

## RESTORATIVE JUSTICE AND THE SEXUAL ABUSE SCANDAL IN THE CATHOLIC CHURCH

*Janine Geske\**

Thank you for the opportunity to speak to you today. I want to begin by telling you how I got into the restorative justice field. I served as a judge for almost twenty years, and nine of those years were in criminal court. My last assignment before going to the Wisconsin Supreme Court was to preside full-time over sexual assault and homicide cases. During the time I spent as a trial court judge, I regularly taught classes at prisons in Wisconsin. About ten years ago, I became involved in a restorative justice program in the Green Bay Correctional Institution, a maximum security prison. Since that time, I have been conducting an intensive three day restorative justice program a few times a year. I work with a lot of “lifers” and other serious felons – about forty men at a time – bringing in survivors of violent crimes, including a widow of a police officer killed in the line of duty, sexual assault survivors, and others. My program also involves many community members, including politicians, students, religious leaders and business people. Before becoming involved in restorative justice, I was one of those judges that thought restorative justice was one of these crazy ideas which would only serve to revictimize victims. I was not interested in learning anything about it.

Now that I have experienced the tremendous healing power of a restorative process, I have become a good person to advocate for the use of restorative justice. Through my experiences at Green Bay Correctional, I witnessed an incredible transformational experience for the men and for the victims or survivors who participate in that three day program. After being convinced that restorative justice held great promise to address the harm caused by crime, the next step I took was to be trained and to start facilitating victim-offender dialogue in crimes of severe violence. I then asked Marquette Law School Dean Joseph Kearney whether I could start a Restorative Justice Initiative at Marquette to train law students how to utilize restorative practices in healing victims and communi-

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ties. He strongly supported me in developing the project. Through the Marquette Law School restorative justice program, we facilitate cases involving homicide, sexual assault, and armed robberies. I now teach a course in restorative justice and also run a clinical program working with victims, offenders and communities. Our law students are placed throughout the community in a variety of settings. At the request of the Milwaukee Task Force on Family Violence and the Alma Center (a batterer's treatment program) we are involved in some interesting restorative work in the domestic violence field, but that is not the subject of my discussion here. We have worked with the Hmong community with some of their cultural issues which result in conflict. My students are also working in middle schools conducting restorative justice circles focusing on bullying issues. One of my students facilitated a circle with the Marquette lacrosse team members who had been disciplined for inappropriate hazing. Team members, administrators and coaches all participated in that circle discussion that resulted in the team coming together to design ways "to repair the harm" they had done. We have discovered that there are endless opportunities to be able to utilize restorative processes to address deep personal or community harm.

Having experienced the power of healing in these processes, I began to reflect on how restorative justice might be able to address what has happened to the Catholic Church as a result of the clergy sex abuse scandal. In addition to my law teaching, I am frequently retained to serve as a private mediator. Specifically, I have mediated a number of the litigation-related claims by survivors of sexual abuse by priests and clergy against the Milwaukee Archdiocese. I am also a practicing Catholic. In looking at what I perceived to be a ripple effect of the sex abuse scandal, I started thinking about why there was not more being done in terms of restoration – not only for the survivors of the sexual abuse, but also for the effect on all others being impacted by what was happening. I was struck by the similarity between the frequent anger of crime victims against the criminal justice system and the anger of the clergy sex abuse victims against the hierarchy of the Roman Catholic Church. Many in both of those groups understand that some person chose to deeply harm them but felt incredibly victimized by a system or institution that should have been there for them. Many victims tell me that it is one thing to have an individual harm you and to have to deal with it, but when an institution which should serve the purpose of support and assistance not only is not helpful but in fact

does re-victimize, the harm is that much worse. We have all learned, unfortunately, that the segments of the institutional church in many ways actually inflicted harm on these clergy abuse victims. We all read about survivors of abuse who did come forward and notify church authorities of what had happened. Unfortunately in many situations, church officials took no action or even worse yet, transferred priests to other locations, where they often went on to abuse others

I began talking about the issue of the ripple effect of the harm caused by the clergy abuse scandal and how we should explore utilizing restorative justice to address the damage of this scandal on Catholics and Catholic institutions. In looking at who had been harmed by the various actions, I could include the victims and their families and friends, parishioners, Catholic Charities, lay ministers, “non-abusing priests,” and the list goes on. Survivors would point out; however, that many in those groups had also contributed to the harm by not speaking out earlier or supporting victims after they had come forward with their complaints. As I thought about setting up a circle, I was reminded of something that a very dear friend of mine who is a survivor of two horrible sexual assaults, said when she talks to prisoners. She tells them that at some point in our lives, we are all offenders, and, at other times, we are all victims, and, hopefully, we can all be survivors. I started to more closely examine the role of the various entities in the church and how we could better address these issues. For example, members of parish communities often consider themselves as secondary victims of what has happened. However, I have listened to survivors of clergy abuse describe how their church communities have turned against them and failed to support them during these difficult times. It seemed obvious that many relationships that have been harmed by what has happened need to be healed.

