

## **Alternative frameworks for understanding and responding to professional sexual abuse by clergy**

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I have sometimes wondered why it is that so many church leaders and church bodies that have responsibility for clergy supervision and accountability seem to become so ineffective when it comes to dealing with instances of clergy sexual abuse. In my seven years now of experience in the area of sexual abuse by clergy and particularly with survivors of abuse, I have come across only one person who expressed a measure of satisfaction with the handling of her complaint by church authorities - but I know dozens of women who have been disappointed, frustrated, angered and at times deeply distressed and damaged by what they have experienced in church processes and from church leaders.

Recent articles in the Bulletin of the Australian Psychological Society<sup>1</sup> and the Law Institute Journal<sup>2</sup> suggest that frameworks for understanding and dealing with this issue are no less confused in other professions in Australia as well.

I suggest that part of the reason for this is that people who are involved in situations of clergy sexual abuse, and processes adopted to deal with complaints, frequently operate out of different frameworks of understanding. These different frameworks are frequently intertwined and variously active within the same processes or people administering those processes. These different frameworks generate different, confusing and at times conflicting expectations, perceptions and actions.

In this paper I want to explore several of those frameworks. In particular I suggest that several of the common frameworks adopted and used by church leaders and church bodies in dealing with clergy sexual abuse contradict important aspects of the Christian ethos.

I want to say in preamble that the following analysis is fundamentally a kind one. It allows that some confusion may be the result of well-intentioned ignorance on the part of church leaders. But a lot of confusion is not the result just of ignorance. We need to take more seriously than we have, that confusion in the handling of clergy abuse cases can also result from deliberate actions by institutional leaders to hide their own failures or abusive behaviour and to shield institutions from proper responsibility and accountability. Also, abusive people use their power abusively, including to deliberately create ambiguity and confusion in order to shield themselves. This pattern is noted by Judith Herman in her book Trauma and recovery<sup>3</sup>,

"In order to escape accountability for his crimes, the perpetrator does everything in his power to promote forgetting. Secrecy and silence are the perpetrator's first line of defence. If secrecy fails, the perpetrator attacks the credibility of his victim. If he cannot silence her absolutely, he tries to make sure that no one listens. To this end, he marshals an impressive array of arguments, from the most blatant denial to the most sophisticated and elegant rationalisation. After every atrocity one can expect to hear the same predictable apologies: it never happened; the victim lies; the victim exaggerates; the victim brought it upon herself; and in any case it is time to forget the past and move on. The more powerful the perpetrator, the greater is his prerogative to name and define reality, and the more completely his arguments prevail."

It was the observation also of the author of the Gospel of John, who wrote, "Light enters the world and men prefer darkness to light because their deeds are evil."

I wish also to acknowledge the significant contribution made by the women of SHIVERS to the ideas and insights of this paper. They are some of the most perceptive practical theologians I know. It is the survivors' groups of Christian men and women that have not only brought to the churches' attention the abuse of power by many leaders that has been undermining the church's life and mission for so many years and offered the chance for genuine reformation in the church's life, but who have also done the most thorough work in analysing and understanding the true nature of this issue. The churches' recognition of their work needs to be more honest than we have been prepared to do in the past.

## **ETHOS**

An important element in determining what is an appropriate response to clergy sexual abuse is the concept of ethos. Ethos is the characteristic spirit, tone, beliefs, values and practices of a particular community that gives meaning and shape to people's lives. Ethos provides the framework for integration of the various dimensions of our experience into a meaningful individual and social identity. It is the ethos of communities to which we belong that generates shared hopes and commitments, that undergirds altruism and sharing, and that binds people together in trustful community relationships. Ethos is not necessarily a conscious thing: we all carry our ethos around in our being - it shapes our identity, it reverberates in our emotional being, it sets the framework of health and sickness.

