

Article

The Catholic Religious Presence in Civil Society: A Waning Influence

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Abstract: The Catholic Church is becoming a waning influence in global civil society. This is due, in part, to demographic changes that show an increasing loss of adherents within the Church's traditional strongholds. Coupled with the growth of liberal social policies and continuing revelations about the crimes of sexual abuse by its clergy, the Church is being forced to reconsider how to continue as a moral advocate in civil society. It has sought to do this by recalibrating its position in global church-state relations, moving toward a non-ideological or "third way" of politics, and seeking non-partisan solutions to social justice needs. However, even this shift has not been sufficient to address the erosion of the Church's positive, political influence globally. For the Church to be successful in this goal, it will be necessary to totally re-set its social agenda as well as its religious priorities. Such tasks, however, will be difficult at best and almost impossible to accomplish where the primary obstacle for successful political efficacy and internally meaningful change is the Church's own mismanagement of its two-millennia-old ecclesiastical structure.

Keywords: church-state relations; prophetic politics; papal agendas; clerical sexual abuse; Viganò testimony; Theodore Cardinal McCarrick; Pope Francis



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1. Introduction

Catholics have always based the legitimacy and justification for their Church's *religious* mission on Scripture. In Matthew 16:18, Jesus tells his Apostle, "Thou art Peter and upon this rock I will build my Church and the gates of hell will not prevail against it. Whatever you loose on earth shall be loosed in heaven and whatever you bind on earth shall be bound in heaven."

At the same time, Catholics also accept, as a divine mandate, Jesus' call for political obedience and recognition of a new law to guide His Church in its relations with civil authorities. Matthew 22:15–22, recounts the parable in which Jesus, being questioned on these issues says: "Render to Caesar what is Caesar's and unto God what is God's." This has led theologians to interpret the Church's temporal responsibilities as different and, often, even separate from government powers.

The social implications and duties of these dual spiritual and temporal obligations have always been understood through Jesus' new law to "love God with your whole mind, body and spirit and your neighbor as yourself." His teachings on how the individual should pursue a Christian way of life were augmented in the Beatitudes and implied through Jesus' parables.

Thus, these Christian teachings on religion and politics were considered historically as commands to establish and build Christ's Church as a religious institution. They were always recognized as the reasons to preach Jesus' religious message, teach His moral values, and form consciences to sanctify the Savior's followers within both a religious and a civil environment.

The Church's social doctrines, however, have evolved to respond to religious dictates *as well as* modern needs, influences, and challenges throughout its existence, often causing the Church's sacred and secular roles to become intertwined. Today, in the official

*Compendium of the Social Doctrine of the Church*¹ Catholic theologians have systematically identified those principles and categorized the Church's official writings and statements on the roles of government, civil authority, the political community, and religious institutions.

Most importantly, these doctrines emphasize the centrality of the individual in Church social policy. They recognize each person as being created in God's "image and likeness," as told in the biblical Book of Genesis. Each person is defined as having both a human *and* a spiritual dimension and, thus, deserving of dignity and respect. At the same time, the dual nature of the individual imposes and reflects a double responsibility of the Church to meet both the spiritual and material needs of each person.

Pragmatically, this doctrine of human nature is augmented by the Church's religious rituals and canonical rules, developed over two millennia. They impel choices that enable Jesus' *institution* to implement its spiritual goal of ultimately bringing salvation to all people.

Temporal policies, as well, are also based on God's law, and they have also emerged over time and in many developing states as being beyond reproach and exempt from civil authority. Catholic theology, even to the present, is believed to fulfill a divine mandate that inherently creates a righteous social, political, and moral narrative for salvation.

The Church's theology, then, is the basis of its social teachings and practices. It is this religious belief system that underlies the Church's advocacy of, or opposition to, public policies, a responsibility that makes it necessary to pursue a realistic path to teach Jesus' spiritual principles for the common good of all rather than an ideological one based on the transitory interests of either the political left or right.

2. The Problem

In modern times, the role of the Church in temporal affairs was revisited and clarified at a General Council known as Vatican II from 1962–1965. The leadership of the Church stated at that time that "Christ, to be sure, gave His Church no proper mission in the political, economic or social order. The purpose he set before her is a religious one."² This meant that:

"The role and competence of the Church being what it is, she must in no way be bound to any political system . . . In their proper spheres, the political community and the Church are mutually independent and self-governing . . . service [to humanity] can be more effectively rendered for the good of all, if each works better for wholesome mutual cooperation . . . [the Church] does not lodge her hope in privileges conferred by civil authority. Indeed, she stands ready to renounce the exercise of certain legitimately acquired rights if it becomes clear that their use raises doubt about the sincerity of her witness or that new conditions of life demand some other arrangement."³

This statement meant that a new spiritual response from the Church was emerging to address more changing and pressing challenges of social justice, human rights, inequality, and autocracy around the world. Thus, Vatican II became the launch for a new vision of the role of the Church in civil society.

Historically, this became increasingly visible in Latin America where a traditionally close Church-State symbiosis was challenged by the developing, Catholic social doctrine of "liberation theology." The Church's answer to the marginalization of the poor after Vatican II was officially disavowed later in 1984 as being essentially Marxist. But since then, the Church has adopted a social stance characterized by reinterpreting liberation theology based on Christ's principles. It has espoused a preferential option for the poor,

¹ (Pontifical Council for Justice and Peace 2004) *Compendium of the Social Doctrine of the Church*. Washington: United States Conference of Catholic Bishops.

² (Pope Paul VI 1964) *Lumen Gentium*. Promulgated on 21 November 1964. Section 42. Available online: http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19641121_lumen-gentium_en.html (accessed on 25 March 2021).

³ Ibid. Section 76.

social education or “conscientization,” the establishment of religious-based communities for justice, and the integral development of all people into society.

In so doing, the Church has attempted to meet developing social challenges: to reconsider its political responses while maintaining a consistent theological stance rather than a commitment to a specific ideology or governmental system. Thus, the post Vatican II Church has supported “authentic” capitalism and democracy that works for the common good while maintaining that there is a moral link between development and progress.⁴ It has advanced a “qualified” globalization, the “responsible and progressive” development of third world countries, and the “autonomy” of religion to carry out its salvific purpose. Currently, however, the nuances of these principles remain a challenge to the Church’s roles, missions, and political agenda in the world.

It is possible to say that, now, the modern Catholic approach to the role of religion in civil society is still committed to advance a positive public policy based on theology. The approach is broad and can be characterized as a form of “prophetic politics.”⁵ That is, it is driven by a biblical commitment to articulate and criticize oppression in the name of God, to pursue politics grounded on transcendent values such as peace, justice, and economic equality, and to seek creative, moral solutions based on teaching truth to power. None of this, however, is considered ideological.

The Church carries out its temporal mission, then, through a social, cultural, and economic meta-narrative consisting of pastoral teachings, encyclicals, homilies, and canon laws. By consolidating all these means of preaching through various methods of communication, the Church continues to articulate its geopolitical agenda, advance its moral values, and engage with governments based on the universal dimensions of Catholic theology. Thus, the Church’s spiritual and temporal missions are now inculcated into modern culture by a re-invigorated religious evangelization and assertive outreach to new states.

