

REPARATION AND CONVERSIONAL JUSTICE IN THE CATHOLIC CHURCH'S RESPONSE TO SEXUAL ABUSE OF MINORS AND VULNERABLE ADULTS

Introduction

I have had the honor of being a part of the PCPM's work since I gave a presentation to you on transitional justice for the September 2023 Plenary Assembly.¹ I have learned so much from accompanying you on this difficult journey. I have seen the Commission achieve important milestones, including particularly the publication of the Pilot Annual Report,² and the adaptation of transitional justice into a deeply Catholic conversional justice framework for understanding and guiding the Commission's work.³

As you know, this second Annual Report has a particular focus on Reparation, which is the main focus of my presentation to you today. But first I want to talk briefly about the evolution from the secular legal concept of transitional justice, to the Catholic theological concept of conversional justice, in the context of the placement of the Commission within the Roman Curia.

The application of transitional justice to the Church was not a new idea when I spoke with you about it in September 2023. Yet, it may have sounded alarming to some, in part because it might suggest legal liability for the Church, particularly in regard to international courts and institutions. Anticipating that concern, I stressed that my proposal was that the Commission and the Church use transitional justice internally, as a means of positive change.

I suggested that the Church had already been applying functional equivalents of transitional justice, and provided examples of such uses by Saint John Paul II and Pope Francis. I also suggested that the concept of transition was fundamental to the mandate of the Commission to facilitate change in the Church.

My next paper for the Commission, published in the March 2024 Plenary Assembly Documentation, addressed "How and Why the Church Should Adopt a Transitional Justice Framework to Abuse in Catholic Contexts."⁴ Extending the arguments from the

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¹ David M. Smolin, Transitional Justice and the Church, Sept. 19, 2023, <https://www.tutelaminorum.org/knowledgebase/plenary-assembly-3-6-may-2023/#0-toc-title>.

² PCPM, Annual Report on Church Policies and Procedures for Safeguarding (Oct. 2024), <https://www.tutelaminorum.org/annual-report/>.

³ Annual Report, at p. 14-19.

⁴ <https://www.tutelaminorum.org/knowledgebase/plenary-assembly-3-6-may-2023/#0-toc-title>.

September paper, I provided an additional precedent, noting that Pope Benedict XVI had invoked all four pillars of transitional justice in regard to clerical abuse in an October 2006 address to the bishops of Ireland. Conceptually, I argued that the “transition” in transitional justice was analogous to “conversion” as understood in Catholicism. I also provided basic Catholic interpretations of various pillars of transitional justice, including truth, justice, and reparation.

The Pilot Annual Report, released in October 2024, formally adopted the terminology of “conversional justice” as a Catholic adaptation of transitional justice. I view this as a very positive step forward for the Commission, and I hope this approach will be broadly adopted in the Church, both in regard to sexual abuse, and also in other circumstances, in accordance with Saint John Paul II’s approach to categories of serious and widespread sins of the Church.

The change from “transitional justice” to “conversional justice” embodies the transformation of a secular legal concept operating outside of the Church to a Catholic theological concept and practice operating internally within the Church. Positive change within the Church, and within individuals, requires, in our Catholic understanding, conversion. Descriptions of this conversional justice framework have become increasingly theological, as both the concept of conversion, and the elements of truth, justice, reparation, and institutional reform are described in primarily theological language drawn from scripture, tradition, and the Magisterium.

This turn to an internal language of conversional justice also parallels an increasing understanding of the Commission, and its work, as situated within the Church: in particular, within the Dicastery for the Doctrine of the Faith (DDF). The Commission is speaking to the Church from within the Church, using the language and authorities of the Church. This internal placement of the Commission is appropriate, so long as the Commission is accorded the degree of autonomy and freedom necessary to its difficult mission.

The Commission’s placement within the Church is particularly necessary given the mission to make safeguarding, and response to victims/survivors, an ordinary part of the work and practice of the Church at all levels: local, national, regional, and in the Roman Curia. So long as safeguarding and victim response are viewed as externally imposed, or as merely exceptional responses to particular scandals, the Church will have significant failures in these areas.

