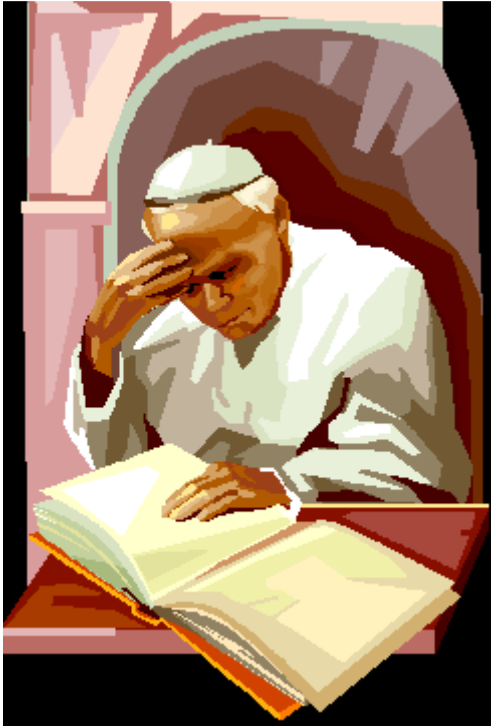


## The Catholic Sex Abuse Claims Scandal; Is The Corporate Standard Expecting Too Much?

April 6th, 2010



The history of clergy abuse and cover up now seems to be catching up with the Catholic Church more than ever. The Vatican's latest reply to this crisis [referring to the problem as "petty gossip"](#) is perhaps yet another example of the Church's less than appropriate response to a very serious and longstanding problem.

Coming from my professional background I can't help but think of this scandal in legal terms. What I'd like to do here is to address the topic of Clergy Abuse without the subject of religion entering the analysis. In essence, a legal overview of the problem.

First a quick disclaimer. This post is not meant to be a criticism of Christianity, the Catholic Church or even organized religion. What I want to do is discuss this scandal applying the same standards that any other large organization would be judged by. The question advanced in this post is simple; would the Church's response to the Clergy abuse scandal withstand public scrutiny if the Church were nothing more than a large corporation?

When you remove religion from the Church what are you left with? The answer is a large, powerful, wealthy multi-national corporation.

To judge the Church by the standards we would apply to a corporation we need to first strip down the Church to some of its basic "corporate" elements. This corporation has a top down hierarchy (from the Pope, to Bishops to Priests). The "corporate" church also has the following:

1. Assets and personnel all over the world
2. A hiring policy that specifically only allows men to fill important positions (priests)
3. These employees are prohibited from having sexual relationships with women
4. These employees are prohibited from marriage

5. To fulfill the needs of the business the corporation requires these employees to have close contact with their customers (the parish)
6. To further fulfill the needs of the business these employees are required to sometimes form close relationships with young children
7. These employees teach the children that the corporation (the Church) is their only hope to eternal salvation
8. If the rules of the Corporation are not followed the children are taught the fate of their very soul is at stake.

When viewed this way it is clear we are dealing with a very powerful corporation. Now, let's assume that some of this hypothetical corporation's employees were guilty of acts of sexual abuse against children. Let's further assume that the abuse of children by these employees was known by people in the hierarchy of the corporation, with the knowledge perhaps going as high as the CEO. Let's also assume that the corporate response was the same as the Church's has been to date. Lastly, let's assume the CEO of the corporation told its shareholders that such "*petty gossip*" should not affect the organization's well being. Reprehensible? Unimaginable? But this seems to be exactly what the Church's response to the scandal has been.

How would we expect a corporation to act in these circumstances? I imagine we would expect the corporation to at the very least do the following upon learning of on-the-job criminal acts of its employees:

1. Fire the employee
2. Gather and preserve evidence documenting the criminal act
3. Contact the local authorities and report the crime
4. Cooperate in the prosecution against the employee
5. Contact the victims and offer assistance
6. Conduct a due diligence review and see if the scope of the criminal behavior is greater than what has already been revealed
7. Immediately take all reasonable steps to guard against this problem from arising in the future

The hypothetical corporation discussed in this post would never receive your or my business if they failed to take the above basic steps in the aftermath of a sexual abuse scandal, would it? If the corporation tried to cover up the abuse rather than take accountability they would not stay in business for long. The downfall of the organization would be swift and spectacular once news of such a scandal came to the public's attention.

The good news for victims of abuse is that the Courts of British Columbia have little difficulty in treating Religious Organizations like corporations in Civil Lawsuits in the event of on the job sexual abuse. Abuse victims do have the right to sue not only their abuser but also their employers and in certain circumstances the 'corporation' can be held vicariously liable for the misdeeds of their 'employees'.