

## Chapter 14: A Clergy Abuse Truth and Reconciliation Commission

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How can the Roman Catholic Church foster healing for survivors of clergy sexual abuse? And how can the church stand in solidarity with survivors and heal from the wounds of cover-up and betrayal? These questions remain looming as the worldwide church continues to reckon with these crimes and sins. I suggest that the episcopacy should embrace a visible and global response that makes way for accountability, restitution, change, and reconciliation. To do this, I propose a Clergy Abuse Truth and Reconciliation Commission.<sup>1</sup>

Truth and Reconciliation Commissions (TRCs) are political tools used to sow peace in conflict areas.<sup>2</sup> Truth-telling is the basis of this restorative justice model because reconciliation cannot begin until survivors' stories are heard and their hurt publicly acknowledged. The Clergy Abuse TRC I propose would be distinct in its approach because it would be used in an ecclesial context and with theological grounding. This could unlock untapped healing potential of TRCs, as well as harness the

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<sup>1</sup> I am not the first to suggest this, but I have not found a sustained treatment on the idea to date. Jennifer Haselberger presented the idea at a 2014 conference of the Survivors Network of those Abused by Priests; see Brian Roewe, "Haselberger: South Africa's Post-Apartheid Commission a Way Forward for Church on Accountability," *National Catholic Reporter*, August 7, 2014, [www.ncronline.org/news/accountability/haselberger-south-africas-post-apartheid-commission-way-forward-church](http://www.ncronline.org/news/accountability/haselberger-south-africas-post-apartheid-commission-way-forward-church); Daniel Philpott and Katharina Westerhorstmann have also proposed this; see Inés San Martín, "Scholars Seek to Establish 'Truth and Reconciliation' Structures for Clerical Abuse," *Crux*, July 28, 2020, [www.cruxnow.com/church-in-the-usa/2020/07/scholars-seek-to-establish-truth-and-reconciliation-structures-for-clerical-abuse/](http://www.cruxnow.com/church-in-the-usa/2020/07/scholars-seek-to-establish-truth-and-reconciliation-structures-for-clerical-abuse/); and Heal Our Church in Seattle proposes a lay-led TRC; see Heal Our Church, "Mission and Vision, 2020–2021," [www.healourchurch.org/mission-and-vision](http://www.healourchurch.org/mission-and-vision).

<sup>2</sup> For an important read, see Priscilla B. Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (New York: Routledge, 2001).

Catholic theological tradition to address the problems of abuse. This TRC could be headed by a global leadership team that coordinates work done by regional chapters across the world, which in turn, guide the work of local churches. Public hearings and healings could be executed by the global team and informed by the work of regional chapters. Given the extent of the harm of clergy sexual abuse, there will be diverse views on whether truth and reconciliation are the best ways forward. Whatever one's position is, it seems undeniable that it is necessary for the episcopacy to listen to survivors and to create pathways for reconciliation and healing should some desire to explore those options.

In this chapter, I explain why a TRC is a fitting mechanism to address the harms of clergy sexual abuse. I then offer a theological understanding of the work of the proposed Commission. Finally, I identify crucial questions and offer suggestions to frame the potential work and scope of a Clergy Abuse TRC. In sum, the TRC should provide: 1) much-needed accountability through a visible process of truth-telling, 2) an avenue for healing for survivors, 3) and a report that identifies patterns of sexual abuse and makes suggestions for structural changes to prevent future abuses. This sketch is meant to be general enough to be adopted globally and flexible enough to be adapted to specific cultural contexts by regional chapters and local churches.

## **Why a Clergy Abuse TRC?**

A TRC is a fitting response to clergy abuse because it provides a mechanism that is able to both unify the current ad hoc institutional response to the crisis as well as attend to the severe personal and institutional harms of clergy abuse in a spirit of healing and rebuilding. Generally, TRCs are convened to address political crimes and injustices that occurred over a specified time, and while their charters vary according to the expectations of the governing bodies that initiate them, they often involve public hearings and usually submit a written report articulating their findings. They have been used across the globe in places such as Chile

(1990), El Salvador (1992), Guatemala (1994), and Ghana (2002).<sup>3</sup> South Africa's TRC is arguably the most well-known, commissioned in 1995, and led by Archbishop Desmond Tutu to address the human rights violations of apartheid.<sup>4</sup> It has been both critiqued and praised for mingling religion and politics, illustrating that, as political tools, TRCs are both lauded and limited.<sup>5</sup> TRCs use principles of restorative justice so that those who have been directly or indirectly harmed by a political regime can find a way to live peacefully in a redesigned nation-state where the perpetrators are part of society as well. Some are called Truth Commissions and others Truth and Reconciliation Commissions, but whatever the name, truth-telling is the basis of this restorative justice model.

