

## **Does laicizing clerical pedophiles truly protect children?**

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In the midst of all this media flurry over the failure of the Catholic Church's officials in the past to quickly "defrock" priests who were guilty of the heinous sin of sexual abuse of children, one question never seems to be actually addressed – "how does a decree laicizing such a priest in any way protect children?" The reason the question is never asked surely cannot be that the question is unimportant. One reason it is never asked is that the underlying but never stated assumption has to be, at least for the lawyers and reporters, "yes it does." But I can immediately think of at least two other reasons why the question is never asked and more than one argument why the real answer is more likely "no, this process does not really safeguard children." It safeguards only the Church.

Another reason this question is ignored today may be that the people who are feeding this firestorm are not at all interested in that question simply because their immediate purpose is to discredit the Catholic Church and hold it up to ridicule. It's most interesting that this onslaught on the Catholic hierarchy, now including the Pope, is happening after the Catholic Bishops in this country, - with the assistance of the Vatican that has streamlined its ancient procedures precisely to laicize such clergy - have moved to safeguard children in concrete ways that have dramatically reduced the incidence of this terrible crime by Church employees of any kind and have made our schools and other activities the safest environments in the country for children. Each year the public school system alone has thousands of such cases, while in the Catholic Church, there are now only a few credible incidences each year. No institution can guarantee that the crime will never happen under its auspices, but the Catholic Church has come close to that promise.

However, the people feeding this firestorm are not interested in this effort of the Church because their real motives go beyond protecting children. The media like AP and The New York Times have their own agenda, i.e., discrediting a whole Church that they find an recalcitrant obstacle to the transformation of the morals of modern society, and of course the media today feeds on any story that has traction with a lot of people who hate the Catholic Church, the last respectable bigotry even among the intelligentsia.

Then there are the lawyers who have their own agenda for wanting to discredit and defame the Church's officials in this matter and who are feeding most of the stories to the press as part of their legal game plan. Their litigation plan today, when the number of cases in this country have virtually dried up, is to somehow put the Vatican, the Pope and his subordinates in Rome, in the dock and hopefully gain access to a whole new source of income for their clients and for themselves. These trial lawyers, remember, often receive at least 40% of the proceeds.

In 1989, I appeared on the Larry King Show with one of the main players in this whole lawyer driven assault today on the Church and its assets. His name is Jeff Anderson. I was there because the Bishop's Conference refused to cooperate in providing this man a platform to advertise his services countrywide, and the producer of the show literally begged me to come on the show so that Mr. Anderson would not have a burden free opportunity to present his wares with no opposition from anyone in the Church. In between the show segments, Mr. Anderson made it quite clear to me, even at that early date, that his ultimate target was the Vatican, and that he was convinced the Catholic Church had to be forced to alter its very structures in order to have greater accountability, which his whole attitude assured me that he was mainly talking about accountability to lawyers like himself.

There are a number of lawyers like Anderson who see the Vatican treasuries as the potential mother load for their clients and for their own coffers, so they have a very powerful monetary interest in making sure this attack continues unceasingly in the press. It is basic legal practice today for these trial lawyers to publicly defame their targets in the press first and then either try for a settlement or go on to trial with the potential jury pool contaminated by their press feedings. Their real problem in this strategy for this particular target is the diplomatic immunity of the Vatican as a sovereign state, and their only way of getting around this seems to them to be to so discredit the Church that our Supreme Court will eventually remove that immunity. Thus, the press has to be used unrelentingly until their first goal is attained.

The second reason people may not be interested in the question under discussion here is likely due to simple ignorance of the Church's laws and of the process and the effects of laicization coupled with understandable anger at the lack of vigilance of some bishops in dealing with these clergy in past years. One can see this ignorance in the tendency of these press stories to speak of "defrocking" priests, a term which applies more aptly to the Protestant tradition of dealing with their ministers than with the Catholic approach. Defrocking literally means to forbid someone to wear ministerial garb, and by extension it means to deprive the ordained minister of the right to exercise any functions of office, priestly or administrative. For a Protestant minister, to be defrocked means effectively to be deprived of the office itself and not just the functions of the office, since Protestant theology sees the office as something conferred purely extrinsically and not something intrinsically permanent. It's similar to being elected to a civil office which office is lost when the person is recalled by a vote or voted out of office.

