

Book Reviews

***Clerical Sexual Abuse: How the Crisis Changed US Catholic Church-State Relations.* By Jo Renee Formicola. New York: Palgrave MacMillan, 2014. vii + 279 pp. \$90.00 cloth**

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For the past thirty years, the American Catholic Church has been preoccupied with a major crisis centered on the clerical sexual abuse of children. Within the Church's hierarchical structure, the scandal entailed not only criminal conduct by predatory priests, but also cover-ups by bishops who did not report them to law enforcement, but instead reassigned them to other parishes where they would often repeat their crimes. The story of the scandal is complex – so complicated that Herculean efforts are required to describe it accurately, let alone analyze its implications for church-state relations. Jo Renee Formicola has written a historical narrative of this sordid story, which is remarkable for its detailed description of major lawsuits, legal settlements, the relation between civil and canon law, the reluctance of church leaders to address the issue, and the efforts of lay Catholic groups to press for church reform. She has wisely limited coverage of this global crisis to a focus on the impact of the scandal on church-state relations in the United States.

Formicola argues that power has shifted from church leaders to civil authorities as a result of this scandal. Secular authorities (attorneys general, grand juries, judges, and lawyers) have replaced the authority of Church officials by legally obtaining civil control over the management of clergy and certain institutional financial matters. In the past, these areas were held to be beyond the jurisdiction of the state, within the Church's sphere of ecclesiastical authority. Those days have ended. Greater secular control over religious power has been justified by civil authorities because the state must deal with the heinous crimes perpetrated by priests

on children. As Formicola notes, “When Church officials refused to recognize not just the sin but the *crime* of sexual abuse, molested children and their aggrieved families had no place to go for justice other than civil authorities. It was the state — not the Church — that acted to protect their rights and address their grievances.”

In telling this story, Formicola uses early cases in Louisiana and Massachusetts to illustrate how changes in church-state relations resulted from legal efforts to prosecute abusive priests. Grand jury investigations uncovered criminal actions of priests and mismanagement by the ecclesiastical hierarchy. Civil authorities used subpoenas to obtain previously-confidential church files and clergy personnel records. Public depositions of bishops (e.g., Cardinal Bernard Law in Boston) and diocesan administrators (e.g., Monsignor William Lynn in Philadelphia) led to further evidence of cover-ups. Civil suits challenged Church financial settlements and confidentiality agreements. The specter of bankruptcy — to date, twelve dioceses have filed for bankruptcy — provoked fears that Church assets would be closely scrutinized and reorganized by the state. In short, civil authorities’ use of these legal tools led over time to the erosion of clerical privilege, a significant loss of Church autonomy, and a shift in the balance of power in church-state relations.

Why did it take church leaders so long to realize the gravity of priestly abuse of children? Formicola suggests several answers. First, church leaders hid behind a theology, favored by Pope John Paul II, which viewed clergy sexual abuse as a sin rather than a crime, and stressed repentance and reconciliation by errant clergy rather than trial and conviction in a secular court. Second, church officials from the Pope on down blamed others — from the media and homosexuals to American society and culture — for the predatory behavior of priests. (Once the hierarchy realized the problem was global, they dropped this line of argument.) Third, church leaders hid behind canon law. As Formicola notes, the church’s preferred solution to the problem of priest abuse was to use its own system of church courts to deal with offenders. But judicial procedures were too slow-moving and cumbersome to cope with the flood of abuse cases. Also, conflicts occurred between American bishops and the Vatican over whether diocesan bishops could discipline predatory priests, or whether adjudication should be handled by canonical tribunals in Rome. As a result, American bishops were often confused about what measures to take, once confronted with numerous cases of abuse.

Why were Church bishops so reluctant to implement meaningful reforms? Formicola suggests two possible explanations: the autocratic

nature of the church, and a clerical culture of elitism that led clergy to feel superior due to their “special calling.” Such a clerical mindset contributed to distorted priorities in the Church. Protection of the Church’s reputation and financial status took precedence over the welfare of children. The bishops’ primary aims were to prevent scandal, to protect church coffers, and to hold on to their priests at almost any cost.

This reviewer is not entirely persuaded by Formicola’s explanation of bishops’ reluctance to implement reforms. For example, bishops have no qualms about reporting those priests who embezzle church funds to police. There is no hiding behind canon law and ecclesiastical privilege in such cases. Moreover, in cases of priests’ stealing church funds, bishops have not complained about intrusive state power or governmental encroachment upon religious liberty, whereas such complaints are frequently voiced in clerical sex abuses cases. Perhaps a comparison of clerical abuse with clerical theft highlights the particularly onerous nature of priestly sexual abuse of children — partly because it is so exploitive of vulnerable children, and partly because it concerns illicit sexual behavior of ostensibly celibate clergy and must therefore be concealed for fear of scandal. In other words, the Catholic preoccupation with sexuality may be a factor accounting for the different treatment of these two clerical crimes.

A final point concerns the impact of the clerical abuse scandal on religion and politics, not simply church-state relations. Formicola notes that Catholic church leaders have been reluctant to implement reforms (their own zero-tolerance policies, for example). In addition, I suggest, they have gone on the offensive and actively resisted state legislative proposals to bring justice to victims of past abuse. In pitched battles in numerous state legislatures, Church officials resisted passage of mandatory reporting laws, lobbied fiercely against extending statutes of limitations, and vigorously contested window legislation that enabled past victims of clerical abuse to file for redress. In many cases, their efforts have been successful. Thus, despite their losses in the legal arena of church-state relations, their record in state capitals indicates that church officials still have some clout in American politics.

At the same time, the author stresses that the greatest loss for the church is not so much in the legal arena as in the sphere of moral legitimacy. This is a profound change for the American Catholic Church and it is illustrated even by the political victories church officials have won. For they have actively used the political process primarily to protect church interests rather than address the needs of survivors for justice and healing. Because the

priorities of the institutional church are so misplaced, their political victories in state legislatures may be, in the long run, pyrrhic victories.

This is an important book that may be used in courses on Religion and Politics (a good reason to produce a paperback version quickly). Unfortunately, such a substantively important book has been marred by sloppy copyediting and proofreading. The book is littered with typographical errors, ungrammatical sentences, and omitted words. Jo Renee Formicola deserved better from her editors at Palgrave MacMillan. Nonetheless, she has produced a comprehensive, impressive study of the Catholic clergy sex abuse scandal in the United States.

***The Varieties of Religious Repression: Why Governments Restrict Religion.* By Ani Sarkissian. New York, NY, Oxford University Press, 2015. 264 pp. \$29.95 Cloth**

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In *The Varieties of Religious Expression*, Ani Sarkissian seeks to explain the variation of state repression vis-à-vis religion in non-democratic contexts by combining rational choice theory and studies on authoritarianism. Such an approach is new because it aims at filling in a gap in the existing literature: on one hand, scholars' adepts of the rational choice theory do not explore political situations outside the West and on the other hand, scholars of authoritarian regimes do not pay attention to religion. In order to bridge this gap, the author presents a typology of non-democratic regimes according to: (a) their level of repression of religion; and (b) their religious divisions (measured by the Social Hostility Index from the Pew Forum). The use of these two dimensions leads to four classification types: (1) Regimes that repress all religions — with Iran, Saudi Arabia, China, and Azerbaijan being the relevant case studies; (2) Regimes favoring one and repressing all others such as Turkey, Russia, Georgia, and Indonesia; (3) Regimes operating a selective repression of religions like Kyrgyzstan, Bahrain, and Singapore; and (4) Regimes with no repression of religion which includes Albania, Cambodia, Senegal, and Peru.