A Clergy Abuse TRC could provide a coordinated, global approach for investigation, accountability, and healing. This is necessary because, currently, the church around the world is at different stages in terms of transparent and comprehensive responses to the clergy abuse crisis. For instance, after abuse revelations in the US, the United States Conference of Catholic Bishops introduced the 2002 "Dallas Charter," which provided guidelines for responding to allegations, introduced safeguarding protections, and initiated a nation-wide investigation and report by the John Jay College of Criminal Justice that was released in 2004.<sup>6</sup> Despite

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<sup>3</sup> Year indicates when commission began. For an overview of these and others, see Priscilla B. Hayner, "Truth Commissions: A Schematic Overview," *International Review of the Red Cross* 88, no. 862 (2006): 295–310.

<sup>4</sup> For an indispensable read, see Desmond Tutu, *No Future Without Forgiveness* (New York: Doubleday, 2009).

<sup>5</sup> Megan Shore, *Religion and Conflict Resolution: Christianity and South Africa's Truth and Reconciliation Commission* (Burlington, Vermont: Ashgate Publishing Company, 2009); and Richard A. Wilson, *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State* (New York: Cambridge University Press, 2001).

<sup>6</sup> Spotlight Team, "Church Allowed Abuse by Priest for Years," *The Boston Globe*, January 6, 2002, [www.bostonglobe.com/news/special-reports/2002/01/06/church-allowed-abuse-priest-for-years/cSHfGkTlrAT25qKGvBuDNM/story.html](http://www.bostonglobe.com/news/special-reports/2002/01/06/church-allowed-abuse-priest-for-years/cSHfGkTlrAT25qKGvBuDNM/story.html); United States Conference of Catholic Bishops, "Charter for the Protection of Children and Young People," 1<sup>st</sup> ed., June 2002 (revised in 2005, 2011, and 2018); and John Jay College of Criminal Justice, "The Nature and

this seemingly comprehensive approach, the US church was rocked later by allegations against Cardinal Theodore Edgar McCarrick in 2017, and then the Pennsylvania Grand Jury Report of 2018 that brought to light over one thousand previously hidden cases of abuse.<sup>7</sup> Similarly, numerous reports have come out of Ireland over the years, each offering new information.<sup>8</sup> The Catholic Church in Australia was part of a wider government-based investigation into institutional child sexual abuse, and France is still processing its recent devastating report that was commissioned by the bishops.<sup>9</sup> Yet, other countries have significant work ahead. For instance, a group commissioned by the Portuguese bishops is in the midst of their investigation, while the Swiss bishops and the Spanish parliament have recently launched investigations.<sup>10</sup> Elsewhere, there are

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Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States, 1950–2002,” February 2004, [www.loc.gov/item/2019667266/](http://www.loc.gov/item/2019667266/).

<sup>7</sup> Secretariate of State of the Holy See, “Report on the Holy See’s Institutional Knowledge and Decision-Making Related to Former Cardinal Theodore Edgar McCarrick (1920–2017),” November 10, 2020, [www.vatican.va/resources/resources\\_rapporto-card-mccarrick\\_20201110\\_en.pdf](http://www.vatican.va/resources/resources_rapporto-card-mccarrick_20201110_en.pdf); and Office of the Attorney General, Commonwealth of Pennsylvania, “Report I of the 40<sup>th</sup> Statewide Investigating Grand Jury,” July 27, 2018.

<sup>8</sup> Reuters Staff, “Factbox: Reports into Abuses in the Irish Catholic Church,” *Reuters*, January 12, 2021, [www.reuters.com/article/us-ireland-church-abuses-factbox-idUSKBN29H1JJ](http://www.reuters.com/article/us-ireland-church-abuses-factbox-idUSKBN29H1JJ).

<sup>9</sup> Royal Commission into Institutional Responses to Child Sexual Abuse, “Final Report,” December 15, 2017, [www.childabuseroyalcommission.gov.au/final-report](http://www.childabuseroyalcommission.gov.au/final-report); and Independent Commission on Sexual Abuse in the Catholic Church (CIASE), “Sexual Violence in the Catholic Church France 1950–2020: Summary of the Final Report,” October 5, 2021, [www.ciase.fr/medias/Ciase-Summary-of-the-Final-Report-5-october-2021.pdf](http://www.ciase.fr/medias/Ciase-Summary-of-the-Final-Report-5-october-2021.pdf). For more on the situation worldwide, see James Keenan, “Hierarchicalism,” *Theological Studies* 83, no. 1 (2022): 86–89. For a list of reports see Bishop Accountability, “Reports,” [www.bishopaccountability.org/AtAGlance/reports.htm](http://www.bishopaccountability.org/AtAGlance/reports.htm).