Ethics is the outworking of ethos in terms of practical rules of behaviour. It is a central aspect of the Christian ethos that our inward faith ideas and experiences are expressed in our outward moral behaviour. As the writer of the Letter of James says: "One person says they have faith, the other says they have actions, but I say we show our faith by our actions." So a central part of Christianity is not just ideas but also corresponding ethical qualities such as respect, honesty, acting justly, acting with love, being fair, and honouring commitments.

Christian leaders not only interpret the ethos of a Christian community, they also represent it. So when a Christian leader abuses the power and trust they are given, it creates a crisis of integrity. Unethical behaviour by the leader of what is an ethical community strikes at the very heart of the ethos of the community and requires prompt, decisive and ethical action by other leaders to protect the integrity of the system by denouncing the abusive behaviour, holding the abusive leader accountable, and restoring trust by restoring the fortune and rights of anybody who suffered because of the breakdown of the system.

When other church leaders do not do this, and do not hold their colleagues immediately accountable, they create a severe crisis of personal and communal identity, morale, and spirituality. Studies are now beginning to show the serious effect on morale and participation that the issue of abusive behaviour by church leaders is having on churches around the world.

It is in this context that we can best understand the comment sometimes made by church leaders that survivors of clergy abuse are never happy or that you can never please them. I don't believe that's the case. What I see is rather that people who have been abused by church leaders come to the church expecting that the church will deal with this in terms of the ethos church members have been taught to live by. They are shocked and disoriented to find that this doesn't happen. The problem is not that survivors of abuse are hard to please - it is

that we church leaders don't know what we're doing and that the ethos we follow as church leaders is not the ethos we preach and teach about.

I want to look at four of those common frameworks. I suggest that the first three - a therapeutic or pastoral care framework, a conflict resolution framework, and an institutional framework - while contributing helpful insights and perspectives, are inadequate as the guiding framework for handling sexual abuse within the Christian community. The fourth, an ethical or justice-making framework, has, I propose, the most to recommend it as a framework for shaping a Christian response to clergy abuse.

#### **THE THERAPEUTIC OR PASTORAL CARE FRAMEWORK**

Most Christian churches this century have been strongly influenced by the modern psycho-therapeutic movement. This influence can be seen not only in deepening understandings of psychological dynamics. Christian thought and practice have also adopted hermeneutical aspects of the ideology of secular therapy, such as an approach to issues from the perspective of individual psychology rather than communal or structural perspectives; the normative influence of particular constructed psychological values and pathologies; the professionalisation and hierarchical structuring of healing; and the clinical stance of moral neutrality.

In three cases of clergy abuse that I know closely, psychiatrists, psychologists and pastoral care professionals were members of committees handling sexual abuse complaints and were dominant or deferred to in those committees in shaping the nature of the response that was made.

In recent decades, some Christian practical theologians have begun to question the uncritical adaptation of secular psychological ideology to Christian understandings and practice.<sup>4</sup> I will pick up some of these criticisms in this analysis.

There are a number of characteristics that are identifiable in the therapeutic or pastoral care approach to clergy abuse.

\* Its focus is on the intra-psychic dynamics of the issue. What is of greater importance is not the actual event of abuse - what actually *happened* - but the person's *perception* of the event.

\* Conception and handling of the complaint is individualised - it is seen as a function of the individuals involved and the focus of response is on the individual psychological causes and effects of the incident.

\* The question of sexualised behaviour by clergy towards parishioners has tended to be viewed within a framework of private sexual behaviour that was problematic only if it was problematic for the people involved. What was dealt with then was the problem people had with the behaviour, not the behaviour itself.

\* The therapeutic response tends to focus on understanding and explaining the reasons for particular undesirable behaviours. The response to the behaviour is one of non-judgmental understanding - judgment is not considered desirable because the behaviour has identifiable reasons.

\* The role of church leaders in situations of clergy abuse was to be one of non-judgmental facilitator of healing and reconciliation.

\* The basis on which healing is expected to take place is to help people understand why this situation has happened, what its effects have been on everybody, and then working with both perpetrators and victims to dissolve the effects psychologically, generally in individual therapy.