Conversional justice also is particularly suited to those times when clerical sexual abuse leads to scandals and crises, as the pillars of conversional justice, as adaptations of the pillars of transitional justice, were developed in response to extreme circumstances. A peculiar aspect of sexual abuse, however, is its often-hidden nature, which means that the times of greatest scandal and hence perceived crises often do not correspond to the times of greatest abuse. Concretely, scandals sometimes do not arise until years or decades after the highest incidence of abuse, posing another set of difficult issues. The pillars of conversional justice, including reparation, therefore must be applied in

consideration of the specific circumstances common to the usually hidden crime of sexual abuse.

This relates to another difficulty, which is that the topic of sexual abuse within the Church is necessarily shocking and profoundly troubling, and so there may be a natural inclination to avoid it entirely until and unless scandal forces discussion into the open. Making safeguarding and response to victims into an ordinary part of the work of the Church faces this obstacle, that the very topic is viewed as disruptive to the life of the Church. Here, the theological framing of conversional justice is helpful, as it may help explain that safeguarding and victim response are intrinsic to the practice of the faith and bring us closer to Christ. Christ, after all, identifies with His “little ones” and requires their protection, as He is also identified with victims of all kinds and calls us to minister to them. (See, e.g., Mathew 18:1-6, 25:31-46). Over time, it will be necessary to integrate the distinctive concerns about sexual abuse of minors and vulnerable adults by clergy, religious, and teachers, into the recognizably familiar practices and concerns of the Catholic Faith, in order to sustain practices of safeguarding and victim response.

Nonetheless, we should remember that the Church can still benefit from resources found in the legal transitional justice literature and experience, which explore in depth obstacles to, and different means toward, positive change. Similarly, our focus on survivors of sexual abuse means that the Church also must continue to learn from the mental health professions, and other secular resources, that provide important insights. Of course, the structure of the Commission, which includes members with legal and mental health expertise, facilitates the Commission’s use of these resources.

I am mindful that while safeguarding and victim response have improved greatly in some places, in others many survivors and their families have long been waiting for concrete manifestations of conversion and concern from the Church. My own efforts to listen to the varied voices and experiences of victims have taught me the limits, yet importance, of words. My hope is that placing reparation within the context of a profoundly Christian conversional justice framework will, over time, lead to practices that bring some measure of repair and healing.

REPARATION

Today I will take you through the various sections of the draft Introduction on Reparation, which you have already had an opportunity to see, and explain the purposes of each of the Sections. I also have introduced some new materials that represent my own personal reflections.

The first section is called “The Gospel Pattern of Reparation.” It begins with Pope Francis’ call for a “spirituality of reparation” and focuses on the root concept of reparation, which is repair. We have here this beautiful quotation of Pope Francis from his May 2023 Address to the PCPM:

“What is broken must not stay broken...Mending the torn fabric of past experience is a redemptive act, the act of the suffering Servant....This is the path of healing and

redemption: the path of Christ's cross...Now is the time to repair the damage to previous generations and to those who continue to suffer..."⁵

This section of the introduction next focuses on several concepts.

First, the foundation of a Catholic concept of reparation is found in the gospel message of Jesus's atoning death making reparation to God on behalf of fallen humanity.

Second, under the gospel pattern of reparation the innocent---in the gospels Jesus of course---make reparation on behalf of the guilty.

Third, we have the inter-relationship of the two great commandments, love of God and love of neighbor.

Each of these themes will have specific applications in later sections.

The next section on the Sacred Heart of Jesus reinforces these theological themes. There are several reasons to focus on this particular devotional practice.

First, the Sacred Heart of Jesus in its origins focuses to a considerable degree on the sins of the clergy and of religious, how those sins offend and wound God, and of the necessity of Catholics making reparation to God for those sins.

Second, the devotional practices of the Sacred Heart again followed the gospel pattern of how Catholics innocent of those sins nonetheless should take on this obligation of the Church, in making reparation to God, for the sins of the Church, and especially the sins of clergy and religious.