<sup>10</sup> Comissão Independente para o Estudo dos Abusos Sexuais contra as Crianças na Igreja Católica Portuguesa, [www.darvozaosilencio.org](http://www.darvozaosilencio.org); “Swiss Catholic Church to Open Secret Files to Sexual Abuse Investigators,” *Le News*, April 8, 2022, [www.lenews.ch/2022/04/08/swiss-catholic-church-to-open-files-to-sexual-abuse-investigators/](http://www.lenews.ch/2022/04/08/swiss-catholic-church-to-open-files-to-sexual-abuse-investigators/); and “Spanish MPs Approve Investigation into Sexual Abuse within Catholic Church,” *AFP* and *Euronews*, March 11, 2022, [www.euronews.com/2022/03/10/spanish-mps-approve-investigation-into-sexual-abuse-within-catholic-church](http://www.euronews.com/2022/03/10/spanish-mps-approve-investigation-into-sexual-abuse-within-catholic-church).

calls for more robust responses where little has been done institutionally, such as in India, Italy, and throughout Latin America.<sup>11</sup>

Reparations and healing approaches also vary worldwide in terms of who runs them and what reparations are offered. For instance, Catholic congregations in Ireland contributed to the government Residential Institutions Redress Act, 2002, that offered monetary reparations for child abuse occurring within numerous institutions.<sup>12</sup> German bishops set-up a standardized “recognition” payment of about €5,000 per survivor in 2011 that has since been reconfigured, while the Dutch church has compensated over €30,000 per survivor, and the Polish bishops have resisted paying any compensation at all (but this has been challenged in court).<sup>13</sup> Survivors in Australia can choose a government-sponsored monetary reparations program, the National Redress Scheme, which is open to survivors of child sexual abuse within numerous institutions, and they can also opt for the pastoral approach of *Towards Healing*, which is sponsored by the Australian Catholic Bishops Conference and Catholic Religious Australia and addresses the holistic needs of each person, including possible payments.<sup>14</sup> The US church has given billions of dollars to survivors in

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<sup>11</sup> Shaji George Kochuthara, “The Sexual Abuse Scandal and a New Ethical Horizon: A Perspective from India,” *Theological Studies* 80, no. 4 (2019): 931–949; and Adalberto Méndez López, “The Time is Ripe for a Clergy Abuse Inquiry in Latin America,” *Aljazeera*, March 29, 2022, [www.aljazeera.com/opinions/2022/3/29/the-time-is-ripe-for-a-clergy-abuse-inquiry-in-latin-america](http://www.aljazeera.com/opinions/2022/3/29/the-time-is-ripe-for-a-clergy-abuse-inquiry-in-latin-america).

<sup>12</sup> James Gallen, “Jesus Wept: The Roman Catholic Church, Child Sexual Abuse and Transitional Justice,” *International Journal of Transitional Justice* 10 (2016): 346–347.

<sup>13</sup> Gallen, “Jesus Wept,” 346–347; Geir Moulson, “German bishops set up system for larger sex abuse payments,” *Associated Press*, September 24, 2020, [www.apnews.com/article/religion-europe-sexual-abuse-by-clergy-sexual-abuse-germany-e20f1819d791ee04cbfef533bed28420](http://www.apnews.com/article/religion-europe-sexual-abuse-by-clergy-sexual-abuse-germany-e20f1819d791ee04cbfef533bed28420); and Daniel Tilles, “Catholic Diocese in Poland Ordered to Pay Compensation to Victim of Child Sex Abuse by Priest,” *Notes from Poland*, May 23, 2022, [www.notesfrompoland.com/2022/05/23/catholic-diocese-in-poland-ordered-to-pay-compensation-to-victim-of-child-sex-abuse-by-priest/](http://www.notesfrompoland.com/2022/05/23/catholic-diocese-in-poland-ordered-to-pay-compensation-to-victim-of-child-sex-abuse-by-priest/).

<sup>14</sup> Australian Government Department of Social Services, “National Redress Scheme,” [www.dss.gov.au/national-redress-scheme-for-people-who-have-experienced-institutional-child-sexual-abuse](http://www.dss.gov.au/national-redress-scheme-for-people-who-have-experienced-institutional-child-sexual-abuse); and Australian Catholic Bishops Conference (ACBC) and Catholic Religious Australia, *Towards Healing*, 2021, [www.catholic.org.au/professional-](http://www.catholic.org.au/professional-)

total, while some individual lay groups or bishops have launched creative healing approaches, such as a Healing Circle in Milwaukee.<sup>15</sup> Legal prosecutions are, arguably, rare worldwide.<sup>16</sup> And while there have been numerous papal apologies, survivors and church members are waiting for sufficient accountability, truth, and justice.<sup>17</sup> This seemingly uncoordinated approach prevents the global church from fully determining the scope of the problem, and it thwarts healing because the church is unable to heal together.