I do not want to deny the immense and necessary contribution that the insights and skills of psychological therapy or pastoral care can make at different stages. There is no doubt that abusive behaviour by religious leaders has psychological causes and consequences and the various therapies and their practitioners are essential in assisting in different aspects of assessment, recovery and rehabilitation. But interpreting a situation of abuse solely within a psychological framework and responding to situations of abuse primarily within a therapeutic framework has a number of serious shortcomings.

\* Clergy sexual abuse is not fundamentally an individual problem that the victim has to deal with, with a little help from the church. *Clergy sexual abuse is fundamentally a problem of the community.* Clergy sexual abuse is a situation in which one of the community members has been wrongly treated by an appointed leader of the community. The response needs to address the issue communally: what does the community need to do to rectify this situation, to ensure that the primary victim/s who have suffered because of a leader's abuse are given what they need to recover from that abuse and to have their respect and place within the community restored, and to ensure that other members of the community are protected from abuse?

\* Clergy sexual abuse is not first and foremost a psychological nor clinical issue. Clergy sexual abuse is fundamentally an ethical issue, a question about the nature of Christian ethos and the use of power. Leaders of Christian communities who need to deal with this issue are not called upon first and foremost to be therapists. They are called on to be leaders of the community - to make judgments and to take action. Is abusive behaviour by ministers or priests right or wrong? Did it happen or didn't it? If it happened, and if it is wrong, members of churches have a right to know what our leaders are doing to stop it, to stop people who do it, to fix up the consequences, and to ensure it doesn't happen again.

In my experience this is one of the major areas where survivors of abuse feel let down by church leaders. Judith Herman among others notes that a crucial factor in recovering from abuse or trauma is to have the truth of what has happened recognised by one's community of reference, and incorporated as reality into the meaning and ethos of the community.<sup>5</sup> We do this in other situations such as good achievements, struggle, death - the individual's experience is responded to communally and becomes part of the shared life of the community. But in the case of clergy abuse, church leaders at times seem to go to extraordinary lengths to avoid making moral judgments and to avoid giving the survivors' experience any opportunity for communal validation and support. Efforts are made to keep the survivor's experience individualised and to surround it with secrecy and suspicion - resulting in a literal shunning by her community and isolation at a time of greatest need.

In one situation of which I am aware, a community in which abuse took place asked the hierarchy of the church for clarification of what happened so that they could deal with it in their life together. The chief executive of the church spent 30 hours with solicitors preparing a written statement about what happened. This complex statement was read at a restricted congregational meeting - the executive officer refused to allow any questions, any clarification, and refused to allow anybody to have a copy of the statement. Such action may be legally safe, but it denies the survivor of abuse the opportunity they need to have their pain and what they have suffered and lost recognised and welcomed as part of the community experience.

## THE CONFLICT RESOLUTION FRAMEWORK

Churches have frequently had great difficulty in acknowledging and dealing constructively with conflict. Churches have tended to deal with conflict by denial and avoidance than by openly addressing and working through it. In recent years, however, in some quarters of the church, the growing practices of mediation and conflict resolution in the broader society have grown in recognition within the church and have been Christianised by associating them with biblical and theological themes such as that of II Corinthians 5: "God was in Christ reconciling the world to himself.... and gave us the ministry of reconciliation."

In the absence of practical understanding and application of the theological and ethical perspectives of the Christian ethos, however, secular practices of conflict resolution and reconciliation have tended to be taken over into Christian practice without any consideration or judgment being made about the content or ethical meaning of the conflict under consideration. The limitations of this will be considered shortly.

A conflict resolution framework has been considered to be useful and is frequently adopted in the handling of complaints of sexual abuse by clergy because it appears to avoid judgmentalism, appears to offer a process by which everybody's needs in the situation can be met, and it gives church authorities the desirable role of being a helpful third-party rather than a censoring authority.

In relation to clergy sexual abuse, a conflict resolution framework tends to stress the following.