The problem, however, is why is Catholic civil influence, once historically significant and morally exemplary, now eroding globally despite its mission and commitment to pursue diverse attempts to be a promising and socially redeeming part of society? Although there is a myriad of reasons, this article will maintain that the Catholic Church is losing its civil and moral influence, especially in the West, due to demographic changes, increasingly secular shifts in public policy, and the continual revelations of clerical sexual abuse. As a result, these challenges are leading the Church to pursue new, and often tenuous, Church-State relations in parts of the world where it may or may not be able to replicate or replace its former positive moral relevance.

3. Demographics and New Challenges to Catholic Civil Influence

Today, there are close to 1.3 billion Catholics in the world who represent about 17.7% of the world’s population.⁶ According to the 2019 annual statistical report of the Church, Catholics in 2017 represented 86.6 % of the South American population, 39 % of the

⁴ (Pope Paul VI 1968) See *Populorum Progressio*. 26 March 1968. Available online: http://www.vatican.va/content/paul-vi/en/encyclicals/documents/hf_p-vi_enc_26031967_populorum.html (accessed on 25 March 2021).

(Pope John Paul II 1983) See *Sollicitudo rei Socialis*, 30 December 1983. Available online: http://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_30121987_sollicitudo-rei-socialis.html (accessed on 25 March 2021).

(Pope John Paul II 1991) See *Centessimus Annus*. 1 May 1991. Available online: http://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus.html (accessed on 25 March 2021).

(Pope John Paul II 1981) See *Laborem Exorcens*. 14 September 1981. Available online: http://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_14091981_laborem-exorcens.html (accessed on 25 March 2021).

(Pope Francis 2015) See *Laudato Si*. 24 May 2015. Available online: http://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html (accessed on 25 March 2021).

⁵ See Riemer (1984). *The Future of the Democratic Revolution: Toward a More Prophetic Politics*. New York: Praeger; and Formicola (2002). *Pope John Paul II: Prophetic Politician*. Washington: Georgetown University Press.

⁶ This is the latest data from the official Vatican source published in 2019, but contains statistics as of 2017. See (Statistical Yearbook of the Church 2017). Available online: <https://www.vaticanum.com/en/annuarium-statisticum-ecclesiae-2017-statistical-yearbook-of-the-church-2017-annuaire-statistique-de-l-eglise-2017> (accessed on 25 March 2021) and (Williams 2019). Available online: <https://www.breitbart.com/faith/2019/03/06/vatican-catholic-church-membership-worldwide-surpasses-1-3-billion/> (accessed on 25 March 2021).

European population, 24.7% of the population of North America, 19.2% of the African population, and just 3.3% of the Asian population.⁷

The Pew Forum provides different statistics from those of the Catholic Church, but it essentially reinforces the same demographic trends regarding the percentage of Catholics around the world. In Europe, for example, where the Pew Forum maintains that 65% of the population in the year 2000 was Catholic, it showed that the number of adherents dropped precipitously to approximately 24% during the last decade. Alternatively, its data showed that Church membership has grown in Latin America from 24% to 39% during the same time, with a similar upward trend occurring in sub-Saharan Africa and the Asia-Pacific region.⁸

Statistical data, from both sources, however, reveal a significant demographic fact: Shifts in the Catholic population are occurring all around the world, especially in new, non-Christian areas. While Church membership does not appear to be dissipating, the *distribution* of the laity is changing, requiring new responses to different religious as well as social and political challenges globally.

Pope Francis, however, had begun to recognize the implications of these demographic changes even before he was elected to his position as leader of the Catholic Church. In 2007, he had already begun to challenge the traditional Euro-centric theological model of social justice as the head of the Latin American Bishops Conference (CELAM). The Argentinian Jesuit, in the *Aparecida Documents*,⁹ which he espoused, nurtured, and implemented, sought ways to retain and garner relevant religious influence in neglected areas of the world, specifically in the Southern Hemisphere.

In these writings, Francis called on individuals to recognize the challenges of the times, and to see Jesus as the answer to them. In so doing, he emphasized three new approaches to Catholic religious engagement: a broadened *continental* mission beyond Europe, an increased pastoral commitment to train lay individuals to become missionary disciples for his/her faith, and an energized Church to seek new ways to proclaim the Gospel. His method to attain these goals was and remains clear: to use an innovative type of pastoral outreach and evangelization that includes the pursuit of a preferential option for the poor and marginalized, a concern for the environment, and a greater commitment to prayer and religious devotion.

Soon after becoming Pope, Francis was vocal in his pursuit of a new religious and social agenda to carry out these goals. Referring to Western Europe as “aged,” and no longer the center of Catholic theology, he turned his sights in different directions to spread the good news of the Gospel and to pursue converts. While his detractors have claimed that the Argentinian Pope has marginalized Europe’s historical position as the philosophical mentor and religious guide for the global Church, Francis has, instead, implemented his new vision by travels and innovative diplomacy.

His actions recognize the importance of a global Catholic demographic shift in which the largest growth is occurring in sub-Saharan Africa. Catholics there increased to 21% of the population from a negligible 1% in 1910.¹⁰ And, those numbers are expected to rise in that part of the world at a faster rate than in any other geographical region.

At the same time, the Catholic share of the population in the Asia-Pacific region grew significantly as well, from 1% in 1910 to 12% in the last decade.¹¹ In India, for example, where Hindus are the largest religious group in the region and expected to continue to

⁷ Ibid.

⁸ (The Pew Forum 2013). *The Global Catholic Population*. 13 February 2013. Available online: <https://www.pewforum.org/2013/02/13/the-global-catholic-population/> (accessed on 25 March 2021).

⁹ The Conference of the Catholic Bishops of Latin America (2007). *Aparecida Documents with an Introduction by Pope Benedict XVI. Letter of His Holiness Benedict XVI: To the Bishops of Latin America and the Caribbean*. 29 June 2007. Available online: <https://www.celam.org/aparecida/Ingles.pdf> (accessed on 25 March 2021).

¹⁰ The Pew Forum (2013), op. cit. Available online: <https://www.pewforum.org/2013/02/13/the-global-catholic-population/> (accessed on 25 March 2021).

¹¹ Ibid.

grow, the number of Catholics rose to 3%.¹² In fact, the Christian population in Asia and the Pacific is expected also to rise at a faster rate during the same time,¹³ with Catholics following the same trend. This could mean that by 2050, the number of Catholics in that part of the world will have surpassed those in Germany and almost rival the number of Catholics in Poland.¹⁴

Even though these countries would not necessarily attain critical mass or significant civil influence in these areas of the world for several decades, Pope Francis has continued to pursue a policy of assertive religious outreach. He began in South America and other regions where, demographically, the greatest possibility for new converts exists. He has made pastoral visits to Africa: specifically, to Kenya, Uganda, the Central African Republic, Mozambique, Madagascar, Mauritius, and Egypt. In Asia, he has visited Japan, Thailand, Myanmar, and Bangladesh, and is awaiting an invitation to visit India.