Furthermore, a TRC is a fitting global response to the problem of clergy abuse because TRCs seek to heal harms that people endure under bodies that were entrusted to protect them. However, the contexts are distinct because, unlike political harms that TRCs seek to redress, clergy abuse was neither encouraged nor sanctioned by the Magisterium. Nevertheless, assessing the harms of clergy abuse through a political lens both illuminates the nature of the harms and makes evident the need for a robust, politically-inspired response.

Wounds of clergy abuse resonate with many of the “primary wounds of political injustice” that political theorist Daniel Philpott describes.<sup>18</sup> According to Philpott, these occur when “a political injustice ruptures right relationship within or between political communities and diminishes

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standards/towards-healing. Thanks to Tanja Stojadinovic and Ulrike Marwitz who shared with me their work with *Towards Healing*. Importantly, they highlighted the importance of a trauma-informed approach, which I stress later.

<sup>15</sup> Gallen, “Jesus Wept,” 346; *The Healing Circle: Victims of Sexual Abuse by Clergy Share Their Stories* (Milwaukee, WI: Marquette University Law School, 2009); and for current practices on lamenting the crisis, see M. Cathleen Kaveny, “Anger, Lamentation, and Common Ground,” *Theological Studies* 82, no. 4 (2021): 681–684.

<sup>16</sup> Gallen, “Jesus Wept,” 345–346.

<sup>17</sup> For an example of a papal response, see Pope Francis, “Letter of His Holiness Pope Francis to the People of God,” August 20, 2018, [www.press.vatican.va/content/salastampa/it/bollettino/pubblico/2018/08/20/0578/01246.html#ted](http://www.press.vatican.va/content/salastampa/it/bollettino/pubblico/2018/08/20/0578/01246.html#ted).

<sup>18</sup> Daniel Philpott, *Just and Unjust Peace: An Ethic of Political Reconciliation* (New York: Oxford University Press, 2012), 33–41.

the human flourishing of those who are involved in that injustice.”<sup>19</sup> Philpott identifies human rights violations as the first primary harm, which can also describe clergy sexual abuse crimes.<sup>20</sup> Philpott’s second harm is also pertinent as it involves “harm to the victim’s person, in body and soul.”<sup>21</sup> This is evident in Brian Clites’s exploration of the phenomenon of “soul murder,” which Clites relays through a series of clergy abuse survivor testimonies, including this one by Max, “I could feel my soul being destroyed as I let him [the priest] have his way.”<sup>22</sup> And Thomas P. Doyle reveals the depths of the “spiritual trauma” of clergy abuse, wherein, among other damages, survivors “often exclaim that the sexual abuse robbed them of God.”<sup>23</sup> In these ways, clergy abuse involves profound soul harms.

Another dimension of clergy abuse harm is properly described by what Philpott identifies as the political harm of “lack of acknowledgement of the suffering of victims” by the government.<sup>24</sup> According to Philpott, this undermines dignity and is another way that right relationship is undermined. This persists when clergy abuse has been, and may still be, covered up. This harm and the subsequent rupture between a survivor and the church is evident in the case of Marie Collins, who shares the painful effects of her abuse being dismissed by those in charge, “The mishandling of my case by the Church leadership led to a total collapse of my trust and respect in them and in my Church.”<sup>25</sup> For survivors of clergy abuse,

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<sup>19</sup> Philpott, *Just and Unjust Peace*, 31. Philpott gives this overarching definition and then distinguishes between primary and secondary wounds. I am focusing on primary wounds.

<sup>20</sup> Philpott, *Just and Unjust Peace*, 33; For sexual abuse and rights of children, see United Nations General Assembly, “Convention on the Rights of the Child,” art. 19 and 34, UN Doc. E/CN.4/RES/1990/74, November 20, 1989, [www.ohchr.org/sites/default/files/crc.pdf](http://www.ohchr.org/sites/default/files/crc.pdf).

<sup>21</sup> Philpott, *Just and Unjust Peace*, 34.

<sup>22</sup> Brian J. Clites, “Soul Murder: Sketches of Survivor Imaginaries,” *Exchange* 48, no. 3 (2019): 273.