Third, Pope Francis has particularly focused on the Sacred Heart of Jesus, including in his recent Encyclical Letter *Dilexit Nos, On the Human and Divine Love of the Heart of Jesus Christ* (Oct. 24, 2024).⁶ Indeed, it could be argued that *Dilexit Nos*, combined with Pope Francis's prior encyclicals on fraternity⁷ and on the environment,⁸ form an inter-related core of some of Pope Francis' most important teachings.

Fourth, in Pope Francis' teaching on the Sacred Heart, it is made very clear that making reparation to God and making reparation to victims are so intertwined that, not

⁵ FRANCIS, Address to the Members of the Pontifical Commission for the Protection of Minors (2023, May 5), p. 3, <https://www.vatican.va/content/francesco/en/speeches/2023/may/documents/20230505-pontcom-tutelaminori.html>.

⁶ <https://www.vatican.va/content/francesco/en/encyclicals/documents/20241024-enciclica-dilexit-nos.html>.

⁷ Encyclical Letter *Fratelli Tutti* (3 October 2020), https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20201003_enciclica-fratelli-tutti.html.

⁸ Encyclical Letter *Laudato Si'* (24 May 2015), https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html.

only are both necessary, but in fact, making reparation to victims is a form of making reparation to God, and devotional practices of making reparation to God are incomplete without accompanying acts of reparation to victims.

These theological sections are then applied to several forms of reparation to victims/survivors of sexual abuse in the Church.

First, the root concept of repair makes clear that the goal of providing reparation for victims is repair of the profound personal harms they have suffered.

Second, the duty of the innocent to make reparation on behalf of the Church is designed to create a theological and spiritual imperative for bishops, religious and priests who have NOT been involved in the crimes and sins of sexual abuse, or the mishandling of such cases, to take the initiative in making acts of reparation, such as reaching out to survivors, listening to their stories, apologizing, etc., which are discussed in detail later in the Introduction. This is designed to counter an understandable reaction that such Church leaders may have, that if they were not involved directly in those crimes and sins, why should they go out of their way to address them?

As later sections will make clear, victims and survivors are NOT responsible for making reparations on behalf of the Church---this message of the innocent making reparation is NOT directed at them, again for reasons which the Introduction describes.

Third, the inter-relationship of reparation to God and reparation to victims/survivors addresses two dilemmas. First, there is the issue, even within this report, of whether to discuss reparations to victims or to God first. In a theological sense it is normal to speak of God first, yet for survivors reading this introduction there may be a wish to see victims addressed first. The inter-relationship of reparation to God and to victims means that either order is theological legitimate, as reparations to victims are in fact also a form of reparation to God.

The second dilemma would be a tendency to focus primarily on devotional practices without engaging victims. It is important to explain that devotional practices designed as reparation to God are not enough; without reparations to victims/survivors reparations to God are inadequate and incomplete.

What Must Be Repaired

The next section is titled “what must be repaired” and lists categories of harms created by sexual abuse in Catholic settings, and especially sexual abuse of minors and vulnerable adults by clergy and religious.

This section explains that harms to victims and betrayals of Christ's love are intertwined, because Christ, as victim and priest, is intrinsically close to victims.⁹ One cannot harm one of Christ's precious "little ones" (Matthew 18:6) without betraying, harming, and indeed, angering Christ.¹⁰

Just as the harms to Christ and to victims of abuse are intertwined, reparations to God and to victims are necessarily intertwined. This is an application of a broader principle, for both Pope Francis and Saint John Paul II have taught that "the true reparation asked by the heart of the Savior" is to "unite filial love for God and love of neighbor."¹¹

Thus, reparations to victims are also a form of reparations to Christ, and devotional reparations to Christ are petitions to Him to "mend wounded hearts where the deepest harm was done, and the hurt is most painful."¹²

Harms to Survivors

The next section summarizes the categories of harms to survivors. As a comparison point, the section begins with the statement of the Catechism of the Catholic Church concerning rape:

"Rape deeply wounds the respect, freedom, and physical and moral integrity to which every person has a right. It causes grave damage that can mark the victim for life. It is always an intrinsically evil act. Graver still is the rape of children committed by parents ... or those responsible for the education of the children entrusted to them." (2356).