Francis' major area for significant religious engagement, however, has been to China. After the Communist revolution in 1949, the government declared itself to be atheistic, outlawed Catholicism, expelled Catholic and Protestant missionaries, and publicly equated Christianity with western imperialism. In response, Catholics developed an underground Catholic Church in silent opposition to the government.

In 1957, however, the Chinese government established the Chinese Patriotic Catholic Association (CPCA), under the civil control of the official government-run, Religious Affairs Bureau. The CPCA rejected the authority of the Pope and the Vatican government, known as the Holy See, and appointed its own politically approved bishops. Its followers, who were loyal to the legitimate authorities in Rome, were required to register with the government, to operate their seminaries secretly, and to function under a hierarchy unrecognized by the government. In doing so, it allowed a government controlled "Catholic Church" to exist for almost seventy years, continuing a religious conflict between the authority of the Catholic Church and the government of China.

An accord between the Vatican and the Chinese government was negotiated in September 2018, by Pope Francis. Officially, its purpose was to reconcile the divide between an estimated 10 to 12 million Catholics, some of whom are loyal to the Vatican, and those who adhere to the Church controlled by the government. The specifics of the agreement between the Holy See and the Chinese government were essentially kept confidential, with the Vatican claiming that it was necessary to do that because of the experimental nature of the relationship that was driven in part by "mutual consent".¹⁵

In essence, the accord calls for a recognition of the Pope as having the final say over the appointment of new Bishops and an acceptance by the Chinese government of the legitimacy of those bishops who had been appointed previously. It has also allowed civil involvement in the education and management of the clergy. Recently, two new bishops were elevated in China, both with the approval of Pope Francis.

A geopolitical fear is that this move is a step toward future diplomatic relations between the Vatican and China, and is an act that could compromise the Vatican's recognition of Taiwan. The US Secretary of State at the time, Mike Pompeo, attempted to speak to Pope Francis regarding his accord with China and its geopolitical implications. He was denied an audience. To others in the Church, this appeared to be the beginning of a loss of the ecclesiastical control of the Church, its ability to appoint Church officials around the world, and its right to regulate the requirements for becoming a priest. They fear that Communist values are encroaching on Church teachings. Latest media accounts report that the Chinese government is attempting to "Sinicize religion," targeting Muslims and

¹² The Pew Forum (2015). 2 April. *The Future of World Religions: Population Growth Projections, 2010–2050: Asia-Pacific*. Available online: <https://www.pewforum.org/2015/04/02/asia-pacific/> (accessed on 26 March 2021).

¹³ Ibid.

¹⁴ (Allen 2009) John L. Allen, Jr. 25 November 2009. *India Is a Rising Catholic Power Too*. Available online: <https://www.ncronline.org/blogs/ncr-today/india-rising-catholic-power-too#:~:text=Here%E2%80%99s%20some%20background%20on%20Catholicism%20in%20India%2C%20drawn,three%20rites%3A%20Syro-Malabar%2C%20Syro-Malankara%2C%20and%20the%20Latin%20rite> (accessed on 25 March 2021).

¹⁵ Horowitz (2020). Vatican Defies US in Bishop Deal with China. *New York Times*, 23 October 2020, p. A11.

Uighurs and religious freedom in general, in the country,¹⁶ a move that already shows a tension between government policy and religious freedom in China. Questions about social justice and human rights violations in Hong Kong may also require the Vatican to make political decisions and statements about freedom in that territory that could prove difficult.¹⁷

So, the question arises—is this how the future Catholic Church will have to operate politically and pastorally to play a meaningful, relevant, and positive civil role in the future? The statistics cited earlier, coupled with the beginnings of a changed religious outreach to South America, Africa, Asia, and specifically China, are examples of a projected need to compromise, re-set, and innovate social policies in unexpected parts of the globe. And, they will require the two-thousand-year-old Church to face new challenges and opportunities due to cultural, political, economic, and religious differences that are represented in those areas.

Demographic shifts will test many of the Catholic Church's social doctrines in terms of relevancy, emphasis, and social mores. For example, will the Church's pro-life stance have meaning in parts of the world where overpopulation is a fact of life and the solution is abortion and family planning? Will support for gay marriage threaten the Catholic doctrine about the sacredness of a one-man and one-woman relationship and the traditional family? And will the Church's response to racism, colonialism, and global protests throughout the world be stronger than its support and attention to the current problems of the environment or migration that are emphasized now? Indeed, the cancel culture regarding Catholicism has already manifested itself in other parts of the world, such as in the United States, where the vandalization and desecration of Catholic Churches and statues, the closing of many of its parochial schools, and the rising number of those who self-identity as "non-affiliated" grows increasingly.

4. Secular Policy Challenges and Catholic Civil Influence

While shifting demographics will change the course of Catholic religious engagement around the world, another related question arises: Will the continued loss of Catholic adherents in Western Europe and other traditionally Catholic countries continue to erode the Church's civil influence? Will the Church's role as a moral advocate for political policy, culture, social justice, and human rights be supplanted by a new secular-based society? Challenges to moral teachings on abortion, gay marriage, embryonic stem cell research, in vitro fertilization, and euthanasia, as well as attempts to establish civil limits on school choice and religious freedom in many parts of the world, are becoming more politically concerning to the Church and are increasingly testing its positive civil influence.

In Ireland, for example, where virtually all education and health care has traditionally been controlled by the Catholic Church, a series of civil investigations known popularly as *The Ferns Report* (2005), *The Murphy Report* (2009), and *The Ryan Report* (2009) laid bare the complicity of the Irish Government and the Catholic Church and their abuse of children.¹⁸ At one point, the country's prime minister characterized the Vatican's attitude toward the entire scandal as dysfunctional, disconnected, elitist, and narcissistic.¹⁹

¹⁶ Pianigiani (2020). Pope Calls Uighurs Persecuted 'persecuted' Prompting Pushback by China. A quote from Pope Francis forthcoming book entitled *Let us Dream: The Path to Better Future*. "I think often of persecuted peoples," Francis said in one passage. "The Rohingya, the poor Uighurs, the Yazidi—what ISIS did to them was truly cruel—of or Christians in Egypt and Pakistan killed by bombs that went off while they prayed in church." Seattle Times 24 November 2020. Available online: <https://uhrp.org/news/pope-calls-uighurs-T1textquotefleftpersecutedT1textquoteright-prompting-pushback-china> (accessed on 25 March 2021).

¹⁷ McGurk (2020). The Silence of Pope Francis. *The Wall Street Journal*, 8 December 2020, p. A12.

¹⁸ *The Ferns Report* (2005). Available online: https://archive.org/stream/243711-2-complete-ferns-report-so-ireland/243711-2-complete-ferns-report-so-ireland_djvu.txt (accessed on 8 November 2020). *The Murphy Report* (2009). Available online: http://www.bishop-accountability.org/reports/2009_11_26_Murphy_Report/ (accessed on 8 November 2020). *The Ryan Report* (2009). Available online: https://www.gov.ie/en/publication/3c76d0-the-report-of-the-commission-to-inquire-into-child-abuse-the-ryan-re/?referrer=/documents/publications/implementation_plan_from_ryan_commission_report.pdf/ (accessed on 8 November 2020).