<sup>23</sup> Thomas P. Doyle, “The Spiritual Trauma Experienced by Victims of Sexual Abuse by Catholic Clergy,” *Pastoral Psychology* 58, no. 3 (2009): 250.

<sup>24</sup> Philpott, *Just and Unjust Peace*, 37.

<sup>25</sup> Marie Collins and Shelia Hollins, “Healing a Wound at the Heart of the Church and Society,” in *Toward Healing and Renewal: The 2012 Symposium on the Sexual Abuse of*

acknowledgement is crucial, for as therapist Shelia Hollins explains, “being believed is in itself healing.”<sup>26</sup> Philpott observes that harm also extends to the perpetrators themselves.<sup>27</sup> This illuminates how priests who perpetrated these crimes and those who covered them up are also hurting themselves by acting contrary to God’s desire for them. Thus, their sins harm others and themselves.

Importantly, Philpott explains that injustice lingers over survivors and the community until it is properly overcome, thus creating another wound.<sup>28</sup> In the church, there exists a lack of trust between the clergy and laity who feel betrayed by the horrific events and the cover-up by moral and spiritual guides.<sup>29</sup> Philpott’s insight indicates that survivors’ wounds and the broken bonds within the church will persist until there is a strong renunciation of clergy abuse manifesting as visible accountability and justice.

## **Theological Grounding for a Clergy Abuse TRC**

A Clergy Abuse TRC could provide a global restorative justice-based response to these harms in a way that is fitting for a worldwide church and necessary for comprehensive changes and shared healing. Reconciliation between clergy abuse survivors and perpetrators, survivors and the institutional church, and healing for the whole church ought to be primary objectives of the episcopacy because reconciliation is at the heart of the gospel. For as Paul proclaims, “All this is from God, who reconciled us to himself through Christ and has given us the ministry of reconciliation” (2 Corinthians 5:18). So then, through God’s love and goodness, we have been reconciled to God through Christ, and in turn, reconciliation is our

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*Minors Held at the Pontifical Gregorian University*, ed. Charles J. Scicluna, Hans Zollner, David John Ayotte, and Timothy J. Costello (Mahwah, New Jersey: Paulist Press, 2012), 24.

<sup>26</sup> Collins and Hollins, “Healing,” 25.

<sup>27</sup> Philpott, *Just and Unjust Peace*, 39–41.

<sup>28</sup> Philpott, *Just and Unjust Peace*, 38.

<sup>29</sup> Marie Keenan, *Child Sexual Abuse and the Catholic Church: Gender, Power, and Organizational Culture* (New York: Oxford University Press, 2012), 262.



mission as Christians. Joshua Snyder defines reconciliation in the Christian view: “Authentic reconciliation understood as the reestablishment of right relationship with God, oneself, and one’s neighbor requires the triple dimension of truth, justice and forgiveness.”<sup>30</sup> Following this, the hope for reconciliation after clergy abuse is built on a commitment to restoring right relationships through unearthing the truth, upholding justice, and fostering forgiveness.

Forgiveness is prior to reconciliation as it is letting go of hurt, while reconciliation rebuilds the relationship.<sup>31</sup> Both can partner with justice. Forgiveness is fundamental to Christianity as it is embodied by Jesus on the cross and central to the disciples’ mission (Luke 23:34; John 20:23). We receive God’s gift of forgiveness and so we are encouraged to forgive (Matthew 6:9–15; Luke 11:2–4). Archbishop Desmond Tutu recognizes Jesus’s model of forgiveness as instructive and he defines forgiveness in this way: “Forgiving means abandoning your right to pay back the perpetrator in his own coin.”<sup>32</sup> This is powerful and humanizing in Tutu’s view, for “[forgiveness] gives people resilience, enabling them to survive and emerge still human despite all efforts to dehumanize them.”<sup>33</sup> Forgiveness is a gift that is freely given.

Relating Christian forgiveness to clergy abuse and its cover-up, Stephen Pope and Janine Geske argue that a Thomistic view of *caritas* illuminates that “forgiveness is the resumption of goodwill toward a wrongdoer.”<sup>34</sup> According to them, this embodiment of goodwill goes along with justice for clergy abuse and may involve justified anger, proper punishment for the perpetrators, and accountability.

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<sup>30</sup> Joshua R. Snyder, “Should Transitional Justice Promote Forgiveness? Insights from Guatemala’s Recovery of Historical Memory Project,” *Journal for Peace & Justice Studies* 29, no. 1 (2019): 7.

<sup>31</sup> Forgiveness without reconciliation may be appropriate in some cases, especially when a relationship is harmful.

<sup>32</sup> Tutu, *No Future*, 272.