In the Catholic Church things are much more complicated. Ordination to the priesthood, according to Catholic doctrine, confers a permanent office intrinsically on the ordained which even the Church herself cannot abolish. It is like the sacramental seal of Baptism which even apostasy does not eradicate in the soul of the apostate. What the Church can abolish is the right to exercise that office, but even here not totally. What it can do absolutely is to forbid the defrocked priest to exercise that office in any way under pain of mortal sin, and it can likewise render the effects of certain sacramental actions null and void, such as the performance of marriages and the normal absolution of penitents. However, even the Church cannot render invalid the consecration of the Eucharist at a Mass, just as it cannot dissolve a valid marriage after it is contracted. The Eucharist would be valid but it would also be illegitimately and sacrilegiously celebrated by a "defrocked" priest. The defrocked priest would be committing a mortal sin by this action. Nor does the Church choose to render invalid – though it could – the absolution of a dying person by a defrocked priest, if no other priest is available, and it grants this temporary right for the sake of the dying person.

But defrocking is not the same as laicization. Defrocking refers to the office, and simply means the priest cannot legitimately exercise its functions, while laicization refers to removal from the clerical state of life. There is no parallel for this in the Protestant world since their ministers do not change their state of life at their ordination. They may choose to remain celibate, but this has nothing to do with their Church. Catholic priests, on the other hand change their state of life from that of a single person to that of a cleric consecrated by the promise of lifelong celibacy. There are exceptions to this today, but they are beside the point here. Moreover, when the man enters the clerical state, his diocese takes on certain obligations to provide the priest certain benefits related to the living of the priest, his income and housing, his health care, his pension income and housing. The Protestant minister who is defrocked has no right to any of these things from the diocese or communion of churches to which he belongs. The Catholic

priest who is merely “defrocked” or deprived of the functions of office, continues to have such a right. To be deprived of these things, further action is required by the diocese in which the priest is formally accepted (incardinated) by the bishop as a priest of that diocese. This process is initiated by the diocese but is actually effected by a decree by the Vatican. Laicization simply returns the cleric to the lay state and deprives him of the right to the benefits mentioned above. In short, the Church is no longer responsible for the living of the laicized priest, nor for his future actions.

The Church has always hesitated to laicize priests, and for some good reasons. First, the fact that the priest, and even more importantly, the bishop, is laicized does not, as mentioned above, totally nullify the sacramental powers of the ordained minister. In the case of a laicized bishop, for instance, he retains the actual power to ordain both priests and bishops, even if he cannot exercise that power without committing grave sin. That is a formula for schism. In the case of priests, they can still validly offer Mass, although only sacrilegiously and gravely sinful, and that only expands a potential for quasi-schism, and we know that in this country today we have some former priests, some laicized and some simply AWOL, operating little home churches for their friends and neighbors. Not laicizing can sometimes lead to restoring a priest to his office, perhaps after some discipline, which in most of these cases is good for the priest and for the laity who will be served by the reformed priest. We have always had alcoholic priests and the easy solution would have been to cut them loose by simply laicizing them. But this would not solve their problem, especially with no income to get help, and the Church would rightly be charged with heartlessness if it acted like this. Many such priests have been rehabilitated with Church support and have returned to a fruitful ministry.

But one may well question if this is a good policy when dealing with any priest who is guilty of violating a child or youth sexually. Can these men be rehabilitated like the alcoholic? At one time, not so long ago, the Church’s hierarchy was convinced that this could be done, and they were convinced of this by psychologists and psychiatrists who were honestly convinced that they could rehabilitate such men. It was perhaps hubris on their part and naiveté on the part of at least some bishops, but to charge either blanketly with criminal negligence is to ignore the evolution of this problem’s treatment. Most people in the past saw this disorder as a serious mental derangement rather than a crime, just as we see some murderers as not as criminals but gravely deranged mentally.

While the medical community back then also considered homosexuality as a mental sickness, the issue of molesting children was put in a more serious category of mental illness by the medical community, and the Church which trusted that community did the same. You treated these people medically and rehabilitated them. They were seriously wrong not in seeing this as mental illness but in thinking that such men could be rehabilitated sufficiently to place them back in their ministry. They were scandalously wrong if they assumed that these men in general had no freedom and were therefore not criminals. There were especially and terribly wrong when they kept sending these men back for more treatment and then moved them back into parish work, again and again.