In a similar way, sexual abuse of children and vulnerable adults by Church leaders is a profound violation. Priests and Bishops are spiritual fathers to whom the people of God are entrusted, their model being Jesus the Good Shepherd who is willing to lay down His life for His people.¹³ Children are similarly entrusted to teachers and staff in Catholic schools. When this profound betrayal is accompanied, as it so often has been, by Bishops and Religious Superiors who, instead of protecting God's people from such "ravenous wolves,"¹⁴ prove themselves not to be shepherds,¹⁵ but rather enable and cover-up abuse, the harm involved becomes even more profoundly

⁹ FRANCIS, Address at the end of the Eucharistic concelebration, (Feb. 24, 2019), at p. 3 (victims are "an image of Jesus"). See also Hebrews 4:14 – 10:18; Catechism of the Catholic Church, para. 606-611, 1367.

¹⁰ FRANCIS, Address at the end of the Eucharistic concelebration, (Feb. 24, 2019), at p. 3 ("in people's justified anger, the Church sees the reflection of the wrath of God, betrayed and insulted by these deceitful consecrated persons.")

¹¹ FRANCIS, Encyclical Letter *Dilexit Nos*, On the Human and Divine Love of the Heart of Jesus Christ, para. 182 (Oct. 24, 2024)(quoting Saint John Paul II).

¹² Id. at para. 185 (Oct. 24, 2024).

¹³ See John 10:1-11.

¹⁴ FRANCIS, Address at the end of the Eucharistic concelebration, (Feb. 24, 2019), page 3.

¹⁵ See John 10: 12-13.

associated with the Church. Abuse, enabling of abuse, and the failure to properly respond to reports of abuse, for victims poisons the very spiritual resources they require for healing, creating associations of the Church with trauma, betrayal, and distrust.

Survivors are not helpless---a truth reflected in the very word “survivors” which goes beyond their experience as victims to refer to their capacities for resilience, agency, courage, healing, profound spirituality, and advocacy. But the resilience of survivors and families, and their own efforts to seek medical, psychological, and spiritual help, does not detract from the responsibility of the Church toward those harmed by the Church. Indeed, the damage to survivors’ relationship to the Church cannot be healed without the Church taking responsibility for the abuse, enabling of abuse, and lack of proper response to abuse; taking responsibility requires acts of reparation.

The listing of the harms which many survivors experience must be generalized, and yet the kinds and degrees of harms which individual survivors experience are variable. This creates problems of description. To the degree that the most serious harms that some experience are included, it may be perceived by some as stigmatizing and as undermining the human dignity of survivors. However, to the degree that the most serious harms are not listed, some may perceive a wrongful minimization and denial of the profound harms of sexual abuse. There may also be cultural differences as to how mental health terms are perceived, given stigmas related to mental health labels. There can be no single representation of the harms and sufferings of survivors.

Nonetheless, for purposes of discussing reparations, a listing of the kinds of harms in need of repair is necessary, keeping in mind that survivors are individuals who vary in their experiences:

- a. Undermining the survivor’s relationship to God.
- b. Creating a profound alienation from the Church.
- c. Altering the survivor’s personal relationships, including the survivor’s family of origin, friendships, and relationships within the Church community.
- d. Impacting the survivor’s capacities for positive intimate relationships.
- d. Distorting the survivor’s self-conception, which, particularly when survivors are wrongfully blamed, abandoned or stigmatized, introduces harmful forms of shame and self-loathing.
- e. Impacting the survivor’s mental health, including causing anxiety and depression, that for some may lead to suicidal ideation, suicide attempts, and even suicide.

f. Redirecting the trajectory and direction of the survivor's life toward injurious spiritual, psychological, and relational pathways.