¹⁹ Enda Kenny Speech on Cloyne Report (2011). Available online: <http://www.rte.ie/news/2011/0720/303965-cloyne1> (accessed on 11 August 2020).

The public convulsion caused by the Catholic clerical sexual abuse crisis in Ireland has also resulted in a striking break with traditional Catholic social doctrine and practice by a new generation of the laity. The Irish parliament has enacted legislation to protect children and in 2012 passed a stringent law that required priests to report suspected cases of clerical abuse, even if it was revealed in the confessional.²⁰

Perhaps even more importantly, Catholic-influenced public policy that denied abortion and gay marriage have now become legalized in the home of St. Patrick. Civil law has challenged canon law regarding specific civil exemptions by the Catholic Church in education, while favored legal treatment of Church institutions has also been reconsidered.

This is due to what many refer to now as the principle of “benevolent secularism.” This concept is based on the notions that (a) both state and religious institutions will tolerate and assist each other, (b) they will respect the independence of each other, (c) that all religions will receive equal support, (d) religious actors will co-exist with democratic politics, and (e) minority rights will be protected.²¹

Even in Italy, where the Vatican casts its Catholic shadow, there also exists a precarious political balancing act between the two sovereign neighbors. Since the Treaty of the Lateran in 1921, the Catholic Church is more than a religious presence in Italy: It is also an independent political entity with its own ability to govern itself and carry out foreign policy. The Vatican State can enact and impose civil *and* canonical laws within its boundaries, as well as use its radio and television stations and social media to reach the world. It has its own post office and hospital, and a state department known as the Holy See to conduct diplomatic affairs. It has official relations with more than 190 states. Nevertheless, Rome is also the capital of Italy and is involved in a unique relationship with the Catholic Church.

Perhaps the most striking challenge to the social doctrine of the Church in Italy is its teaching on abortion. The procedure became legal in May 1978, during the papacy of John Paul II, the leading Catholic exponent of the principle of the right to life. The Italian law allowed women to terminate a pregnancy within the first 90 days of gestation. Two subsequent repeals of the law were considered and rejected by the electorate within a few years. Today, Italian women over the age of 18 are eligible for free-of-charge abortions in public hospitals or in private institutions authorized by the regional health authorities. Abortion is also allowed in the second trimester of the pregnancy when the life of the woman would be at risk if the pregnancy is carried to term or the fetus carries genetic or other serious malformations that would put the mother at risk of serious psychological or physical consequences. This major issue remains a challenge to the social doctrine of the Catholic Church even as the sovereign state is embedded within the Italian one.

The influence of the Catholic Church in Australia has also been challenged by secular politics. As the largest Christian denomination in Australia, it has a culturally diverse membership and is the largest non-government provider of welfare and education services in the country. Between 2015–2017 government agencies examined church practices, issuing the most significant report known as the “Royal Commission into the Institutional Responses to Child Sexual Abuse”.²²

The report provided information on more than four thousand incidents of sexual abuse charges over three decades. The Church followed with its own investigation citing cases of cover-ups and transfers of clerics from one parish to another without canonical punishment. This led to further investigations of other religious agencies and orders that dealt with young people. Such religious mismanagement was eventually criminalized by the state.

²⁰ Withholding of Information on Offenses against Children and Vulnerable Persons Act 2012 (2012). <http://www.irishstatutebook.ie/eli/2012/act/24/enacted/en/html> (accessed on 11 August 2020).

²¹ Carolyn M. Warner (2020). Benevolent Secularism and the Recalibration of Church-State Relations in Ireland in the Aftermath of Clergy Child Sex Abuse Scandals. *Journal of Church and State* 62: 86–109.

²² Royal Commission into Institutional Responses to Child Sexual Abuse (2015). Available online: <http://www.childabuseroyalcommission.gov.au> (accessed on 25 March 2021).

Thus, when the public accusations of clerical sexual abuse and allegations of cover-ups of cases by the highest-ranking prelate in Australia, George Cardinal Pell, occurred a few years later, it came as no surprise that there would be further civil repercussions. Pell was the director of the Vatican bank at the time these charges came to light, fueling attacks on the credibility of the hierarchy and the Catholic Church itself. While the Cardinal's case was tried and retried in Australia due to several legal technicalities, Pell spent six years in prison until the country's highest court finally overturned his conviction based on "compounding improbabilities" of the jury that heard his case. Many people were dissatisfied with the final decision in the case, which essentially allowed the Cardinal to go free.

Pell, however, blamed his accusers as part of a "culture war"²³ against him and Catholicism. The significant fact is that his conservative views have left scars in Australia, leading to secular changes in the laws that affect clerical sexual abuse. Several states have challenged the secrecy of the confessional, others have required that information disclosed during the sacrament of penance on sexual abuse be revealed, and still other states have demanded the disclosure of accounts of molestations by priests to civil authorities. Clearly, Australia has been exposed to the dark side of the clergy and is in the process of making secular changes and re-calibrating its formerly close relationship with the Catholic Church.

Poland is considered by some as the leading example of the erosion of Catholic influence in Europe. Politically supporting the Catholic "center" after the fall of Communism in Eastern Europe, the Church has continuously fought to regain and maintain its civil influence in that country. This can be seen through the power struggle between the two Catholic-supported political parties, the Civil Platform Party and the Law and Justice Party. Generally, both are center to center-right political parties, but the more conservative one, the Law and Justice Party, has been steadily losing political influence in the country. Its presidential candidate, Andrzej Duda, recently won re-election in 2020 by a narrow 3% margin. Thus, tension between the two major political parties in Poland, whose similarities—Catholic backed and right leaning—are in competition with one another. Adding to the dilution of their parliamentary positions and, to everyone's surprise, is the rising challenge by more liberal opponents.

In this past election, the Catholic hierarchy backed the Law and Justice Party due to President Duda's support for traditional family values and social conservatism. These policies have led to Poland's withdrawal from the Istanbul Convention, a European Union (EU) treaty originally intended to curb domestic violence and protect women's rights, which Duda claims specifically means the right to obtain an abortion. Duda and his party have contended that the EU treaty does not address other issues of important concern, mainly those that are part of a larger LGBT ideology.

This conservative stance has already resulted in the establishment of nearly 100 municipal "LGBT-free" zones helped by "prominent Catholic clergy," the loss of EU financial support²⁴ for networking on issues such as women's rights, and adherence to the rule of law. In retaliation, both Poland and Hungary have threatened to veto the EU seven-year budget. It has also been reported that the ratification of the treaty remains stalled in Bulgaria, the Czech Republic, Latvia, and Slovakia.

This backlash has been construed by some as the start of a "culture war" in Eastern Europe. The Catholic Church, which supported Solidarity, the pro-democracy movement in Poland, worked to bring about changes in public policy after the fall of its Communist government. Behind the scenes it fostered the implementation of Catholic social teachings, the re-opening of religious schools and Churches, and the passage of a law that restricted abortion.

