



Research Paper

The Problem of Pedophilia in the Catholic Church from the Perspective of Selected Social and Legal Contexts

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Abstract:

The crime of pedophilia is a special topic taken up not only in discussions held by lawyers and social scientists but also medics. On the one hand, the reason for undertaking similar shocking actions against children is analysed, on the other, the situation of the victims of similar crimes is examined. It is worth paying attention to the context of criminal law, that is, the way in which people who have been proven guilty of pedophilia bear responsibility. This topic arouses particular interest at the moment when we learn that the perpetrator of the crime in question is a person performing a profession of public trust. It is often shocking to learn that a teacher, priest or other clergyman is a pedophile.

This issue has been examined many times in the United States, in Ireland, in Germany and, in recent months, also in Australia and in Poland. It is in Poland - which, in 2020, celebrated the centenary of the birth of John Paul II - that the issue of pedophilia among the clergy arouses particular interest, as well as concern. The appearance of such behaviour on the part of a priest gives rise to particular pain, suffering, anxiety and also social anger. In Poland, for several years now, a regular debate has been held on the problem discussed here. Are the measures taken by the Polish Catholic Church entirely adequate? Does Polish law provide the possibility of effective criminal liability for people accused of pedophilia? Is the criticism of the religious community indicated here in this area presented in a reliable manner?

This article will attempt to answer these questions.

Keywords: *pedophilia, child sexual abuse, criminal liability, the Catholic Church, society.*

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I. INTRODUCTION

In early April 2020, media worldwide reported that the Supreme Court of Australia acquitted Cardinal George Pell of pedophilia charges. This case is extremely important. The cardinal mentioned above was the highest-ranking church official to be charged with child sex abuse so far. The Supreme Court, on the contrary to the lower instances, decided to dismiss the accusation against this cardinal, who from the very beginning insisted he was innocent^[1]. The case described here took place at a time when the world heard of events of a rather surprising nature. At the end of December 2019, the beatification ceremony of Archbishop Fulton Sheen was about to take place. This hierarch was a well-known and respected by Americans preacher involved in various charitable activities.

As a respected author of radio and television programs, he initiated religious activities through social media^[2]. However, the beatification ceremony was postponed due to the accusations that the famous American bishop had knowledge about the sexual abuse of one of the children. This act was allegedly committed by a priest subordinate to Sheen several decades ago. The case was not clarified until mid-2021. Although there is no hard evidence of the hierarch's guilt in this case, it should be noted that the subject of his alleged cover-up of pedophilia crimes has for some time become an important element of the debate on how the church should react to the sexual abuse of children. Media reports have pointed out potential reasons for the Vatican's actions.

As noted: "According to the Catholic News Agency, the issue is the Attorney General's ongoing investigation into the New York bishops and dioceses." (...) The reason for the delay request are concerns that Archbishop Sheen may be quoted in the final report on the Attorney General's ongoing investigation into the New York bishops and dioceses.

The investigation began in September of this year. It is ongoing into whether any of the state's eight Roman Catholic dioceses covered up acts or allegations of sexual abuse by clergy. One of the dioceses under investigation is Rochester - Fulton Sheen was bishop there from 1966 to 1969^[3]. It's also worth noting that there was a thread in the case discussed here that is likely to stir up particular emotions. The promoter of Archbishop Sheen's beatification was Theodore Edgar McCarrick, a former American cardinal who lost the clerical state in 2019. The Congregation for the Doctrine of the Faith had proven him to have sexually abused children and adults^[4].

However, the topics presented here show very clearly that the issue of pedophilia in the Catholic Church has been, is, and probably will continue to be of great interest for many years to come. Priests belong to a group of professions with special public trust as they fulfil a meaningful social task just like teachers, doctors and lawyers. However, it must be emphasized, that the trust the priests have in society may be greater than, for example, the trust that is placed in therapists. It is commonly known that priests are entrusted with special information that we can call the "secret of the soul". The media appearance of the information indicating that a priest was the perpetrator of pedophilia arouses particular interest, surprise and shock^[5].