These harms may last a lifetime. Indeed, for many survivors of sexual abuse, the abuse is not just a discrete event or set of events in the past, but a profound trauma, with both short-term and long-term consequences that, without treatment, may fester like an untreated wound.¹⁶

The common pattern of the Church mishandling reports for decades, including abandoning, ignoring, shaming, blaming, and stigmatizing survivors, perpetuates the trauma as an ongoing harm. The first necessity of repair is to stop the spiritual and emotional bleeding precipitated by the combination of abuse, enablement of abuse, and mishandling of reports of abuse. This is why both new and old cases matter. For new cases there may be the possibility for the Church to immediately respond appropriately, which may significantly mitigate the trauma and harm of abuse. For old cases, particularly where the Church failed to respond properly, it is imperative for the Church to proactively reach out to survivors and take responsibility both for the abuse and also for the subsequent failures.

The following sections discuss harms to others: to God, family and friends of victims, the broader Church community, innocent clergy and religious, children and adolescents, and to the Church's capacity to impact society. Due to time constraints, I will omit all of those subsections except for the statement about children and adolescents:

Children and adolescents growing up in regions and localities where clerical abuse has become notorious experience multiple harms, even if they are not themselves direct victims of abuse. These include:

- a. Experiencing fear and distrust of priests, bishops, religious, and even of teachers and counselors and youth leaders in Church settings, which can undermine their relationship to the Church and separate them from spiritually-nurturing relationships.
- b. An unwillingness of priests, bishops, religious, teachers, counselors, and youth leaders to nurture and mentor children and adolescents, based on fears of being unjustly accused or due to over-restrictive safeguarding protocols. Jesus called the children to Himself, and Pope Francis characteristically has called for shepherds to

¹⁶ Cf. FRANCIS, Address at the end of the Eucharistic concelebration, (Feb. 24, 2019), at 6: "The evil that they have experienced leave them with indelible wounds...." Cf. Catechism of the Catholic Church, para. 2356 ("Rape ... causes grave damage than can mark the victim for life...Graver still is the rape of children....")

have the “smell of the sheep.”¹⁷ Yet in environments of fear and suspicion the necessary boundaries of safeguarding may become barriers and children may be stigmatized as too dangerous for interactions. This is profoundly harmful to the development and spiritual formation of children and adolescents.”

---I recognize that this description is not universal, as in many places the opposite problem of a lack of appropriate safeguards exists. This demonstrates the stakes and difficulties in doing safeguarding in a way that protects children without depriving them of spiritual nurture.

Implementing Repair

This next section on “implementing repair” begins by noting the inter-relationships between the pillars of conversional justice: truth, justice, reparation, and institutional reform. Then there are subsections on specific forms of reparation.

Today I am going to concentrate on listening, apologies, and financial compensation, where I have added materials beyond the draft Introduction. I will not now present the sections on local centers (the Memorare Initiative), Survivor Advocates, spiritual assistance, and the provision of services like counseling and medical services.

Specific forms of reparation to survivors

a. Listening

It is imperative that Church representatives, and especially Church leaders, listen to survivors tell their stories. Such listening is important to the healing of survivors and also is a means of conversion for Church leaders. This act of listening requires engagement, empathy, presence, openness, care and concern. Paradoxically, the most reparative active listening does not immediately offer solutions or claim to fix or repair; it is the very act of engaged listening that best offers a first step and pathway toward repair.¹⁸

Bishops, priests, and religious may feel inadequate to know how to listen to survivors of sexual abuse in Church contexts. Some may feel that this is best done by professional

¹⁷ Pope Francis, *With the Smell of the Sheep: The Pope Speaks to Priests, Bishops, and other Shepherds* (Orbis Books 2017).