Recently, under the Law and Justice Party, further attempts to limit abortion have been carried out by restricting procedures for fetal abnormalities. This policy has been

²³ National Catholic Register (2015). 15 April 2020. *Cardinal Pell in New Interview: 'The Culture Wars are Real'*. Available online: <https://www.ncregister.com/news/cardinal-pell-in-new-interview-the-culture-wars-are-real> (accessed on 25 March 2021).

²⁴ Pronczuk (2020) E.U. Punishes Polish towns That Say They're 'L.G. B.T.-Free'. *New York Times*, 31 July 2020, p. 12.

met with opposition and marches, causing the parliament to attempt to pass such a law on constitutional grounds. However, it has been delayed by massive rallies in opposition to such a move. Clearly, a generational and gender challenge to the current political party and its support by the Catholic Church represents a liberal ideological shift that has been festering for several decades, a divide that is growing and shows no sign of abating.

Adding fuel to the fire is Pope Francis' acceptance of the retirement of the Polish Archbishop, Slawoj Leszek, who was accused of protecting priests involved in clerical sexual abuse. He was not prosecuted for it. A state of unease between Church and State, the Law and Justice Party, the Civil Platform Party, women's rights groups, and supporters of other social justice issues are continuing to escalate, putting the Church on the defensive no matter which of the "Catholic parties" holds power in Poland.

The issue of abortion is not simply a critical issue in Poland. It is one of the main sources of division among Catholics in other traditional strongholds. For example, as previously discussed, Ireland has legalized abortion. Spain, France, and Italy have long allowed abortion on demand between 12–14 weeks, and France has legalized late stage abortions with physician approvals and to save the life of the mother. Today, even Argentina, the Pope's homeland, has legalized legislation allowing reproductive rights for women. This issue is one that challenges the civil influence of Catholicism in those countries where it has large followers—but also large populations—and is only part of a larger shift and increasing trend to more liberal thinking and human rights concerns around the world.

5. Clerical Sexual Abuse and Waning Catholic Civil Influence

Examples of the impact of global civil investigations regarding clerical sexual abuse are also critical to understanding the loss of positive civil and moral influence of the Catholic Church around the world. As the scandal emerged into a crisis early in 2002 in the United States, Pope John Paul II appeared unable to grasp either the nature or scope of the tragedy as it became public.²⁵ His subsequent responses and those of his successors, Benedict XVI and Francis, were based on two principles: (1) clergy who committed "moral transgressions" against the Sixth Commandment could be reconciled with God and returned to ministry due to their Holy Orders, and (2) canon law superseded civil law to adjudicate such predatory behavior.

Thus, a series of fits and starts to respond to the crisis reflect a long-standing lack of papal and hierarchical understanding of clerical sexual abuse and its devastating harm to children. Inconsistent policies have reflected two critical flaws: an inability on the part of Church officials to recognize clerical sexual abuse as criminal activity and an unwillingness to accept the responsibility to report such actions to civil authorities.

Early warnings about priestly molestations and possible solutions to the problem had been reported and dismissed as early as 1985.²⁶ They were given little attention in Vatican or hierarchical circles at that time even though three professionals—a canon lawyer, a civil lawyer, and a priest- psychiatrist—who had worked together on the case of an abusive priest, warned the US Catholic Bishops that the conviction of that one cleric was more than just an isolated case. They argued that it was the beginning of revelations about sexual crimes in more than a just a national context, but rather a foreshadowing about the global Catholic clergy, and a major crisis that could cost the Church huge sums of money to settle impending lawsuits. Their warnings were originally overlooked, challenged on canonical technicalities, and perceived as threats to established hierarchical power in the United States.

It was not until 2002, almost two decades later, that the US Catholics Bishops, mired in further scandals and castigated by Pope John Paul II, examined the problem as it escalated

²⁵ See Jo Renee Formicola (2014). *Clerical Sexual Abuse: How the Crisis Changing US-Catholic Relations*. New York: Palgrave-Macmillan; Formicola (2019). *Papal Policies on Clerical Sexual Abuse*. New York: Peter Lang; Formicola (2004). The Vatican, the American Bishops, and the Church-State ramifications of Clerical Sexual Abuse. *Journal of Church and State* 46: 479–502.

²⁶ See for example (Mouton et al. 1985). F. Ray Mouton, Rev. Thomas P. Doyle and Father Thomas Peterson. *The Problem of Sexual Molestation by Roman Catholic Clergy; Meeting the Problem in a Comprehensive and Responsible Manner*. Final Draft Compiled on 8–9 June 1985.

within the United States. They issued the *Charter to Protect Children and Young People*, through their canonical organization, the United States Conference of Catholic Bishops (USCCB), and set up a National Review Board to examine the causes of, and solutions to, the problem of clerical sexual abuse.²⁷ Their recommendations for reform were given limited support by the Vatican,²⁸ but did not result in the approval of any systematized processes to deal with the growing crisis outside the United States.

In Ireland, some religious changes occurred after extensive internal investigations and victims' testimonies about clerical sexual abuse became public. The Catholic hierarchy was openly disciplined by Pope Benedict XVI in 2009 and forced to apologize for its cover-up of abusive clerical behavior. Since then, the hierarchy has undertaken new means to monitor seminary education and to investigate itself. The Vatican has even restricted the admission of those with homosexual tendencies into seminaries and Holy Orders.²⁹ But, public skepticism about the clergy has persisted.

By 2011, international investigations were also becoming a significant means to reveal major clerical abuses within the Church. With the growth of activist organizations around the globe, such as AWARE in Ireland and the Survivors Network of those Abused by Priests (SNAP) in the United States, their voices started to be heard in international courts. Indeed, SNAP provided an 84-page document with over 20,000 pages of supporting materials about cases of clerical sexual abuse to the International Criminal Court at the Hague; but, it was rejected on procedural grounds. Nonetheless, it paved the way for other lawsuits against the Pope and the Holy See, the internal government of the Vatican State, for claims of financial liability in clerical sexual abuse cases.³⁰

Around the same time, the Catholic Church was also publicly accused of mismanagement and virtual complicity in the clerical sexual abuse of children by the UN Committee on the Rights of the Child. Although the Vatican was a signatory to the UN's Convention on the Rights of the Child and Optional Protocols, it had not adequately responded to the Committee's request for information or recommendations to protect children from clerical sexual abuse. The Church, claiming that priests are not functionaries of the Vatican, refused to provide the Committee with specific information on numbers of allegations and specific cases of predatory priestly behavior. Further, the Committee challenged the Vatican to establish a Commission for the Protection of Children to develop safe environments for them and to provide pastoral care for victims. It also criticized the Holy See for having been ineffective in establishing processes to protect children by permitting the continuation of sexual abuse by transferring clerical abusers from one parish to another, treating sexual crimes as simply grave sins, acting within a code of silence, and refusing to report such crimes where national laws required it.³¹

Soon after the fall-out from the United Nations report, Pope Francis did establish a Pontifical Commission to educate, provide communications, and seek solutions to the clerical sexual abuse crisis. It accomplished those tasks, but then suffered from internal

²⁷ United States Conference of Catholic Bishops (2000). June 2000. Washington, D.C. *Charter to Protect Children and Young People*. Available online: <https://www.usccb.org/offices/child-and-youth-protection/charter-protection-children-and-young-people> (accessed on 25 March 2021); *The Report of the National Review Board* (2002). Available online: <https://www.usccb.org/offices/child-and-youth-protection/national-review-board-2002/> (accessed on 25 March 2021).