- \* The role of church leaders in dealing with such a conflict is to be the third-party, disinterested mediator of a reconciliation between conflicting parties.
- \* The two parties - minister and complainant - are seen as being relatively equal, consenting players.
- \* The problem is conceptualised in a non-judgmental way, primarily as a conflict of interest, understanding or needs between two individuals.
- \* The real event giving rise to the conflict is seen to be of less importance than each party's perception of it.
- \* A process of mediation is entered, with an emphasis on creating a favourable climate for improved communication, during which a number of steps are followed:
  - \* the problem is identified in fixed terms that are amenable to conciliation, such as a confusion of purpose or conflict of needs;
  - \* parties are given opportunity to state their own understanding, their own emotional stake, and their various needs and interests;
  - \* solutions are considered that would meet all or sufficient of each party's needs and interests.
- \* The aim in conflict resolution is to reach agreement on a mutual solution, one to which both parties are willing to assent.

The process of mediation or conciliation can be found in many church procedures as the desired process or outcome in dealing with complaints of sexual abuse by clergy. In the procedures adopted for use within the Uniting Church in Australia, for example, the body set up to handle complaints is the Sexual Abuse Complaints Committee. The role of the committee is described in the following way:

"8.4. The role of the committee is to:

- (a) investigate the complaint;
- (b) mediate and conciliate a resolution to the complaint and seek to negotiate a "mutual resolution" (see 17. Mutual Resolution);
- (c) conduct the inquiry with sensitivity, compassion and pastoral care to all parties."

This aim is reaffirmed in a later section of the Procedures.

"17.1. The Synod Sexual Abuse Complaints Committee has investigation, mediation and counselling functions. Its aim is to resolve the matter. This means that an agreement or understanding should be sought, to which both the complainant and the respondent have freely and genuinely agreed, and which they accept as settling the complaint."

These designated roles actually contradict what is said about sexual abuse earlier in the Procedures, particularly,

"5.1. ....Therefore any sexual contact by a minister with a person with whom the minister is in a pastoral relationship is generally unethical and requires discipline...Because the minister has the greater power and pastoral responsibility, the responsibility is the minister's to guard the boundary against sexual conduct."

If such behaviour is considered to be unethical and requires discipline, why is the church following a procedure that allows these disciplinary obligations to be avoided? This question appears to be taken up later in the procedures. Paragraph 18.1. states

"If the Committee believes the complaint warrants further action, the matter should be referred to the Synod Committee for Discipline as soon as possible."

No guidelines are given to help the committee determine what sort of thing would constitute "warranting further action" - whether that applies to any case in which sexual abuse is reasonably suspected, or only cases of serious abuse (by what criteria?), or cases which are not considered appropriate for conciliation (by what criteria?). These questions are a good example of the confusion of frameworks that can be found in many church processes and leaders, to which I referred earlier.

I believe there are several reasons why a conflict resolution framework is inappropriate for understanding and handling complaints of clergy sexual abuse.

\* It is inappropriate to try to conciliate abusive behaviour. The National Committee on Violence against Women in its Position Paper on Mediation has identified a number of reasons why mediation and conciliation is inappropriate in situations involving violence or abuse of power. These include:

- \* violence or abuse creates or reflects an imbalance of power between the parties to a mediation, so that parties are not equal in negotiating (the Uniting Church procedures note this imbalance in paragraph 5);
- \* mediation places an extreme burden on a woman who has been subjected to violence or abuse and in some situations may actually endanger the victim.<sup>6</sup>

\* Conflict resolution and mediation processes do not address the ethical issues involved. In particular,

- \* it wrongly conceptualises abuse as a mutual misunderstanding or mutual conflict of interests rather than what it is: ie. an inappropriate use of power by one person;
- \* it treats incidents of abuse of power by a leader as a problem of the individuals involved rather than as a problem of the community;

- \* it fails to hold the perpetrator of abuse accountable for his misuse of community-given or covenantal power;
- \* it fails to make community restitution for what has been taken from the person who was subject to the abuse within the community.

