

O'Malley puts down a new marker on abuse crisis

John L. Allen Jr. | Aug. 26, 2011 All Things Catholic

If one were to poll Catholic insiders as to which bishops are considered global leaders on the sexual abuse crisis, a few names would likely pop up repeatedly: Archbishop Diarmuid Martin of Ireland, for instance, or Archbishop Robert Zollitsch of Germany. Martin's searing candor has made him a hero to some and a lightning rod for others, while the German bishops are considered to have mounted one of the most effective responses to the scandals of any national conference, and Zollitsch is their chairman.

Right at the top of the list, however, would be Cardinal Sean O'Malley of Boston.

In part, that's a product of history. In the early 1990s, O'Malley confronted the James Porter mess as bishop of the Fall River, Mass., diocese. Ten years later he took over in Palm Beach, where his two immediate predecessors had resigned after admitting to sex abuse earlier in their careers. In 2003, of course, he stepped into a near-apocalyptic situation in Boston.

It's not just O'Malley's résumé which makes him a point of reference, however, but his persona. He's about as far from a blowhard as any public figure can be, and he radiates a genuine prayerfulness that tends to impress even those who disagree with him on issues. Where decisions by other leaders originate in their head or their gut, with O'Malley, one might say, they seem to come from his knees.

All this makes a long-awaited move this week by O'Malley, addressing one of the thorniest and still unresolved questions raised by the crisis, important not just for Boston but as a potential template for church leaders around the world.

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From the beginning, reformers have called on bishops to publicly disclose the names of all credibly accused priests, both to prevent further abuse (in the case of priests who are still alive) and as a means of establishing the true dimensions of the problem. There's resistance to such disclosures, however, especially from priests who feel their reputations and due process rights are being sacrificed for the sake of short-term legal and PR calculations.

This creates a moral and pastoral dilemma: How should a bishop balance the compelling interests of child protection, transparency and healing the wounds of survivors and their families, against the rights and morale of his own priests -- for whom the bishop is supposed to be not merely a manager, but a father and a brother?

At the moment there is no coordinated global policy, which means that each bishop is more or less on his own. As they look around for guidance, one of the places from which they are most likely to take their cues is Boston under O'Malley.

As of this week, they've got something new to ponder.

On Thursday, O'Malley announced that, after "serious and thoughtful consideration and prayer," he was releasing a list of Boston priests and deacons who have either been found guilty of sexual abuse of a minor, or publicly accused of such abuse. The names have been organized into a searchable format, available on the archdiocesan web site. Each entry includes the cleric's current status (suspended, laicized, etc.) and a link to his assignment history. In tandem with the launch, O'Malley issued a detailed seven-page letter explaining the reasoning underlying his decision.

See the full list here: [Publication With Respect to Archdiocesan Clergy Accused of Sexual Abuse of a Child](#) [1].

O'Malley also published a separate list of priests who have been publicly accused but later exonerated, either because the archdiocesan review board found the charge to be unsubstantiated, or because the priest was acquitted in a canonical trial.

While most of the information has already been released by the archdiocese in one form or another, it's never been centrally collected or made user-friendly.

Notably, the list of accused excludes two groups: Deceased clergy, where the accusation wasn't made public and no church investigation or canonical trial was ever completed; and members of religious orders or clergy from another diocese. The argument with regard to deceased clergy is that they aren't around to defend themselves, and they pose no risk of further offense. With religious orders and other dioceses, O'Malley said it's not up to him to decide, though he urged those groups to publish their own lists if they haven't yet done so.

All told, the new list contains the names of 159 archdiocesan clergy (157 priests and two deacons) out of 250 who have been accused. Of the 91 names not included, 62 are deceased, 22 involve cases where the charge couldn't be substantiated, four are priests currently facing a preliminary investigation, and three are already laicized or dismissed priests who haven't been publicly accused.

O'Malley said the list will be updated regularly, and provided a phone number for people to supply corrections or additions. For the record, the new policy centers on the public identification of accused priests; it's already standard practice in Boston to report allegations to the D.A., the Massachusetts Attorney General, and, where appropriate, to federal law enforcement.

All indications are this is not a step O'Malley took lightly. Fr. Richard Eriskon, vicar general of the Boston archdiocese, told me this was among the decisions during the past eight years "over which the cardinal agonized the most."

O'Malley ended his letter presenting the decision on a note of contrition.

"Having met with hundreds of survivors, I know firsthand the scars you carry," he writes. "And I carry with me every day the pain of the church's failures. I express once again my sorrow for your pain and my apology for any way the church and its clergy have failed you."

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It's reasonable to expect three basic families of reaction to O'Malley's new policy, which we might call the "just right," "too little," and "too much" schools of thought. (Naturally, these are abstractions, and real people may be sympathetic to elements of each.)