²⁸ These included a "zero tolerance" policy and required Bishops to cooperate with police and civil officials to report crimes of sexual abuse. Definitions of "sexual abuse" however, remained as religious crimes; meaning that many of the USCCB's recommendations were challenged, and in the end, applied only to the United States. See (Formicola 2014, Chapter 4).

²⁹ Congregation for Catholic Education (2005). *Instructions Concerning the Criteria for the Discernment of Vocations with Regard to Persons with Homosexual Tendencies in View of their Admission to the Seminary and to Holy Orders*. Available online: http://www.vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccatheduc_doc_20051104_istruzione_en.html (accessed on 25 March 2021). Criteria for the Discernment of Vocation for Persons with Homosexual Tendencies. Congregation of the Clergy (2006). *The Gift of Priestly Vocation*. Available online: <http://www.clerus.va/content/dam/clerus/Ratio%20Fundamentalis/The%20Gift%20of%20Priestly%20Vocation.pdf> (accessed on 25 March 2021).

³⁰ See for example: *O'Bryan v Holy See*, US Court of Appeals for the Sixth Circuit, No. 07-5078, 07-5163, and *Doe v Holy See*, US Court of Appeals for the Ninth Circuit, No. 06-35563 and 06-35587. Further cases are examined in detail in Formicola (2014), *op. cit.*, *Clerical Sexual Abuse*, Chapter Five.

³¹ (United National Committee on the Rights of the Child 2014) United National Committee on the Rights of the Child. *Concluding Observations on the Second Periodic Report of the Holy See*. 25 February 2014. Available online: https://tinternet.ohchr.org/Treaties/CRC/Shared%20Documents/VAT/CRC_C_VAT_CO_2_16302_E.pdf (accessed on 25 March 2021).

complaints by members of the commission who thought it should continue to play a critical role in monitoring the crisis around the world.

Civil investigations and revelations of clerical sexual abuse continued into 2018. At that time, a leaked report of an investigation commissioned by the German Conference of Bishops disclosed that over 3600 individuals were abused by more than 1600 clergymen during a 68-year period. Newspaper reports claimed that the number of victims was the largest in Europe and that information has been “destroyed or manipulated”³² by the hierarchy. At this point it is difficult to assess such claims, as the German hierarchy has not, three years later, released the official version of the report. Again, such clandestine actions by Church officials continue to raise doubts about the veracity of information and concern about the welfare of victims of clerical sexual abuse.

Then, also in 2018, Pope Francis on an Apostolic Visit to South America, was drawn into a conflict over the case of the accused predator priest, Fernando Karadima. His superior, soon to be appointed a Bishop, John Barros Madrid had destroyed critical correspondence about the allegations against the cleric, which became public during the trial. However, both prelates were let off due to a statute of limitations. Major opposition to this civil action by Catholics was discounted by Francis, who realized later that the canonical case against them should be reopened. Both prelates were sanctioned by the Church, and the Chilean hierarchy was called to Rome by Francis to account for the situation. Every member of the hierarchy took responsibility and resigned, with Francis castigating all of them and accepting three resignations. Again, this type of deliberate cover up had repercussions in Chile and the rest of South America.

A further attempt to bring to light such a lack of appropriate punishment for sexual abuse within the Catholic Church appeared in the international press in the form of a “Testimony”³³ written by Archbishop Carlo Maria Vigano. A former nuncio to the United States under Pope Benedict, Vigano maintained that he had reported on the grave immoral behavior of Theodore Cardinal McCarrick, the highest-ranking prelate in the United States, with seminarians and priests from 2000 and 2006 while he was stationed in Washington, D. C. Further, Vigano maintained that, despite his reports, no action had been taken against the Cardinal by anyone in power at the Vatican until 2008.

In fact, however, it was not until 2011 that McCarrick was finally sent to live in a monastery by Pope Benedict. He was forbidden to say mass in public, participate in public meetings, give lectures, or travel. He was obliged to lead a life of prayer and penance in seclusion. Later, however, McCarrick had appeared with Pope Francis, giving the appearance that he had been providing the Pope with advice. Vigano called for the resignation of Francis for considering McCarrick to carry out missions even after he had been limited in ministry for allegations of sexual abuse. Vigano’s accusations, however, were seen by many within the inner circles of power in the Church as a personal argument, one revealed through the media rather than official sources, and, therefore, without substance. But again, the case revealed internal machinations about the mismanagement of high-level clerics within the Church.

This outrageous case has recently resulted in a major in-depth Vatican study of the managerial processes that had allowed McCarrick to be a functioning member of the Catholic hierarchy for so long. In 2019, he was formally found guilty of sexual abuse by the Vatican’s religious court and punished by being defrocked. His religious life was ended. When the news was made public, there were calls for Pope Francis to reveal what he knew about the decades-long predatory sexual behavior of the man who would now be known as Mister McCarrick.

³² (Beck and Hartan 2018) Luisa Beck and Chico Hartan. German report documents more than 3,600 abuse cases within the Catholic Church. *The Washington Post*, 25 September 2018.

³³ (Church Militant 2018) His Excellency Carlo Maria Vigano. *Testimony*. 25 August 2018. Archbishop Vigano’s Testimony. Available online: churchmilitant.com (accessed on 25 March 2021).

In response, a stunning bombshell report was issued in late 2020,³⁴ approved by Pope Francis. It investigated the institutional decision-making processes of the Holy See and provided an inside, startling, and damning examination about how clerical sexual abuse was investigated within the Church. It explained how the official Church investigative offices overlapped but did not interact, the brotherhood of clergy protected its own, and the concern for the reputation of the Church and its needs took priority over the public's right to transparency and accountability.

In more than 450 pages, the Report revealed the history of Cardinal McCarrick's predatory behavior and provided a picture of the bureaucratic mismanagement of cases of hierarchical sexual abuse within the Catholic Church. The Report did not deal with Cardinal McCarrick's moral guilt that had been adjudicated under the Church's secret judicial system through the Congregation for the Doctrine of the Faith.³⁵ The non-religious revelations about the processes and treatment of the former Cardinal, however, shocked the world.

The Report contained all relevant documents about McCarrick's ministry from the entire bureaucracy of the Holy See as well as with the Apostolic Nunciature (embassy) to the United States. Eventually, information was also gathered from nearly a hundred current and former bureaucratic officials.

The interviews took place over a one-year period and McCarrick's misconduct was revealed by individuals who had direct physical contact with the former Cardinal. They described "sexual abuse or assault, unwanted sexual activity, intimate physical contact and the sharing of beds without physical touching."³⁶ The interviews also included accounts related to McCarrick's abuse of authority and power. They were reviewed and made available to Pope Francis.