The inadequacies of a general conflict resolution framework are well brought out theologically in what is called the “Kairos document,” a theological statement produced as a basis for action against apartheid in South Africa. Its statements about Christian stances towards apartheid may well be applied to stances towards other abusive behaviour, such as clergy professional misconduct:

“Church theology often describes the Christian stance of reconciliation in the following way: “We must be fair. We must listen to both sides of the story. If the two sides can only meet to talk and negotiate they will sort out their differences and misunderstandings, and the conflict will be resolved.” On the face of it this may sound very Christian. But is it?

The fallacy here is that ‘reconciliation’ has been made into an absolute principle that must be applied in all cases of conflict or dissension. But not all cases of conflict are the same. We can imagine a private quarrel between two people or two groups whose differences are based upon misunderstandings. In such cases it would be appropriate to talk and negotiate to sort out the misunderstandings and to reconcile the two sides. But there are other conflicts in which one side is right and the other wrong. There are conflicts where one side is a fully armed and violent oppressor while the other side is defenceless and oppressed. There are conflicts that can only be described as the struggle between justice and injustice, good and evil, God and the devil. To speak of reconciling these two is not only a mistaken application of the Christian idea of reconciliation; it is total betrayal of all that Christian faith has ever meant.

Nowhere in the Bible or in Christian tradition has it ever been suggested that we ought to try to reconcile good and evil, God and the devil. We are supposed to do away with evil, injustice, oppression and sin - not come to terms with it. We are supposed to oppose, confront and reject the devil and not try to sup with the devil.....

Any such pleas play into the hands of the oppressor by trying to persuade those of us who are oppressed to accept our oppression and to become reconciled to the intolerable crimes that are committed against us. That is not Christian reconciliation, it is sin.”<sup>7</sup>

## THE INSTITUTIONAL FRAMEWORK

The most common overarching framework adopted in responding to the issue of clergy sexual abuse, in my observation, is that in which the primary concerns and point of focus are the interests, order and public's perception of the institutional church. Clearly, as sexual abuse by clergy occurs within the institution of the church, leaders and administrators within church bureaucracies have been the ones who have taken control of the handling of it.

This institutional framework generates a number of characteristics in the handling of situations of clergy sexual abuse.

- \* Most established churches are strongly patriarchal and function practically on patterns of bureaucratic order.
- \* Bureaucracy means, literally, rule by office. Order is maintained in most church organisations by “offices” which operate according to established and formalised processes and procedures. These procedures dictate and govern the behaviour of individuals who hold those offices.

\* The primary purpose of these institutional procedures is to ensure that (1) the institution functions smoothly and (2) institutional interests are protected and extended.

\* Leaders of church institutions - those who will fill the office - are generally chosen on the basis that they are institutionally responsible and safe people, ie. that they will act by the rules and respect the processes. People who are seen as mavericks, or who occasionally speak out in ways that question the institution, rarely get appointed or elected as leaders. The church applauds prophets, but rarely makes them bishops or moderators - Oscar Romero became a prophet after he became a bishop. He was killed because he was a prophet, not because he was a bishop.

\* Those who hold positions of power within institutions play a significant role in drawing up and interpreting the procedures which they themselves will follow. So there is significant scope for leaders to interpret and apply procedures in ways that serve their interests and protect their own positions. Leaders may even act dishonestly and deviously without really doing anything procedurally wrong. This power to interpret and apply procedures advantageously is often used in the handling of complaints of clergy sexual abuse.

\* Patriarchal institutions like churches draw significantly on contacts and networks. Exercising or accessing power within an institution depends heavily on knowing how the system works, establishing networks, knowing what the networks are, and knowing where the loyalties lie. Survivors who bring complaints to churches are at a significant disadvantage, because they do not have the same knowledge, the same contacts, the same unwritten loyalties that a clergyman has and is able to call on. Nor do they have the intimate knowledge of what processes are being used, how the processes work, what options the processes provide for them, where the pitfalls in processes may be, and where opportunities may exist for processes to be sidetracked or manipulated.