<sup>33</sup> Tutu, *No Future*, 31.

<sup>34</sup> Stephen J. Pope and Janine P. Geske, “Anger, Forgiveness, and Restorative Justice in Light of Clerical Sexual Abuse and Its Cover-Up,” *Theological Studies* 80, no. 3 (2019): 622.

Pope and Geske, as well as Hans Zollner, warn against “cheap forgiveness” in responding to clergy abuse, arguing against an easy form of forgiveness that does more to ignore problems than address them.<sup>35</sup> Zollner lifts up John Paul II’s assertion that forgiveness does not preclude reparations or justice, and he raises the need for accountability for both the perpetrators and the church. Importantly, he clarifies that “a confession does not replace a judicial inquiry.”<sup>36</sup>

Aquinas’s conceptualization of the relationship between truth and justice further illuminates this. According to Aquinas, “justice is a habit whereby a man [*sic*] renders to each one his due by a constant and perpetual will” (ST II-II q. 58, a. 1). Truth is related to justice, for Aquinas, because both truth and justice are “directed to another” and both “se[t] up a certain equality between things” (ST II-II q. 109, a. 3). While both concern what one is due, in the case of justice it is what one is due according to “legal debt,” and in the case of truth it is what one is due according to “moral debt” (ST II-II q. 109, a. 3). Truth is a moral demand and related to justice because “one man [*sic*] owes another a manifestation of the truth” (ST II-II q. 109, a. 3). This demand will only be fulfilled when survivors are afforded the space to tell their stories and when their truths are acknowledged by the episcopacy.

Finally, reconciliation should be understood in light of Jesus’s solidarity with, and commitment to, the marginalized, as affirmed by Catholic social teaching’s notion of solidarity and preference for the poor and vulnerable (*Sollicitudo Rei Socialis*, no. 38; *Compendium*, nos. 182–184). As it relates to clergy sexual abuse, the emphasis on the marginalized impels us to focus on the needs of the survivors of abuse.

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<sup>35</sup> Pope and Geske, “Anger,” 612; Hans Zollner, SJ, “The Child at the Center: What Can Theology Say in the Face of the Scandals of Abuse?,” *Theological Studies* 80, no. 3 (2019): 699–702.

<sup>36</sup> Zollner, “Child at the Center,” 702.

## **Framing Questions for a Clergy Abuse TRC**

I now turn to the task of envisioning how a Clergy Abuse TRC could work. To do this, I offer initial reflections organized around some crucial framing questions that build on lessons from prior TRCs, especially the work of TRC expert Priscilla Hayner.<sup>37</sup>

### ***Who would the Clergy Abuse TRC serve and who would run it?***

A Clergy Abuse TRC would serve, first and foremost, survivors of clergy sexual abuse in the Roman Catholic Church. This effort would center survivors as well as serve to restore trust between the episcopacy and church members. I suggest the Commission is a joint lay-clerical endeavor so that laity and clerics can work together in the pursuit of healing. I suggest a global leadership team that steers the process and holds public hearings and public apologies, while regional chapters guide local churches to gather testimonies, report on their area, address legal matters, and offer context-specific healing opportunities.

### ***How might the Commission be culturally sensitive?***

The framework I am proposing could be implemented worldwide by local churches in culturally-specific ways, as determined by each regional chapter, in order to ensure a cohesive global response that is attentive to particular situations and locations. The importance of a culturally-adaptive response to trauma is evident in Hayner's appeal to the work of psychiatrists Cécile Rousseau and Aline Drapeau who explain that "culture provides the tools for grieving."<sup>38</sup> In addition, different regions will have specific practices, languages, dialects, and traditions that should be woven into how each regional chapter and local church does its work.

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<sup>37</sup> Many of the following questions are modeled on Hayner's insights and her extraordinary work synthesizing lessons from numerous past commissions; see Hayner, *Unspeakable Truths*.

<sup>38</sup> Hayner, *Unspeakable Truths*, 146.

***How could testimonies be collected and heard publicly?***

I propose that regional chapters guide local churches in acquiring testimonies, and then public hearings could be held by the global leadership team for a smaller number of representative cases that would be investigated further (and only for survivors involved who desired this). This is inspired by the model set-up by the government of El Salvador in partnership with the UN where they gathered a large number of testimonies to illuminate what Hayner describes as “the overall patterns of violence,” and then they extensively investigated a small number of those.<sup>39</sup>