One related fact to the Church’s dealing with these issues is the whole issue of homosexuality in the priesthood. Only a very small percentage of the cases we know of involved true pedophilia, the sexual exploitation of young pre-pubescent children. The vast number of such cases involved homosexual relations with teenage boys, and this was the problem for the Church. While it is true that not all homosexual men get involved with teenage boys, it is also true that a lot of homosexual priests did. They can call it by another name, *ephebophilia*, but the

fact is that the vast majority of these cases involved homosexual relations with teenage boys. Now if the only safe solution is laicization of the pedophile priests, which the Church does do these days, what about the other homosexual priests who say they are not involved with kids but who are active homosexuals. There is no test to positively assure these men will not get involved sexually with youths, and the Church would, from a legal defensive posture, be pushed to force laicize any priest who is homosexual in orientation to absolutely safeguard her young people. The Church hesitates to do this, rightly or wrongly, because she does not want to equate the crime of sexual abuse with children to the simple presence of a homosexual orientation, which degrades both the crime itself and the innocent priest.

Now let's move on to the real question at hand, does laicization of even the worst offenders in any way guarantee the safety of children? I am not questioning the wisdom of the Church in laicizing these men, for her own sake, to remove the scandal caused to the laity and to avoid potential future law suits, but I am simply asking what such a process does to benefit the children themselves out there in our society. We are talking here about forceful laicization, against the will of the priest, for many of these men, like a lot of other former catholic priests, simply leave on their own without seeking laicization from the Church. But when any such men, men guilty of abusing children, leave the Church's supervision, laicized or not, they do not suddenly become no threat to children, unless they are in prison. They simply become potential dangers to children for whom the Church is no longer responsible, at least legally responsible for their future conduct. From a legal and financial standpoint, their departure, legal or not, is a definite plus for the church. But exactly how does this separation from the Church and her responsibility to supervise her priests, even her defrocked but not laicized ministers, safeguard children in any way? They are now simply "out there," totally devoid of any supervision by anyone, unless they are on criminal probation, and then only minimally as most communities are well aware today.

When the Vatican in the past would in some cases recommend other disciplines rather than simple laicization was it simply covering up for the Church or favoring the guilty priest? Or was it perhaps recommending a discipline that would have maintained at least some supervision of these men, for instance that they be carefully monitored to have no contact with youth, no exercise of public sacramental ministry, not even going out anywhere without a companion who would assure they got nowhere near youth. Interestingly this would have left the Church legally more vulnerable than simple laicization, that is, liable to further law suits if she failed to exercise this supervision diligently.

Today, we hear calls for permanent electronic *ankle* monitors for such threats to the children of our society, a good idea, but it is questionable whether this will survive the courts and the costs of monitoring, given the numbers of such predators out there today. But the Church could do this without the state's permission, and could do even more by providing a human monitor as well whenever such a priest left his place of residence, which could more easily be located far from children. Would such supervision not provide much greater safety to children than simply cutting such men loose, with no income, no insurance, no possibility of much of a livelihood as a sexual offender, and absolutely no supervision?

One of the ironies of the Jeff Anderson story is evidently that some time ago his own 8 year old daughter was abused by a psychological counselor who had been a Catholic priest but was either laicized or simply left the Church. If he was laicized, this process obviously did not protect his daughter from a predator, nor even prevent the former priest from becoming a child counselor. Would it not have been better, assuming the priest had been willing, for him to have

remained under Church discipline, assuming that he had a bishop who would do so rather than simply him being cut loose to eventually harm this little girl and who knows how many others?

I would think it would be the wiser thing today, for honest lawyers and victims, to insist that the Church, who accepted these men into the priesthood, take greater responsibility for their supervision now above all, and not simply void itself of all responsibility. The threat of further lawsuits would be formidable in maintaining strict oversight of such men as threats to children, and the threat of losing all benefits, income, insurance, pension, by any violation of the strict rules of supervision might better motivate at least some of these “defrocked” priests (deprived of all public ministry) to cooperate. In short, I understand why the Vatican may once have recommended this course in some cases, for those least likely to harm others if properly supervised.

What I don’t understand is why lawyers and the public are not insisting on this today. Take care of at least some of your own problems, Catholic Church. In fact, that is exactly what many families of victims were once asking for, just remove the priest from ministry and then supervise him carefully. They were interested in saving other children and they instinctively understood that it did more harm than good to simply throw these predators out into the public arena where they would have no one watching them or restraining them. It was only when they were ignored by Church officials that they turned to the courts.

But the question raised here is simply not being addressed at all by these lawyers or by the public who read these one sided attacks on the Church being fed to the press by these lawyers and by others who have their own agendas in undercutting and savaging the Church and her present leaders. Some reporters are likely just pawns who can’t see how they are being used. You have a good story line, just run with it until the public gets tired. Who cares any more in the world of journalism about serious investigation of the truth? Maybe the children who will not be helped by all this yellow journalism will some day.

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