The Polish perspective on this topic has a very important global significance, as it is the motherland of Saint John Paul II. We are talking here about a Pope unique in the history of the 20th century. A man who united, built bridges of understanding, who created opportunities for dialogue between quarrels, between conflicting religions and countries. Poles still have a very vivid memory of this holy Pope^[6]. It should also be remembered that for nearly half a century Poland was under the strict control of the Soviet Union, and it was among the priests and the church that many thousands of people received help, support and shelter. Polish priests such as Father Jerzy Popieluszko are examples of great figures who died a martyr's death for their faith^[7]. In Poland, the information about cases of sexual abuse of children by clergy has aroused particular surprise, shock, and suffering. Public confidence in the Catholic Church has been at a very high level for a number of years, as evidenced by the fact that most of the Polish population professes to be Catholics. The Catholic Church in Poland has taken action to change the situation and to redress the wrongs experienced by the victim. For example, the Polish Episcopate has set up the St Joseph's Foundation, which aims to support abused people by financing psychological and legal help: the Foundation is supported by all priests and bishops in Poland^[8]. The Polish state also took the initiative to create a law, which aims to set up a special commission to investigate cases of pedophilia not only among priests but also among representatives of other professions^[9]. Still the question arises why the attention was focused especially on representatives of the clergy of the Catholic Church? Can we really speak here of a special profession with a unique status of public trust? In this context it is worth considering whether the activities undertaken by the church are really of an adequate character and whether they can lead to an effective fight against the evil of pedophilia? It is worth answering these questions by referring above all to the analysis of mass media and also to the study of particular cases which are of significance for the clarification of the issues discussed here. It may be equally important to dwell upon the content of the formal documents that are crucial for the investigation of the cases of pedophilia among the clergy^[10].

Activities and questions

At the beginning of February 2019, a group of Polish activists, including those who were sexually abused in childhood, and several Polish politicians presented Pope Francis with a document in which the so-called "Map of pedophilia in the Polish church"^[11]. Reading the indicated study of the Foundation "Nie Lękajcie Się" - "Have no fear" you can experience anger for at least two reasons. Firstly, it is caused by descriptions of the activities of clergy who take advantage of the helplessness and defenselessness of children. Second, unfortunately, the reader may be disappointed to realize that this material has been developed in a way that is far from professional research. Generalizations, emotional phrases and factual errors are just some of the elements that may undermine the content of this report presented in the Holy See^[12]. There is, however, an interesting part in it, suggesting that the work of church delegates appointed by bishops to assist victims of sexual crimes is, unfortunately, apparent. Are their actions just a facade? Is it also the subsequent declarations of the Polish clergy, who loudly emphasize that it deals with the reported cases of sexual abuse of children in an informed manner.

Church corporation

The report of the "Have no fear" Foundation presented to the media gathered at the meeting with Pope Francis is unfortunately an example of actions that are far from professionalism. In the media there appeared information indicating that the founder of the above mentioned organization, despite earlier declarations, had

never been harmed in childhood by a clergyman. A few months after the presentation of the above document, it was announced that the Foundation would be closed down^[13]. Leaving aside, however, a deeper analysis of the report mentioned here, it is worthwhile to dwell on a few questions that arise: Does the Catholic Church have the awareness and idea how to deal with the revealed cases of pedophilia crimes? Does it have the means and skills to do so? Are the clergies prepared to emotionally and in fact deal with the crimes of their colleagues?

In the Polish Catholic Church there are many clergymen who speak up for the rights of suffering people. One of them was Fr. Jan Kaczowski, who died several years ago. In one of his statements he said that, as a clergyman, he was a member of the "Corporation of the Catholic Church". He added that it has – (the Church) - representations all over the world^[14]. In this context, it can be added that this corporation consists of a unique group of members. There are those present who participate in the spiritual life of the institution. We also perceive the officers who direct it. The latter are educated in specially dedicated educational institutions. They use a specific language. Moreover, they are governed by internal rules and laws, indicating, for example, the rules of passing information, solving disputes, explaining crimes^[15].