The regional/local efforts to gather testimonies could follow the model of the Recovery of Historical Memory Project in Guatemala which relied on “reconciliation facilitators”—individuals trained in mental health and in the historical situation of Guatemala who traveled to villages to perform interviews.<sup>40</sup> Similarly, Clergy Abuse TRC “reconciliation facilitators” could go to people’s homes or local sites. The regional chapters could also partner with local organizations to gather testimonies, akin to how many TRCs have partnered with NGOs in various capacities.<sup>41</sup>

Hayner also warns against not adequately preparing commissions’ staff, which can be harmful to both survivors and staff. She explains that those taking statements must be prepared to procure information in light of how trauma might affect survivors’ ability to recall or to articulate traumatic events.<sup>42</sup> Those taking statements and inputting the data must also be supported because those roles can be taxing.<sup>43</sup> Thus, I suggest that statement-takers be trained in trauma-informed approaches that would ensure they are able to sensitively gather information in a way consistent

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<sup>39</sup> Hayner, *Unspeakable Truths*, 73.

<sup>40</sup> Snyder, “Should Transitional Justice Promote Forgiveness?,” 14. Thank you to Josh for suggesting this.

<sup>41</sup> Hayner, *Unspeakable Truths*, 234–239.

<sup>42</sup> Hayner, *Unspeakable Truths*, 148–149.

<sup>43</sup> Hayner, *Unspeakable Truths*, 149–151.

with the needs of the survivors.<sup>44</sup> Furthermore, members of the Commission would need outlets for processing their experiences.

***Which stories would the Commission corroborate and would it publicly name the guilty?***

It will be impossible to corroborate every instance of abuse.<sup>45</sup> Thus, the Commission should devise standards of evidence, perhaps relying on insights from scholars at Catholic universities who are knowledgeable on both international legal statutes and canon law.

It may seem unfair for the Clergy Abuse TRC to name perpetrators for, as Hayner points out, this is not appropriate when they are not an official judicial body and the guilty haven't had an opportunity to defend themselves.<sup>46</sup> On the other hand, as Hayner explains, "Telling the full truth requires naming persons responsible for human rights crimes when there is clear evidence of their culpability."<sup>47</sup> While this is impossible in all nations, some clerical orders and dioceses in the US, for instance, have already revealed the names of abusers.<sup>48</sup> Thus, it seems reasonable to name the perpetrators when legally possible as determined by the regional chapters.

***Would forgiveness or reconciliation be required?***

Many TRCs are criticized for their inability to promote reconciliation between perpetrators and survivors. For instance, Richard Wilson

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<sup>44</sup> Substance Abuse and Mental Health Services Administration, "Quick Guide for Clinicians Based on TIP 57: Trauma-Informed Care in Behavioral Health Services," HHS Publication, [www.store.samhsa.gov/sites/default/files/d7/priv/sma15-4912.pdf](http://www.store.samhsa.gov/sites/default/files/d7/priv/sma15-4912.pdf).

<sup>45</sup> Hayner, *Unspeakable Truths*, 230–233. For example, the French report uses a sociological methodology to extrapolate number of cases, see CIASE, "France 1950–2020."

<sup>46</sup> Hayner, *Unspeakable Truths*, 107.

<sup>47</sup> Hayner, *Unspeakable Truths*, 107.

<sup>48</sup> For examples, see Archdiocese of New York, "Update on the Sexual Abuse Crisis," May 28, 2021, [www.archny.org/ministries-and-offices/child-protection/list/](http://www.archny.org/ministries-and-offices/child-protection/list/); and Jesuits USA Central and Southern Province, "List of Jesuits with Credible Accusations of Sexual Abuse of a Minor," February 2020, [www.jesuitscentralsouthern.org/about-us/protecting-children/province-statements/list-of-jesuits-with-credible-accusations-of-sexual-abuse-of-a-minor/](http://www.jesuitscentralsouthern.org/about-us/protecting-children/province-statements/list-of-jesuits-with-credible-accusations-of-sexual-abuse-of-a-minor/).

criticizes South Africa's TRC for limiting reconciliation possibilities by rarely providing opportunities for perpetrators and survivors to meet one-on-one but also for being heavy-handed about forgiveness by forthrightly asking survivors if they forgave the perpetrators.<sup>49</sup> This raises the point that a Clergy Abuse TRC ought to be an apparatus to encourage reconciliation by creating the conditions of the possibility for reconciliation without forcing it. Reconciliation is ultimately the choice of survivors. Thus, a Clergy Abuse TRC should make space for individuals who would like to meet their perpetrators for a public or private apology. In the event that the perpetrator cannot meet with the individual, it is crucial that a church leader with significant power meet with survivors who desire such meetings. This is modeled in Australia's *Towards Healing* program.<sup>50</sup> The optional public meetings could be part of the proceedings of the global TRC head so the whole church could witness the apology.