Although there are “victim-offender dialogue” sessions occurring in clergy abuse cases, most of those mediations are occurring between the victims and representatives of the respective archdiocese or religious order and usually involve negotiations over some type of financial settlement. These sessions can also be opportunities for the abuse victim to be heard and acknowledged by telling the church authorities what happened and how those actions have impacted their entire lives. So, I tried to envision a way to provide a restorative process that would have more impact and hopefully foster a larger discussion of the harm that has been caused and how

that harm has rippled through the institutional church in a myriad of ways.

What I decided to do was to create a restorative justice media piece that could be used to facilitate the dialogue in parishes, in seminaries, in victims groups, and in other community settings. I wanted people to be able to recognize and reflect on and better understand the breadth and the depth of the harm stemming from the sexual abuse scandal. After understanding the harm, people could discuss how as individuals and institutions, the harm could best be addressed. To design the process, I partnered with Amy Peterson, an advocate for the survivors of sexual assault, who works for the Milwaukee Archdiocese. She has devoted her professional life to serving as an advocate for survivors of both domestic violence and sexual abuse. After long discussions, we decided to create a restorative circle and to ask different categories of individuals affected by the scandal to participate. When a facilitator gathers people for a restorative justice circle, a process based on native American tradition, one looks for people who have either caused or been harmed by the relevant events. The participants gather to listen to each other describe the impact of what has occurred and then explore ways to help repair the harm. The process is quite simple. A talking piece is used to symbolize the respect due to the person talking. The talking piece is passed from person to person allowing each individual to speak from his or her heart. Great respect is paid to each party's experience and feelings. It is an incredibly spiritual and moving experience to participate in such a process.

Since one always creates these processes to be victim-focused, we started by looking for survivors who might be willing to participate. We identified four clergy abuse survivors who were willing to be a part of this project. One priest, who admitted abusing a minor boy, agreed to participate as well. We did invite a few other practicing priests to join us to talk about the impact of the scandal on their work in parishes.

One of those priests, a wonderful, pastoral man who took over a parish in the aftermath of a horrendous sex abuse scandal could describe what that experience has been like. Another, a Georgetown Law School graduate, who is a Capuchin priest and the pastor in one of the poorest African-American parishes in Milwaukee, and who also serves as a representative of his order to the United Nations on human rights issues discussed his experiences. We also included a woman who left the church over the issue and

another parishioner who remains Catholic, but is deeply troubled by the abuse scandal. Ultimately, what we wanted was to create a restorative dialogue which we could tape to create a piece that could people could watch and experience. I wanted the viewers to be able to put faces on the survivors and to get to know them as good people who have deeply suffered because of what has happened. So many parishioners do not know any victims personally and as a result often do not feel empathy toward what they have gone through. By seeing this tape, the viewers will see that these survivors look like all the rest of us. We also wanted the viewers to be able to truly understand the impact on the victims and their families twenty-to-thirty years later. The other part of the circle dialogue involved the participants' thoughts on how we might proceed to address the harm. The plan is for us to edit our taped material to create a piece that's either a half-hour or forty-five minutes. This will provide some talking points for a group. We plan to make it available for general distribution across the country for groups to use to generate dialogue and a catalyst for action.

One rather critical piece that I am very proud of bears mentioning as well. We were successful in having the Milwaukee Archbishop, Timothy Dolan, participate. A distinguished, respected and nationally recognized Archbishop, he is a very compassionate man who cares deeply about this issue. I was very pleased that he was willing to participate. When we prepared him for the circle, I said to him, "Archbishop, I have watched you be extremely pastoral in mediation sessions, but here that cannot be your role. I want you to talk about what it's like to be archbishop in this time, in this place, how you feel and how you react to what has happened in the Church." That is exactly what he did.

There were also surprises as we developed this. We never did a practice circle because I wanted to maintain a certain level of spontaneity. We began with the Capuchin priest talking about the impact of this issue on his work. It turned out that he had been approached in seminary in a sexual way, so he had another story to tell. He shared that story and told the circle participants although he was able to get away from the situation, he spent the rest of his time in seminary avoiding this particular priest. He then described about how he later learned that others were abused by that same priest. He shared that he experienced guilt from fearing that his failure to tell more people might have contributed to others being later victimized. He also described the psychological impact that this incident had on him in later in life. He then went on to talk

about how difficult it is to be a priest in this day and age and the impact of the scandal. He mentioned his great disappointment about the way the sexual abuse scandal has been handled within the institution of the Catholic Church. He now oversees the review of the sex abuse claims in his order and he talked about his anger at dealing with priests that he knew were lying.