These findings detailed institutional Church mismanagement that was characterized by clandestine hierarchical cover-ups, the use of confidentiality agreements, and the selective application of canon law. They showed inconsistencies in reporting in the McCarrick case. They also revealed how high church dignitaries overlooked significant facts and how they gave the Cardinal the benefit of the doubt about accusations of sexual abuse. Some even denied the allegations, maintaining that they were merely rumors with no proof of real physical involvement or sexual penetration of his accusers.

But the important point is this: The McCarrick report shed light on how delinquent, institutional responses to clerical sexual abuse could occur, and most likely did occur, in this and other cases. Within the flawed management and judicial processes operating within an antiquated Church infrastructure, it is evident to see how the Church's bureaucracy was incapable of dealing with public allegations and convictions of predatory priests. Instead, the Cardinal's financial service to the Church, his ability to carry out "soft diplomacy" in international circles, and his strong work ethic carried the day as his appointments to higher ecclesiastical offices continued and his career advanced. Indeed, his prestige in the United States and at the Vatican were legendary and virtually unquestioned.

As these revelations continue to emerge, they chip away at the credibility of the Church as a moral advocate and positive civil influence in the world. This is because the clerical, sexual abuse crisis has so many dimensions: cultural, social, canonical, ecclesiastical, legal, managerial, and political. It has been fueled globally for more than two decades by civil investigations, media coverage, parental anger, disappointment and fear of the molestation and abuse of their children by clergy, a distrust of the hierarchy that covered it up, and a papacy seemingly more interested in the reputation and survival of the Church: its theology, repentance, and priestly reconciliation with God rather than the protection of children.

³⁴ Secretariat of State of the Holy See (2020). *Report on the Holy See's Institutional Knowledge and Decision-Making Related to Former Cardinal Theodore Edgar McCarrick (1930 to 2017)*. Vatican City, 10 November 2020. Available online: http://www.vatican.va/resources/resources_rapporto-card-mccarrick_20201110_en.pdf (accessed on 2 January 2021).

³⁵ Ibid. pp. 1–2.

³⁶ Ibid. pp. 2–3.

Thus, clerical sexual abuse, along with demographic changes in the laity and its growing secular beliefs have become reasons to demand major theological, canonical, and management reforms within the Church. As revelations became the fodder and exclusive purview of grand jury hearings, subpoenas for Church records and criminal arrests, they fueled demands to monitor the actions of priests and Church employees, educational activities, and student organizations. Increased civil lawsuits and bankruptcies as well as extensive negative media coverage gave birth to lay activist groups, national conversations, and reconsiderations of Church exemptions and its favored political status around the world.

6. The Results of the Waning Influence of the Catholic Church

During the last half century, then, world-wide demographic shifts and the growth of secularism and its attendant policies have been compounded by the clerical sexual abuse crisis, and have challenged the Church's Vatican II goal to become a more relevant moral and positive political influence in the world. In short, its inability to adjust to these global realities has compromised the Church's ecumenical and evangelical goals; a fact that can be seen in its Church-State relations around the world.

In general, civil law has taken precedence over canon law in much of the world. Demands for revisions to the Church's ecclesiastical definition of sexual abuse as a grave sin or a moral transgression in Church law have now finally resulted in an official recognition that predatory behavior is a criminal activity to be reported to civil authorities as the law requires. In his *moto proprio*, or executive order, "You are the Light of the World,"³⁷ Pope Francis recently compiled and outlined how reports of sexual abuse should be handled by those in charge of clerics accused of such crimes.

Civil challenges have also revealed the need to reform the processes by which the clergy are managed so that their former liability protections can now be subject to civil challenges. In the United States, for example, bishops in twenty-two dioceses and three religious orders have declared bankruptcy, with one other considering the same means to deal with the financial problems brought on by clerical sexual abuse claims.³⁸ Each of these dioceses challenged the right of civil authorities to subpoena the records of its clergy in cases of sexual abuse. They claimed that the supervision of religious personnel was exempt from civil intrusion and oversight. To do otherwise, they argued, violated the First Amendment as well as the principle of separation of Church and State. However, in case after case, members of the hierarchy were ultimately required to turn over, heretofore privileged information. Either in grand jury hearings or other venues, these files were made public, and in some instances were required to provide information going as far back as fifty years to reveal allegations that implicated even priests who had died.

While there are many examples of these types of civil actions against Catholic hierarchy and clergy, they also involve Catholic offices that are different from country to country. In Bruges, for example, the Conference of Belgian Bishops was held under house arrest while civil authorities conducted a search on a committee office that was investigating sexual abuse claims in the Catholic Church. At the same time, the French press claimed that police

³⁷ Pope Francis (2019). *You Are the Light of the World*. Apostolic Letter in the form of "Motu Proprio" of the Supreme Pontiff Francis "Vos estis lux mundi". 7 May 2019. Available online: http://www.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio-20190507_vos-estis-lux-mundi.html (accessed on 25 March 2021).

³⁸ *Bankruptcy Protection in the Abuse Crisis*. Available online: <https://www.bishop-accountability.org/bankruptcy.htm> (accessed on 19 August 2020). This website (www.bishop-accountability.org) has the most complete data, but it is now compiled in a format that would give exact numbers of financial payments. See below: Archdiocese of Portland OR (filed 7/6/04), Diocese of Tucson AZ (9/20/04), Diocese of Spokane WA (12/6/04), Diocese of Davenport IA (10/10/06), Diocese of San Diego CA (2/27/07), Diocese of Fairbanks AK (3/1/08), Oregon Province of the Jesuits (2/17/09), Diocese of Wilmington DE & MD (10/18/09), Archdiocese of Milwaukee WI (1/4/11), Congregation of the Christian Brothers (4/28/11), Diocese of Gallup NM (11/12/13), Diocese of Stockton CA (1/15/14), Diocese of Helena MT (1/31/14), Archdiocese of St. Paul and Minneapolis MN (1/16/15), Diocese of Duluth MN (12/7/15), Diocese of New Ulm MN (3/3/17), Diocese of Great Falls-Billings MT (3/31/17), Crosier Fathers and Brothers MN & AZ (6/1/17), Diocese of St. Cloud MN (intention announced 2/28/18), Archdiocese of Agaña, Guam (1/16/19), Diocese of Winona-Rochester MN (12/3/18), Archdiocese of Santa Fe NM (12/3/18), Diocese of Rochester NY (9/12/19), Diocese of Harrisburg PA (2/19/20), Diocese of Buffalo NY (2/29/20), Diocese of Rockville (10/1/20).

sealed off the home of an Archbishop and took possession of his computer and documents after searching his home and office for information on allegations of predatory behavior.