1. Just Right

One group, composed in part of those inclined to give the bishops the benefit of the doubt, will likely praise what they will see as O'Malley's courage, styling it as further proof that the Catholic church has indeed turned a corner.

In particular, admirers are likely to see Boston's new policy as an appropriate, and fairly original, balance between promoting transparency and healing on the one hand, and defending the interests of accused priests on the other. The decision to maintain a list of the exonerated, not just the accused, is especially notable in that regard.

Official church spokespersons will certainly be motivated to tout what O'Malley has done, given that after the recent Grand Jury report in Philadelphia, the Catholic church in America could use a good news story vis-à-vis the crisis.

Some church insiders, particularly those on the front lines of abuse prevention, may also welcome the decision as a means of putting pressure on other dioceses. To date, two dozen American dioceses have released similar lists, some even more aggressive than Boston's. (For instance, including photos of accused clergy.) There are 196 archdioceses and dioceses in the country, however, which means the majority haven't yet taken such a step.

2. Too Little

A second group, led by some survivors of abuse and their advocates, will likely see the disclosures in Boston as seriously incomplete. The argument will be that any purportedly comprehensive list which actually excludes 36 percent of accused Boston priests, as well as an untold number of priests from religious orders and other dioceses who have been accused of abuse in Boston, is not exactly a model of transparency.

The Survivors' Network of Those Abused by Priests organized a protest earlier this month, in anticipation of the new list, objecting among other things to the exclusion of religious order priests -- some of whom, the group charged, are among the archdiocese's "most egregious sex offenders." BishopAccountability.org, an independent research group, is releasing its own list of 75 publicly accused religious order priests who have lived and worked in Boston.

These critics note that of the 24 other American dioceses that have released lists, more than half have included religious order priests. (As an aside, O'Malley may be especially sensitive to the prerogatives of religious orders given that he comes out of religious life himself, routinely wearing his Capuchin Franciscan habit.)

Further, some critics may argue, recycling previously released information into a glitzy new format is not the sort of dramatic reform the scandals require. If O'Malley really wants to make a statement, they might suggest, how about publicly calling on the pope to remove his predecessor, Cardinal Bernard Law, from his various Vatican posts?

3. Too Much

Other Catholic commentators may challenge O'Malley's decision from a different direction, seeing it as too sweeping rather than too limited. I can see at least five possible versions of that reaction:

- Some may feel that the new policy is yet another instance of substituting a business model, in which the interests of the corporation always trump those of its personnel, for the traditional Catholic theology of the priesthood. Last January, Thomas Guarino of Seton Hall outlined that argument in an essay in *First Things* titled "The Priesthood and Justice."
- Catholics who feel the church has been made a scapegoat for the broader social problem of sexual abuse

may regard the new policy as a fruitless effort to placate critics, who, in truth, will never be satisfied with anything less than a "going out of business" sign on the central façade of St. Peter's Basilica.

- Some may object that the new policy is pastorally counter-productive. The wounds of the crisis will never heal, they may argue, if the church keeps picking at the scabs. (When Benedict XVI was in the U.K. last year, there was some blowback along those lines from Catholics ambivalent about his repeated apologies.)
- Some may worry that a high-profile launch of a list containing information already in the public domain will contribute to what sociologists call "moral panic," meaning a tendency to exaggerate the statistical dimensions of a problem and to treat old information as new, thereby creating an inflated sense of outrage and fear.
- Finally, this decision may exacerbate impressions among some priests that bishops are trying to save their own bacon by throwing their clergy under the bus. (O'Malley consulted widely around the archdiocese before deciding to move forward, and on background, I'm told some Boston priests voiced opposition on precisely these grounds.)

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As we wait for that conversation to take shape, two notes are worth making.

First, O'Malley's letter is a model of transparency in at least one respect -- his willingness to explain, at some length, the logic that led him to release some names and withhold others. [Read the letter here](#) [2].

I once had a conversation with a Vatican official nostalgic for the old days, when the church simply said "yes" or "no" and didn't feel obliged to explain why. Offering explanations, this curial veteran grouched, muddies the waters by confusing the reasoning behind a particular decision with the authority it carries. O'Malley clearly isn't of that school. He's willing to run the risk of courting dissent, in the hope that reasonable people will at least give him credit for honestly wrestling with the issues.

Second, this decision is timely in light of a looming summit on the crisis at Rome's Gregorian University next February, co-sponsored by several Vatican departments, which will gather officials of bishops' conferences and religious orders from around the world.

One unstated aim is to press church leaders elsewhere to adopt sex abuse policies modeled on the emerging American and European approaches. A recent decision by the German bishops to open their personnel files to outside investigators will likely be carefully scrutinized, and now O'Malley, in effect, has put down another marker as to the direction in which the global church ought to move.

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Editor's Note: NCR's Michael Sean Winters offers [Thoughts on Boston archdiocese's decision to name accused priests](#) [3]

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