¹⁸ FRANCIS, Address at the end of the Eucharistic concelebration, (Feb. 24, 2019), at page 6: “Listening heals the hurting person, and likewise heals us of our egoism, aloofness and lack of concern, of the attitude shown by the priest and the Levite in the parable of the good Samaritan.” See generally Pontifical Commission for the Protection of Minors, *Culture of Healing* (2022). On the general importance of listening, see Pope Francis, *Listening with the ear of the heart*, January 24, 2022, available at <https://www.vatican.va/content/francesco/en/messages/communications/documents/20220124-messaggio-comunicazioni-sociali.html>; CAN, “Pope Francis launches 2-year synodal path with call to ‘encounter, listen, and discern’”, available at <https://www.catholicnewsagency.com/news/249241/2023-synod-on-synodality-pope-francis-launches-2-year-synodal-path-with-call-to-encounter-listen-and-discern>.

psychologists or counselors. If available, there is certainly an important role for professionals who are trained to provide trauma-informed treatment. Nonetheless, professionals cannot replace the experience of survivors being listened to by Church authorities.

There is an irreplaceable significance in bishops and priests, on behalf of the Church, listening to survivors of abuse by priests which was enabled by bishops. It is important for these acts of reparation to be done by those who are innocent of the wrongs involved. The guilty include not only those who sexually abused children or vulnerable adults, but also those who enabled the abuse by knowingly failing to bring abusers to account, allowing them to further abuse. The guilty also include those who mishandled reports of abuse, further traumatizing victims and denying them truth, justice, and reparations. What is required is that bishops and priests who were not guilty of such wrongs listen to survivors. Their positions as bishops and priests make them uniquely situated to listen and apologize, with open hearts, to those who were victims of bishops and priests.

By contrast, priests who abused and bishops who enabled abuse are not in the same position to listen to their victims. Survivors are likely to be re-traumatized by such direct encounters with those who harmed them. The guilty tend to minimize, excuse and explain their own wrongs, which harms rather than helps their victims. Too often, direct encounters between abusers and victims have been manipulated into forced forgiveness which becomes a tool of impunity by which abusers escape all consequences and are allowed to continue their destructive crimes.

Those guilty of abusing and enabling abuse have a different pathway of reparation, which may be initiated by the Church in its disciplinary role holding them accountable, so that they may begin to grasp the full consequences of what they have done.

Survivors should not be made to be or feel responsible for the spiritual rescue of their abusers, which is not their burden to bear, but rather that of the Church.

b. Apologies

Church authorities need to apologize to survivors, as well as to others harmed: families of survivors, the Church community, the broader society, etc.

Public apologies may reach the broadest audience of those harmed. Public apologies specify the acts and omissions for which the apology is offered, address the categories of persons harmed, and identify the harms in view. Public apologies may address the ways in which the Church has and intends, in concrete ways, to take responsibility and make reparations.

Private apologies to individual survivors, if done well, may be meaningful to those survivors interested in receiving such apologies. As with listening, these apologies are best delivered by Church representatives who are innocent of the particular wrongs, and kinds of wrongs (i.e., abuse, covering up abuse), in view. Church representatives apologize on behalf of the Church, which is necessary and distinct in important ways from abusers and enablers apologizing. Repairing the relationship of the survivors to the Church requires, as one necessary step, that those innocent of those abuses nonetheless take responsibility, on behalf of the Church, for the wrongs done by clergy and religious, and convey concern for each survivor.

Public and private apologies on behalf of the Church normally should not include a request for forgiveness from survivors. Apologies should simply be given, without asking for anything in return from survivors. While in the healing process of survivors the question of forgiveness will over time arise, the question should be addressed according to the emotional and spiritual development and needs of survivors, not according to the wishes of the Church for closure, or the wishes of the guilty to be forgiven. Apologies are an initial and inchoate step of reparation by the Church, and it may poison the apology to use it as an occasion to ask for forgiveness. Indeed, church authorities asking for forgiveness on behalf of the Church, or of abusers and enablers, may feel like an act of spiritual manipulation.