The woman seated next to him in the circle was one of my former law students and currently is an adjunct professor at Marquette Law School. While holding the talking piece, she had an emotional reaction that she had not anticipated. Though she was struggling with her affiliation with the Catholic Church when the sexual abuse scandal came to light, the revelations of the abuse caused her to leave the church. As she shared her story, she started weeping telling us that she felt a deep sense of loss because this had been her lifelong church. She then described her ninety-seven-year-old grandmother who had been a daily communicant her entire life. She told us that her grandmother always kept the keys to the church in her purse so she could work as a volunteer in church. She then told us that the last time her grandmother was hospitalized and she went to see her and asked her, "Grandma, do you want me to have the ministers come in and give you communion?" The response was, "I'm done." She then told us what it was like to have her grandmother draw the line and say she was not going to participate in the church anymore.

The next speaker was one of our survivors and the mother of a victim. She talked about the joy of adopting her little boy and having him come into her life, but then of him developing problems in high school. When her son then turned to drugs and alcohol, she and her husband arranged to have him placed into treatment. Nothing worked and ultimately the young man committed suicide in high school. None of his therapists were successful at getting to the root of the problem. They thought his issues related to the adoption. As it turned out, for the next thirteen years, different wreaths and loving messages were placed on the son's gravesite, but the family did not know who the giver was. Finally, a priest came forward and admitted in writing, "It's me. I cared about your son, I loved your son, and I know how difficult it is to suffer depression." The family eventually met with him, but he denied having sexually abused the son. He did admit that he is a pedophile, that he gave drugs and alcohol to the boy. The mother's anger has turned her away from the church. She suffers from deep guilt from having insisted that her son attend a parochial school.

Another participant was a woman who was sexually assaulted by a parish priest. She described how she had what she believed was a “relationship” when she was around eleven years old with a priest with whom she thought she was in love with. She did finally get up the courage to talk to someone about what was happening to her. However, when the pastor was told about the abuse he accused her of seducing the priest. At home, her father beat her and called her a whore. She described years and years of problems as a result of the sexual exploitation and continues in therapy dealing with the fallout of that experience.

Two men, both of whom were sexually abused by priests, participated in the circle. One was assaulted in an orphanage, and the other as an altar boy. They described their reports of abuse not being believed by others. They also shared in their very poignant and difficult stories. The stories are heartbreaking. Archbishop Dolan talked about being profoundly affected on two levels- as an archbishop and as a person. He described his upbringing in the church and how he was blessed with priests serving as good role models for him. He explained how distraught he was to suddenly have that image of the priesthood shattered by the knowledge of what was actually going on in other situations. He was saddened when he learned that others were having very different experiences. He characterized the clergy’s conduct as a terrible breach of trust. He also explained what it means to be an archbishop, noting how much restoration of the harm is absolutely needed. He also identified the conflict that exists now between priests and bishops because of the Dallas Charter. He understands the perspectives of the priests and regrets the impact that the scandal has had on relationships among members of the clergy.

A youth minister participated by describing how the scandal has impacted his work with young people while he was working in a parish where the priest was abusing some of the boys. He had no idea that inappropriate behavior was occurring. One of the boys that he had counseled, who was having trouble, never mentioned anything about abuse. That boy committed suicide. Sometime later it came to light that the priest was a sexual abuser. The youth minister has wondered whether that abuse had occurred under his watch. He described the guilt of those thoughts.

Each and every person in the circle shared his or her remarkable stories. One participant, in tears, said something similar to what is often said in circles: “It’s amazing. When we share stories of pain, there’s healing in it.” And it was the united humanity of the

people in that circle, and the recognition and the acknowledgment of everything we talked about that that helped people find a real moment of being understood and cared about and connected. After we had completed the circle of stories, we then passed the talking piece around the room one more time to give each person an opportunity to describe what he or she thought should happen to work toward healing. Many wonderful ideas were offered and will give a good starting point for people to use in working toward restoring faith and harmony in the church.

Our intent, then, as we go forward, is to try to promote the utilization of circles so that viewers will understand this issue cannot simply “just go away” but must continue to be examined and remedied. The circle will show others how important this conversation is. We hope that this video we made is successful in raising people’s awareness of the broad problem and need for dialogue and reparation discussion and work. Thank you very much for your time.