Jan Kaczowski's statement about corporations is invaluable for today's discussion about pedophilia, in which we see important elements of so-called clericalism. Looking at the meetings organized in the Vatican, listening to the statements of Polish bishops, as well as reading the official documents of the Church on the problem of pedophilia, one can come to the conclusion that the laity are only "guests" in the whole matter. The Church's delegates for pedophilia among the clergy are mostly clerics. This happens not only on the level of Polish dioceses, but also in religious structures. It is also worth noting that in the bishops' courts deciding about the canonical punishments imposed on priests accused of forbidden sexual acts only clerics sit, which is regulated by legal regulations^[16].

There are no lay people here, although among them there are many specialists in canon law (also with doctorates). Let's look at the composition of the episcopal curia. It is difficult to find laymen in the particular bodies dealing with health, education and upbringing. It is therefore rare to see lay directors to whom the Church would entrust a responsible function concerning, for example, youth or family ministry. Of course, it can be argued that the laity will not change the Catholic Church. Furthermore, it is not their role to relieve clergy of its responsibilities. That's true. The problem, however, in explaining the crimes of pedophilia committed by clergymen is that its analysis, evaluation and judgment have been entrusted only to clergymen. The result may be not only a growing distrust of people who explain the matter, and at the same time may be closely related to the perpetrator. It can also result in the secondary victimization of a person who has experienced repeated suffering at the hands of a person who is "similar" in appearance and behavior to the perpetrator^[17].

Lay people do not share responsibility for explaining such cases. In the language of the Church, they are first and foremost "People" and "Believers". They constitute a community "walking together to God." Thus, a huge disproportion can be seen here. The Church as a clerical institution - despite the critical position of Pope Francis on this issue - is still created in the vast majority of cases by clerics^[18]. Previously, they were educated and raised by other people, including clergy. Patterns of thought, as well as the way of thinking, speaking and interpreting facts are mechanically passed on to the next generation of priests. They may not understand the complexities and contexts of lay people's situations. Similar attitudes may not change for decades in such a case. Experiencing the lay person's perspective here may prove impossible for a priest or bishop. As a result, the clarification of the matter will often be based on perspectives that are distant to people outside the group of clergy^[19].

Pedophilia, as a social phenomenon, presents an important paradox. The Catholic Church, which is one of the few institutions in Poland creating restorative procedures, at the same time experiences the most criticism for crimes of sexual abuse committed not by its members, but by "functionaries" who acted as priests. Certainly, a similar crime committed by a doctor or teacher should be judged in a similar way by the justice system. It should be remembered that to a priest a believer entrusts something much more unique than even his health. He gives him the secrets of his soul, the secrets of his conscience^[20]. In a certain way, he completely reveals himself to him. It seems justified to express indignation in situations when more and more information about sexual crimes committed by certain priests appears. The clarification of these cases requires several elements to be implemented.

First, it is about moving away from a system in which the responsibility for the actions of the community is borne solely by the clergy.

Second, it is necessary for clergy to see not only the perspective of the laity but also the nature of the suffering caused by pedophilia.

These contexts will be developed further below.

The clergyman as a partner in action

The perception of the clergy person in society, including Polish society, has a unique character. It is also connected to the way in which in recent years clergy have been perceived through the prism of broadly

defined themes connected with human sexuality. A similar phenomenon can be seen in a social experiment that was conducted in one of Polish cities. Passers-by were asked the question: "What would you do if your parish priest and his assistant turned out to be homo sapiens? Would you then change your parish?" This question was posed to a dozen people by the creators of the brzoza.tv channel.

People were asked to relate to this de facto irrational problem. As it turned out, the answers were much more surprising than one would expect. The respondents were divided into three groups. The first one seriously emphasized that "priest homo sapiens" is outrageous. This person, in their opinion, should be immediately transferred to another place, because he is worse and violates the basic rules of the clergy. One of the interlocutors, who later turned out to be a teacher, added that homo sapiens is a violation of the standards of a unique vocation. Another interviewee emphasized that such persons should be "hanged." There was also an opinion that "the time has come to deal with such behavior". The second group of people interviewed indicated that they do not go to church and do not participate in religious life. These people added that they do not believe in priests and they are not interested in all that. However, some of them said that the homo sapiens pastor "is a problem after all." A third group was surprised to see, rightly, that there was something wrong with the question. After all, we are talking about "rational man," and every human being is a representative of just such a species^[21].

