed to be conferred on the priest at ordination, the priest brought the living presence of Jesus to his parishioners every week in ways that only he could. He delivered the Word of God to the minds and hearts of a community of faithful taught to be passively receptive and obedient to his teachings and reverential about his sacramental powers. The Catholic priest was the mediator between the layperson and the Almighty and, as such, was the uber-Father of the men, women, and children of his community.

It is difficult for non-Catholics or for Catholics of more recent decades to imagine the mystery surrounding the priest. I remember when my great aunt Kit was dying and the priest came to administer Last Rites and to give her Communion for the last time. My grandmother and her other sisters darkened the house, placed long, black, lace chapel veils on their heads, and greeted Father Finnegan at the door. My grandmother, holding a lighted candle, led him in silence to Kit's bedroom. We were required to be silent in the presence of the Eucharist and could speak only after Kit had swallowed the wafer and had received the final sacrament of her faith before her death. I was eight years old and I can still remember the sense of awe and mystery - the impression of being in God's presence in the person of the old Irish priest - that filled my great aunt's home and my heart that night.

To question the integrity of a priest thus was unthinkable to most Catholics of the Brick and Mortar Church. Rather, the obvious failings of a priest, like a tendency to drink too much, or to snap at children running across the freshly cut lawn of the rectory, were excused or denied by many members of the congregation. If Catholic parents or other parishioners had an uncomfortable feeling about a priest's relationship with a minor, they were likely to feel badly about themselves for allowing such suspicions to enter their minds. In fact, it would be horrifying and probably sinful to imagine that Father would sexually violate a child using the same hands that, a few days before, had transformed mere bread and wine into the Body and Blood of Jesus Christ. For Catholics then, society's typical denial of the sexual victimization of children was enhanced by the deeply felt need to think only the best about "Father" and the demands for loyalty placed on laity by a clericalist caste.

Unlike other forms of sexual abuse, therefore, the sexual exploitation of a Catholic child or adolescent by a priest directly assailed the minor's religious faith and, when the survivor finally came forward, the family also faced a potentially devastating spiritual crisis. When a young person was victimized by a man purporting to represent the living Christ, and when that man's crimes were tolerated by cardinals, bishops, or other Church officials, the ability to believe in a just and merciful God often was dismantled. Even more assuredly, trust and belief in Catholicism, instilled early on in the victim and cherished by parents and other family members, was shattered.

Many victims of priest abuse have turned away from Catholicism. Of 128 plaintiffs suing the Archdiocese of Louisville, 84 no longer consider themselves Catholics; 75 of the 84 feel they lost their faith because of their abuse or the Church's response to it.<sup>viii</sup> Some survivors develop a cynicism about all religion. Dr. X, a patient of trauma expert Richard Gartner, says the following:

The fact that it was a priest (who abused him) was cataclysmic. It taught me that there is a lie in the world. I developed a slowly evolving cynicism. As I got older and gave up on my piety, I grew to hate the smells, sounds, feelings of Church – the incense, the collars, the robes. My spirituality and ability to believe in a higher power were destroyed.<sup>ix</sup>

Other survivors continue to feel a great hole in their life where practicing Catholicism or some other spiritual devotion should be. Julian, another patient of Dr. Gartner's, reports that he is a religious man without a church:

I went to seminary because Catholicism means something to me. But, now, I can't go into a church without feeling I will vomit. My wife says, 'Let's go to an Episcopalian Church – it's almost the same!' But it's not the same. I'm not an Episcopalian, I'm a Catholic. And there's nowhere I can go to be one.<sup>x</sup>

For families, too, the sense of betrayal by their once beloved Church is almost too much to bear. In the documentary film, *Deliver Us From Evil*, survivor Ann Jyona's father cries out about her abuse by Rev. Oliver O'Grady who often was an honored guest in the Jyona home, "All during the night he's

molesting my daughter – not molesting her, raping her – at 5 years old. For God’s sake! And they (meaning Church officials) knew – they knew. How could they let this happen?”

Psychoanalyst Leonard Shengold titled his book about childhood sexual abuse, *Soul Murder*. Similarly, William Cardinal Keeler, Archbishop of Baltimore, equated the sexual abuse of minors by priests with murder.<sup>xi</sup> Cardinal Keeler, in fact, in a statement to his diocese in September 2002, said, “Child sexual abuse, regardless of any other factor, is evil.”<sup>xii</sup> Columbia University humanities professor, Andrew Delbanco, in his book on evil, refers to Milton’s devil. “He (Satan) invades his prey, as Milton tells it, by a rape. ... ‘in at his Mouth the Devil Enter’d’.”<sup>xiii</sup> Milton’s description is uncanny in its evocation of sexual abuse. Uncanniness is scary but Delbanco comforts us. He tells us that this “nighttime burrowing into human bodies” represents Satan’s power but it is borrowed power and limited.<sup>xiv</sup> Christianity, he says, reassures us that, ultimately, the devil will be defeated, “driven out of his playground world” by God and goodness.<sup>xv</sup> But, what happens when you are young, still visit playgrounds, and the devil is a priest? Many survivors of sexual abuse by a priest, along with their families, continue to wrestle with that question. Whether they participate in litigation or not, eventually they have to find ways to restore souls

wracked by violence bestowed by a priest, referred to within Catholicism as an Alter Christus – another Christ.

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<sup>i</sup> Davies, Jody Messler and Mary Gail Frawley. *Treating the Adult Survivor of Childhood Sexual Abuse*, 75.

<sup>ii</sup> Convey, Eric. “Abuse Victims Learn Settlement Amounts.” *The Boston Herald*, December 21, 2003. Accessed 12/21/03 from <http://news.bostonherald.com>.

<sup>iii</sup> Long, Paul A. “Diocese to Abuse Victims: Tell Church.” *The Kentucky Post*, April 23, 2003. Accessed 11/07/05 from <http://www.kypost.com>.

<sup>iv</sup> “The Church on Trial: Part 1.” *CBS News*, June 12, 2002. Accessed 11/07/05 from <http://www.cbsnews.com>.

<sup>v</sup> Lobdell, William. “Orange County: He Got Justice, Now Wants to Give It.” *Los Angeles Times*, June 5, 2003. Accessed 11/07/05 from <http://pqasb.pqarchiver.com>.

<sup>vi</sup> Armstrong, Louise. *Kiss Daddy Goodnight*, 260.

<sup>vii</sup> Kennedy, Eugene. *The Unhealed Wound*, 16.

<sup>viii</sup> Hall, Gregory A., Peter Smith, Andrew Wolfson, Deborah Yetter,. “Church in Crisis.” *The Courier-Journal*, September 29, 2002. Accessed 11/04/05 from <http://nl.newsbank.com>.

<sup>ix</sup> Gartner, Richard B. *Note 19*.

<sup>x</sup> *Ibid*.

<sup>xi</sup> Rivera, John. “Keeler Letter Reveals Abuse: Cardinal Says 83 Priests Accused Over 7 Decades; ‘Spiritual Equivalent of Murder’; \$4.1 Million in Settlements Go To 8 Victims in 20 Years.” *Baltimore Sun*, September 25, 2002.

<sup>xii</sup> Keeler, William Cardinal. *A Public Accounting*, September 2002.

<sup>xiii</sup> Delbanco, Andrew. *The Death of Satan*, 54.

<sup>xiv</sup> *Ibid*.

<sup>xv</sup> *Ibid*.