\* Most church leaders in my experience find it extremely difficult to understand the concept of conflict of interest and the effects those conflicts of interest may have on their actions or perceived actions. Churches are quite tribal places - networks of relationship and interest are very extensive and at times incestuous in character. In situations where power is being abused, these inter-relationships of power become significant ways by which accountability is avoided and justice is perverted or derailed.

In one particular instance, one church leader had at least seven different roles in the handling of a complaint by a group of women. The leader was responsible for determining which procedures would be used for dealing with the complaint, advising other church bodies what their role was, advising both complainants and minister, directing and participating in hearing the complaint. In addition, the leader was the gateway for any subsequent grievance and appeal processes. At one stage the women had to write to the leader to hear a grievance against himself. Any appeal to this conflict of interest had to be lodged through the same leader who was secretary of the appeal committee. Yet at no stage did the leader acknowledge a conflict of interest and stand aside.

\* We have never really taken seriously in the church the need to balance power with equally powerful structures of *impartial* accountability. The self-understanding of many in the church is that we are not a social institution but a community of grace and our leaders somehow do not get personal gratification from the power they exercise but are really self-sacrificing servants of Christ called to leadership almost against their own wishes. So there is a quite common thought within the church that once we put people in leadership positions we should just trust them, and to question actions of leaders is to be disloyal or seditious. This makes a questioning of the system extremely difficult and disadvantageous.



Celia Hahn notes that the first response of an institution when a crisis emerges is to enter into institutional damage control. This is done by a combination of determined responses such as structured denial and public reinterpretation, imposition of secrecy, and re-establishing institutional control through selective procedural enforcement.<sup>8</sup> Those who play a significant part in shaping these processes of institutional damage control are the churches' legal advisers.

The way in which situations and complaints of clergy sexual abuse are handled within institutional framework is governed by the overarching needs of ensuring the institution continues to maintain order and that institutional interests are maximally protected. Even though individual church leaders in recent times have publicly and variously expressed their personal concern about clergy abuse and their pastoral concern particularly for survivors of that abuse, the practices followed by their institutions practically do not fulfil the concerns these leaders individually express. The needs of survivors of clergy abuse still are taken into account only to the extent that survivors' needs are congruent with the interests and processes of the church institution, and to the extent that it is in the interest of institutions to help them. That may seem overly cynical to some, but it is the experience and testimony of just about every survivor of clergy abuse I have spoken to.

Two examples may illustrate this.

The Uniting Church in Australia has recently developed and adopted new "Procedures for use when complaints of sexual abuse are made against ministers." These procedures were five years in the making. The individuals working on the procedures sought to take seriously the needs of survivors, and in the earliest stages of drafting the concerns of survivors were reflected. In order to be adopted within the Uniting Church system, however, a number of stages had to be gone through, including comments and agreement by a number of national bodies, all the state and district bodies in the country, numerous vociferous individuals, and finally the church's solicitors who changed it according to what can or cannot be done within the terms of legal requirements and in order to harmonise them with other church procedures and protocols. The Procedures went through numerous drafts over a five-year period.

The result of this institutional process is that the needs of survivors in situations of abuse have been submerged under all the other institutional requirements and demands. Finally these procedures adopted for dealing with clergy sexual abuse within the church do not serve the needs of survivors - those most directly affected by clergy abuse. The procedures serve primarily the needs of the church to process complaints of clergy abuse in a way that maintains order in the institution and minimises institutional damage.

The implications this has in practice may be illustrated by the fact that the church's obligation to survivors of abuse is considered over, not when the person who has been abused feels a satisfactory conclusion has been reached, but when the institutional procedures have run their course. I have witnessed personally, had numerous conversations, and receive mail still from faithful members of the church who are frustrated, disillusioned or feel betrayed because their efforts to work through experiences of abuse and injustice within the church have just been terminated because church leaders have reached the end of the church process.

And if these women say they're not satisfied with this, they're branded as being difficult or unable to be pleased. It reminds me of that definition of nagging: nagging is everything a woman says when her husband decides the conversation is finished! It may be ended for the institution, but it certainly hasn't ended for those who live daily with this unresolved abuse and injustice and loss of their community connection.