### ***What would reparations and healing look like?***

Reparations and restitution often involve monetary compensation that tries to repair damage done as well as cover any legal, medical, or mental health needs incurred by the harm.<sup>51</sup> In Chile, for instance, the governmental TRC's reparations included money, health benefits, and paid education.<sup>52</sup> This is not always feasible. In the case of South Africa, Megan Shore explains that the religious discourse that infused the TRC was unable to persuade the government to spend significantly on reparations.<sup>53</sup> Hopefully, the theological foundations of a Clergy Abuse TRC ground its work sufficiently so that its recommendations would be taken seriously by the episcopacy. Reparations are consistent with the notion of "penance" in the Sacrament of Reconciliation, "to be performed by the penitent in order to repair the harm caused by sin and to re-establish

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<sup>49</sup> Wilson, *Politics of Truth and Reconciliation*, 153–155, 119.

<sup>50</sup> ACBC, *Towards Healing*.

<sup>51</sup> Hayner, *Unspeakable Truths*, 170–182.

<sup>52</sup> Hayner, *Unspeakable Truths*, 172–174.

<sup>53</sup> Shore, *Religion and Conflict Resolution*, 102–104.

habits befitting a disciple of Christ” (*Catechism*, no. 1494). I suggest that the reparations recommended by a Clergy Abuse TRC should be a consistent global reparations program that supports the physical, psychological, and spiritual needs of survivors. The program could be implemented by regional chapters and local churches in appropriate ways. Reparations could include offering educational services, such as tuition remission at Catholic schools and colleges for survivors and their families. It could also include employment opportunities at various Catholic non-profits and institutes.

***How could a Clergy Abuse TRC promote structural changes?***

Like political TRCs, a Clergy Abuse TRC would establish the truth and make suggestions for changes.<sup>54</sup> The recommendations should arise from patterns revealed by the Commission and in conversation with prior work on the structural causes of clergy abuse.<sup>55</sup> In order to ensure appropriate changes, the Commission should possess the institutional power and financial support to follow through with the changes they deem necessary. This is a formidable task, as past political commissions have been critiqued for being unable to implement their recommendations for structural changes.<sup>56</sup>

***What liturgical and ritual aspects could be involved?***

In order to stand in solidarity with survivors, it is necessary that testimonies of abuse are recognized as part of the story of the church and brought into our liturgical reality. Thus, a Clergy Abuse TRC should open and close its global and regional proceedings with expressions of lament and hope. Bryan Massingale, writing from the context of racism in the US, explains

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<sup>54</sup> Hayner, *Unspeakable Truths*, 154–169.

<sup>55</sup> For instance, using Bettina Böhm, Hans Zollner, Jörg M. Fegert, and Hubert Liebhardt, “Child Sexual Abuse in the Context of the Roman Catholic Church: A Review of Literature from 1981–2013,” *Journal of Child Sexual Abuse* 23, no. 6 (2014): 635–656; Keenan, “Hierarchicalism”; and Keenan, *Child Sexual Abuse and the Catholic Church*.

<sup>56</sup> Hayner, *Unspeakable Truths*, 180–182.

that “laments are cries of anguish.”<sup>57</sup> In Massingale’s view, lament engenders hope because it is in faith that one can enter the depths of sufferings, and in doing so, this is an act of hope. Massingale explains that lament can also bring about change because oppressors can see the harm they cause.<sup>58</sup> The church can lament clergy abuse and hope for change through, what Cathleen Kaveny calls “Liturgies of Lamentation.”<sup>59</sup> According to her, these recognize the importance of apologies. Modeled after the lessons of the Book of Lamentations, such liturgies insist that the People of God “lament brokenness” and admit that not all brokenness will be healed. They are thus making an effort “to *see* the devastation, to really *see* it” and “nurture hope in God’s care, not to count on the vindication of optimism by inexorable future progress.”<sup>60</sup>

A Clergy Abuse TRC could be a path for healing rooted in the hope of reconciliation and understood according to theological commitments to truth, justice, and forgiveness where survivors’ needs and stories are central and where accountability could be ensured through a visible process. A Clergy Abuse TRC could make way for perpetrators or episcopal representatives to apologize to survivors and usher in an era of concrete efforts for restitution and change.<sup>61</sup>



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<sup>57</sup> Bryan N. Massingale, *Racial Justice and the Catholic Church* (Maryknoll, NY: Orbis Books, 2010), 105.

<sup>58</sup> Massingale, *Racial Justice*, 111–114.

<sup>59</sup> Kaveny, “Anger,” 678–684.

<sup>60</sup> Kaveny, “Anger,” 682, 683.

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