This view of asking for forgiveness may appear counter-intuitive in our Catholic context where forgiveness is so central. In defense of my claim, I offer what I will call the Parable of the Bad Catholic Priest.¹⁹ This priest sexually abused a child we will call “B.” over many years, intimidating and manipulating the child into silence, going through cycles of abusing B., blaming B. for the abuse, and asking for B.’s forgiveness. Finally B. told a parent, who brought the complaint to the Bishop. The Bishop told B. that he would take care of it, and that B. should forgive the Priest, for otherwise, Christ would not forgive B.’s sins. Further, the Bishop told B. and B.’s family that they must be silent, for the sake of the Church. The Bishop then transferred the Priest to other assignments, where the Priest over many years abused many more children, as indeed, the Priest had abused children prior to B.

Decades passed, and the victims of the Bad Priest and their families struggled in silence with profound issues as a result of the abuse. One of the victims committed suicide. Finally, scandals arose over clerical abuse, and in that context a new Bishop agreed to talk with victims of the past, inviting them to contact the Church. With much anxiety, B. arranged to meet with the new Bishop.

¹⁹ This is not a specific case, but is a story or parable meant to communicate why asking for forgiveness may be problematic.

The new Bishop listened carefully to B's story, not only about the abuse, but also about the failed response, and the many struggles that had ensued. A small light of hope started to awaken in "B's" heart. Maybe now the Church finally would get it right. Maybe this was the beginning of some kind of reparation for the lost decades for "B" and for others.

But then the Bishop looked seriously at B. and said, "I am asking for your forgiveness, on behalf of the Church, and for everything that was done to you. Can you forgive us?" B.'s heart sank. Instead of a new beginning, B. perceived another premature, false resolution. If B. said yes, would that be it? Would B. be expected, after all that had happened, to view everything as resolved, based on a single conversation? A huge wave of guilt came over B., as B. worried that maybe it all really was, as the Bad Priest had told B., really B.'s fault, and now B.'s inability to forgive meant that it was B.'s fault again? B. was plunged back into the same cycle of anger, shame, and self-doubt that had plagued B. for decades.

Perhaps the new Bishop had not intended to convey an expectation that all would be resolved with B's immediate forgiveness. Indeed, the Bishop may have perceived asking for forgiveness as a normal Christian way of apologizing. And for some victims, the request for forgiveness might not be detrimental. But for many, including those who had already experienced the manipulation of forgiveness, asking for forgiveness in that critical moment of finally listening and apologizing could represent yet another painful harm, rather than an act of reparation.

c. Separating repair of survivors from repair of abusers and enablers

It is necessary to put the repair and healing of survivors on a separate pathway from the repentance and repair of abusers and enablers.

Too often in the past survivors were forced into meetings with abusers and asked to immediately forgive them, often resulting in no actual consequences for these "forgiven" abusers. This kind of coerced and false reconciliation of survivor and abuser was a pathway to impunity for abusers and further trauma for survivors. For this reason, it is necessary that survivors not be manipulated or coerced into meeting with abusers.

d. Survivor Input

The Church at all levels (local, national, regional, and global) should seek participation and input from survivors regarding safeguarding policies and practices. Survivors should not be viewed as passive recipients of services but rather as the center of the Church's efforts to reform and safeguard. At the same time, survivors should not be coerced or manipulated into roles, and should not be assigned the primary responsibility of repairing the Church's failings of which they are victims. Just as the Church offers accompaniment, leaving it to the individual survivor to determine whether and to what

extent to accept the offer, the Church should offer to survivors important roles in reform and response and safeguarding, while making it clear that they are *not* morally or spiritually obligated to take such roles.

e. Financial Compensation

The rules, customs and practices within state legal systems vary as to the availability of financial compensation for survivors of sexual abuse in Catholic settings. Thus, in some jurisdictions large-scale financial awards have led dioceses to seek legal protection in bankruptcy courts, whereas in other jurisdictions survivors are unlikely to receive any financial compensation from state legal systems. Clearly there is no uniform practice across jurisdictions.