A second example of how the institutional framework works in application is the stance apparently being adopted by the Catholic Archdiocese in Melbourne, that is to define the abusing minister as a lone moral agent for whom the church has no moral or legal responsibility. This was stated in recently published comments by the Vicar-General of the Melbourne.<sup>9</sup>

“the Archbishop could not be responsible for the behaviour of his priests....if a priest fathers a child, there is an individual responsibility there. But the question of using the Church’s resources to support the sexual proclivities of a priest is not on. We have a responsibility to those who give money to the Church.”

Such a legal stance appears to be in fundamental contradiction to the church’s theological understanding of priestly authority. The representative nature of priesthood and the corporate solidarity of priestly authority have always been important perspectives in Catholic theology going back to Augustine. The priest or ordained minister has never been seen in mainstream Catholic or Protestant theology as a lone theological agent - we function in a representative office. For the church simply to accept no responsibility for the actions of individual priests is, I believe, a stance of moral cowardice whose sole purpose is to save the church money. In the parable Jesus told of the unforgiving servant, the king as the person in authority did not abdicate his responsibility for the behaviour of one of his servants toward another: he accepted personal responsibility for holding those under his authority accountable for their actions.<sup>10</sup>

As corporations are held accountable for the actions of their executives, I see no reason why the church should not be equally accountable. If it is not legally necessary, I believe it is a stance the church should adopt on its own initiative for moral and biblical reasons and in order to bear witness to the nature of the Christian ethos. It is reprehensible that survivors of abuse should have to bear the cost of abuse by official representatives of the churches, when it is the institution of the church that has deemed them worthy of office, has educated or not educated them on how they are to function in that office, has recommended them as trustworthy by formal processes and symbols and church teaching, and which has been lax and complicit in not holding them accountable for how they function officially.

#### **THE ETHICAL/JUSTICE-MAKING MODEL**

The ethical/justice-making model deals with sexualised behaviour by clergy in ministerial relationships fundamentally as a professional ethical issue. It is not a question of ministerial adultery, inappropriate sexual behaviour, betrayal of vows of celibacy, or inter-personal conflict or misunderstanding. It is a question of the wrongful use of granted professional or covenantal power that requires communal action to redress the injustice that has been done.

While justice has come largely to be identified with the legal system and taking legal action, justice is a much broader and more theological concept than just acting legally or being legalistic. In their training program, “Clergy misconduct: sexual abuse in the ministerial relationship,” the Center for the Prevention of Sexual and Domestic Violence in Seattle has elaborated a number of components that are necessary in order for justice to be done in situation of abuse. These components provide a good measure by which to evaluate the effectiveness of church frameworks and response protocols.

##### 1. Truth-telling.

Survivors of abuse need to be given the opportunity to tell the truth about what has happened to them within the community of reference in which they have standing. This includes creating opportunities for them to speak at

length not only about the facts of the situation, but also the emotional, psychological and spiritual consequences the minister's abuse has had on them. This individual opportunity needs also to be supported by a truthful acknowledgment by the church that such abuse takes place.

Studies of congregations affected by abuse indicate that truth-telling within the congregation is an essential step in recovery and healing. The same applies to perpetrators themselves: studies indicate that healing rarely occurs in abusers without full personal acknowledgment and acceptance of responsibility for what they have done.

## 2. Acknowledging the wrong that has been done.

The individuals to whom the victims tell their story, and the church who is responsible for the behaviour of their ministers, must listen and then acknowledge clearly that what happened was abusive and should never have happened. The common male church leader response of listening pastorally with "sympathetic nods and moans" does not do justice. Acknowledging the wrong also means condemning the abusive behaviour.

## 3. Compassion.

The victims who have been abused need to be listened to in such a way that they feel that those listening do understand and feel the impact that this experience has had on them.

## 4. Protection

A major concern of victims of abuse is to be faithful to their own moral agency and ensure that nobody else is hurt in the way they have been. Institutions responsible for dealing with abusive behaviour by clergy must demonstrate clearly and give concrete definite evidence that they are taking steps to ensure this does not happen to anybody else.