Again, in the United States, the hierarchy had been assured of its control over the Church's vast property interests and assets, but now because many dioceses cannot be micromanaged from the Vatican daily, they are subject to individual civil oversight problems and tort liabilities.³⁹ Thus, civil bankruptcy proceedings to resolve tort liability for clergy sexual abuse have increased and been successful in the United States. They allow public scrutiny of Church financial records. In short, Catholic religious organizations are considered "significant economic actors in the secular world"⁴⁰ and, therefore, not above legal, financial challenges. In fact, civil courts have reorganized the financial holdings of many dioceses, archdioceses, and religious orders resulting in monetary settlements that have topped over four billion dollars in the United States alone.⁴¹

These numbers are rising in other countries as well. In fact, there is no part of the world where civil settlements for clerical sexual abuse have not occurred. While many of these demands for records and financial suits against the Church for liability are becoming more prevalent, the Church must continually face such increasing challenges. Up to now it has been able to use two facts to protect it from accountability in many international liability suits. These include the sovereign immunity of the Holy See as a defendant in such cases and the possible liability of the Holy See if it were indeed sued. International attorneys differentiate between the Holy See and the Vatican State and claim that this distinction makes such suits difficult to adjudicate.⁴² In every country where civil investigations about clerical sexual abuse have occurred, formerly privileged information, however, has been required to be made available to government authorities. Thus, the Church's own legal system around the world no longer serves as a bulwark against accusations of sexual abuse.

Civil law has prevailed over canon law in terms of criminalizing clerical sexual abuse and holding the Church financially liable for such predatory actions. The long-held prerogative of the Church as the manager of clergy in all matters, both ecclesiastical and civil has ended. The Church is now held to the same legal standards as corporations, organizations, and individuals in most countries, causing a changed perception of the role of the Church as an equal to civil organizations rather than a unique, uplifting, moral guide working for the common good.

As a result, the Church's charitable work is increasingly harder to carry out, with its clergy appearing as suspect, and its leadership as impotent. These conditions fuel the "image" of a Church only concerned with its reputation and resources, even after its attempts to deal with clerical sexual abuse. This continues to erode its perception from a promising role model in society to a threatening one.

The balance of power, then, between Church and State, which at one time counted on Catholicism for moral guidance as well as political and social support, is currently being re-calibrated in many countries around the world.⁴³ It has placed the Church in a defensive posture, losing its credibility in the court of public opinion and its role as the moral voice in geopolitical issues.

Having been left with a lessened moral, social, and political role in the Western Hemisphere for the reasons discussed above, the Church is now seeking to gain greater influence in those parts of world where demographic shifts can provide it with a greater number of religious adherents. But will this be enough to regain its former role as moral guide to the rest of the world?

³⁹ Marie T. Reilly (2019). *Catholic Diocese in Bankruptcy*. 49 Seton Hall L. Rev. 871. Available online: <https://elibrary.law.psu.edu/bankruptcy/105/> (accessed on 19 August 2020).

⁴⁰ Ibid. p. 291.

⁴¹ (Ruhl and Ruhl 2015) The argue that many dioceses do not give complete information and settlements made with victims who originally signed non-disclosure agreements and have not been reported in most cases.

⁴² Nicholas ? (?). Reassessing the Immunity and Accountability of the Holy See in Clergy Sexual Abuse Litigation. *Journal of Church and State* 62: 59–85.

⁴³ See for example, Jo Renee Formicola (2016). Recalibrating U. S. Catholic Church State Relations: The Effects of Clerical Sexual Abuse. *Journal of Church and State* 58: 307–30.

The problems caused by the Catholic clerical sexual abuse crisis in Ireland provide a stark view of what could be a striking break with traditional Catholic social doctrine and practice by a new generation of the laity. This is due to what has been discussed earlier as the principle of “benevolent secularism.”⁴⁴ It is a new day for Church-State relations in Ireland. The government has gone so far as to require priests to report suspected cases of sexual abuse, even if they were revealed in the confessional. Significant investigations continue into the abuse of children by both priests and nuns. Some refer to it as the rise of the “Celtic Tiger,” a time of cautious independence from the religious, social, and political power of the Catholic Church.

Other types of Church-State problems exist in Italy. They revolve around the appropriate way to handle the concept of benevolent secularism within the context of Article 2049 of Italy’s Civil Code. That law deals with the relationship between “principals” and “agents” and illicit acts that might occur within the context of an individual’s employment. Within the broad area of clerical responsibility, the question arises over the liability of an ecclesiastical entity for illicit actions committed by its clergy’s work in pastoral care.⁴⁵ Italian courts have essentially held that Church arguments about the lack of compatibility of Italian law and canon law are irrelevant in civil law and that the compelling interest and betrayal of the victims’ trust takes precedence over the finances and reputation of the Church.⁴⁶

These examples make it possible to see that such issues, and others, will continue to arise around the world as Church-State relations become more complex and demand for transparency as well as accountability become louder.

7. Conclusions

The Church-State implications of the sexual abuse scandals within Catholicism require a total re-set of the Church’s social policy agenda. In fact, Pope Francis has made attempts to discover the causes of such criminal activity. He has established a Pontifical Commission on Clerical Sexual Abuse, called a meeting of Church leaders to a Synod, and challenged the hierarchy to find solutions to the tragedy. He has even issued a “*Vademecum*”⁴⁷ or document that emphasizes the responsibility of diocesan bishops to promote unity among Christians, establish practical suggestions for how this can be achieved, and set out a detailed means of dealing with clerical sexual abuse.

Next, the Church must make a solemn commitment to create new processes that will assure transparency and accountability in cases of clerical sexual abuse. It has recently begun to do this by ending confidentiality agreements, systematizing processes to adjudicate the sins of clergy, and reporting them as crimes to civil authorities. Further, Pope Francis has ended the use of the Vatican as a place of sanctuary for those prelates accused of sexual abuse and assured the protection of children within the Vatican.

The Church must also reform its two millennia, intransigent bureaucracy and make changes to its policymaking apparatus. The historical top-down model that it uses to develop and implement policy must become a bottom-up model, one that includes the laity in greater numbers on significant issues. These include providing opportunities for more adherents to serve on relevant organizations that affect policies on crucial problems, such as the Pontifical Commission on Clerical Sexual Abuse, and increasing the number of appointments to religious councils. The information revealed in the McCarrick report is a

⁴⁴ Carolyn M. Warner (2020). Benevolent Secularism and the Recalibration of Church-State Relations in Ireland in the Aftermath of the Clergy Child Sex Abuse Scandals. *Journal of Church and State* 62: 86–109.

⁴⁵ Adelaide Madera (2020). Clerical Sexual Abuse and Church’s Civil Responsibility: A Comparative Analysis of American and Italian Case Law. *Journal of Church and State* 62: 66.

⁴⁶ Ibid., p. 70.

⁴⁷ Congregation for the Doctrine of the Faith (2020). *Vademecum* on Certain Points of Procedure in Treating Cases of Sexual Abuse of Minors Committed by Clerics. 16 July 2020. Available online: http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20200716_vademecum-casi-abuso_en.html (accessed on 25 March 2021).

hopeful sign that public transparency and the beginning of Church accountability are in the future.

Unless the Church is willing to make meaningful changes and respond to modern needs, it will succumb to the major challenges of its religious and social missions, leaving it without a positive civil influence around the globe. Only Church reform, reorganization, and meaningful leadership can provide the transparency, accountability, and assurance that Christ's institution is committed to moral guidance and, in turn, positive civil influence.

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