Beyond the issue of financial awards ordered by states, is the question of the Church voluntarily paying financial compensation. *Vos Estis Lux Mundi* requires the Church to offer medical, therapeutic and psychological services to survivors,²⁰ which often would require paying or reimbursing the costs of such. However, there is also the question of whether survivors are due particular amounts of money in principle for the horrific acts against them, as a form of compensation, separate and apart from paying for services. While there is a basis in Canon Law for the injured party to bring “a contentious action to repair damages” it remains limited in scope (Canon 1729). Thus, the fundamental trauma-informed question persists: May harms to victims be measured financially? Ethical dilemmas include the question of who pays, the potential impact on the ministries, services, and in some cases even the financial survival, of local churches and religious societies, and the impacts on those served spiritually and practically by local churches and religious. Such questions require further study.

Pending such studies, my own preliminary views, informed in part by survivor input (but without purporting to speak for survivors), are as follows:

Under Catholic understandings of human dignity, financial compensation is not the primary form of reparation for sexual abuse, and indeed other forms of reparation are more important. In general, the payment of money does not, in itself, repair the many harms of sexual abuse. In addition, attempts to “buy off” survivors and their families with the payment of monetary settlements, without providing other forms of reparation, may be harmful and communicate a lack of true accountability.

The Church should be aware of cultural variations as to the significance of financial compensation, as there may be social contexts where the payment of financial compensation has a positive and reparative symbolic value. Hence, there should be some appropriate scope for variation as to practices related to financial compensation.

²⁰ FRANCIS, Apostolic Letter *Motu Proprio Vox Estis Lux Mundi*, (25 March 2023), at art. 5(1).

However, financial compensation still should not be used as a substitute for other forms of reparation.

The Church does indeed have an ethical duty to consider how financial compensation awards would impact those served spiritually and practically by local churches and religious. Within that ethical duty, churches facing legal actions seeking very large financial compensation awards may engage in legal processes, not necessarily to deny the abuse if such has occurred, but for the purpose of balancing the Church's many obligations. When the Church engages in legal processes it remains responsible for treating victims with respect.

Ultimately, it is important for the Church to demonstrate a sincere conversion, and the fruits of such, in non-financial forms of reparation, so that financial compensation does not wrongly become a kind of metric of care, compassion, or conversion, which would itself be a distortion of Church teaching.

Indeed, there is no substitute for the personal element---for survivors to meet with Church representatives who listen and hear and allow themselves to be appropriately impacted by what they hear. There can be no primarily financial or even bureaucratic solution. The extremely personal and intrusive nature of sexual abuse requires forms of reparation that are personal in nature. Where one person abused, and another person refused to listen, hear, respond, and protect, in reparation there must be persons who care enough to listen, to hear, to seek to understand the experience of the survivor, to ask what the survivor needs to heal.

Conclusion

Clergy who abuse, and bishops who enable such abuse, have perhaps viewed themselves as too essential and important to be accountable. The Church's responses to abuse should not repeat the same mistakes. The Church believes herself to be central to God's plan for humanity.²¹ But God's promises to the Church are not a "too essential to fail" free pass of impunity: to the contrary, the Church needs to remember that judgment begins with the household of God (1 Peter 4:17; see also 2 Maccabees 6:12-15). Now is the time for the Church to make reparation to God, centrally including reparation to the vulnerable and abused children of God, Christ's "little ones,"²² who are "an image of Jesus."²³

This process of conversional justice must continue in full awareness of Jesus' admonition that, "Apart from me you can do nothing," (John 15:5), and yet in the hope

²¹ CATECHISM OF THE CATHOLIC CHURCH, para. 737-739, 748-962.

²² See Matthew 18:6.

²³ FRANCIS, Address at the end of the Eucharistic Concelebration, Febr. 24, 2019, at 3.

that “with God all things are possible.” (Matthew 19:26). As Pope Francis has explained:

“A spirit of reparation thus ‘leads us to hope that every wound can be healed; however deep it may be. Complete reparation may at times seem impossible, such as when ... loved ones are definitively lost, or when certain situations have become irremediable. Yet the intention to make amends, and to do so in a concrete way, is essential for the process of reconciliation’”²⁴

²⁴ Pope Francis, *Dilexit Nos*, para. 186 (quoting Address of Pope Francis to the Participants in the International Colloquium ““RÉPARER L'IRRÉPARABLE,” May 4, 2024).