## 5. Accountability.

The perpetrator *must be held accountable and be seen to be held accountable*. This is essential both for restoration of the status and integrity of the survivor of abuse and for restoration of integrity of the community. Holding a perpetrator accountable is, in fact, one of the most loving things a church can do for the perpetrator himself in respecting his worth as a moral being and laying a clear foundation for his rehabilitation. Often those who suffer abuse see this much more clearly than church leaders. When the church fails to hold its leaders publicly accountable, it encourages abuse and gives a clear message that the church is not trustworthy.

## 6. Restitution

Restitution is an essential component of justice-making. What has been damaged or lost in sexual abuse can never be fully restored. Nevertheless it is important for justice-making that actual expenses borne by the victim of abuse be recompensed and that there be actual or symbolic restitution for other damages borne by the victim. If the perpetrator is unable to do this, then restitution needs to be made by the church responsible for the perpetrator.

Some churches compound the initial abuse by their reluctance to accept their responsibility in this regard. I believe strongly that if a perpetrator does not make restitution for the harm that has been done, then the church that was responsible for educating, ordaining and supervising the perpetrator and benefiting from their work should be held responsible for making due restitution. Some churches take the cheap way out of this pre-emptively by simply offering to pay for a short period of therapy. But recovery from clergy abuse has been found generally to involve long-term therapy, with many other actual and hidden costs common to post-traumatic stress,

such as doctor's bills, time off work, interrupted or sabotaged career development, phone calls, travel to meetings with the church, etc.

#### 7. Vindication.

Justice making finally involves very clear steps to vindicate the victim, that is, literally to set them free. Associated with this should be a compassionate and honouring process of declaring that the victim was not responsible for what happened, affirming their courage in bringing injustice into the open, restoration and incorporation of their experience into the affirming life of the community, and a ritual or sacramental encouragement to pursue their recovery from what has been suffered.

Justice alone is not enough to solve all the problems created by pastoral abuse. But responding to situations of abuse by restoring justice is the necessary foundation that a survivor of abuse needs to begin to rebuild and deal with the practical, personal and spiritual problems that being abused creates. There can be no real healing or grace without justice first being done. And without acting justly, particularly on issues within its own life, the church cannot embody the gospel.

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#### FOOTNOTES

<sup>1</sup> Rosemary Lyndall, "Who pays to clean up the profession?" *The Bulletin of the Australian Psychological Society*, February 1995, pp.7-9

<sup>2</sup> Louise Akenson, "Socilitor/client sexual relations - an abuse of power." *Law Institute Journal*, May 1995, pp. 450-453.

<sup>3</sup> Judith Herman, *Trauma and recovery* (New York: Basic Books, 1992), p.8.

<sup>4</sup> See, for example, the work of Don Browning, particularly in *Religious ethics and pastoral care* (Fortress Press, 1983) and *Religious thought and the modern psychologies* (Fortress Press, 1987)

<sup>5</sup> Herman, p.135. "Working with victimised people requires a committed moral stance... a position of solidarity with the victim. This does not mean a simplistic notion that the victim can do no wrong; rather, it involves an understanding of the fundamental injustice of the traumatic experience and the need for a resolution that restores some sense of justice."

<sup>6</sup> Hilary Astor, *National Committee on Violence Against Women, Position paper on mediation*, (Commonwealth of Australia, 1991), pp. 22-27.

<sup>7</sup> The Kairos Document, second impression, (Braamfontein: The Kairos Theologians, 1985) pp.8-9.

<sup>8</sup> Celia Allison Hahn, "Inhabiting our longing: a faithful response to the church's concerns about sexual misbehaviour." pp.5-10 in Nancy Myer Hopkins (ed) *Clergy sexual misconduct: a systems perspective*, Washington: The Alban Institute, 1993.

<sup>9</sup> "Broken hearts, broken vows," *The Australian Women's Weekly*, February 1996, p.60.

<sup>10</sup> Matthew 18:21-35.