The film mentioned here has received a bit of attention. The dialogue that the creators of brzoza.tv raised has a significant character. Certainly, one must take into consideration that people who watch the camera do not fully listen to the content of the question asked. Probably they thought it was a situation when two homosexuals are priests in the parish. However, looking at the content of the answers one can come to an interesting conclusion: homosexual activity is mistaken for some unspecified sexual problem.

The priest - gay in these statements is not accepted by the representatives of society, who, however, have apparently confused the topic of sexual orientation with the issue of sexual abuse of children by representatives of the clergy. So what do Poles think when they refer to "clergy persons": Do they understand what pedophilia is, or has the generalization already reached such a level in society that any substantive discussion is difficult?

The video shown above was released on May 26, 2019. A few days earlier there was the premiere of the film "Tell No One" about the cases of several priests who sexually abused children. It shows encounters of harmed persons with priests who had committed a crime against them in the past. The production was met with great interest by both scholars and the public^[22].

It evoked not only a lot of questions but also emotions^[23]. Currently, typing the word "priest" in an Internet search engine one of the first places is occupied by information about convicting priests accused of pedophile crimes^[24]. In Poland, another people join the ranks of priests in May. Just two hours before the premiere of the Sekielski brothers' film, a solemn mass in the cathedral in Katowice ended. Seven deacons were then ordained. They begin their "work" at a time when trust in the clerical state has clearly eroded. In a document published in 2013 "On the Problems of the Church in Poland" noted that "respondents indicated pedophilia of priests and clergy as the biggest problem that the Church does not deal with" (43%)^[25].

On the other hand, the results of the 2019 analyses conducted on the discussed topic point out that Polish society negatively assesses the way the Catholic Church authorities react to the disclosed cases of sexual abuse committed by clergy (27% - definitely the wrong reaction, 24% - the wrong reaction). As it turns out, 36% of respondents indicate that, in their opinion, the publicly presented scale of pedophilia committed by clergy is incomplete^[26]. In a 2021 study commissioned by the Rzeczpospolita, almost 40% of respondents considered that "only the state has a chance to solve the problem of pedophilia among priests"^[27].

The above mentioned film "Tell No One" is of particular importance for the Polish discussion on the subject discussed here. It is the first time that memoirs of abused people and their conversations with perpetrators have been presented. These conversations confirm that sexual abuse has occurred in the past. This production may be particularly painful for people who based their faith solely on priests.

There is often information indicating that a person has stopped engaging in religious practices because of inappropriate behavior of a clergyman. The information that a priest is a potential pedophile is very painful for many people. At this point it should be emphasized that the community of the Church, including the Catholic Church in Poland, has been taking significant actions to counteract violence committed also by priests. Procedures have been put in place to bring the perpetrators to justice. As mentioned earlier, organizations are being established to protect and support the victims^[28]. It is worthwhile to look at an important initiative that has been underway for several years. We refer to the institution of delegates who are appointed by the bishop and the superior of the Order to contact persons who have been wronged.

Important action

In Poland, the topic of sexual abuse of children and adolescents regularly returns to public discussion. This was the case following the emergence of a woman's memoirs publicly claiming that she had been a victim in the past of Fr. Henryk Jankowski, the late, well-known activist who supported the Polish trade union

"Solidarność" during the communist era. Representatives of the Gdansk curia stated that "no person has come forward to the archdiocese with an accusation against Father Henryk Jankowski^[29]. The information was presented to the media by Fr. Dr. Grzegorz Szerszeń who is the diocesan delegate for the protection of children and youth. Some of the people following the case must have started to wonder who was right in a similar case. On the one hand, the persons accusing the deceased clergyman emphasize that there is clear evidence proving not only his guilt, but also the lack of decisive actions by church superiors in the discussed case. On the other hand, however, the Gdansk Curia added that, in its opinion, it is difficult to find reasons to initiate a case based solely on media reports concerning a person who has no possibility to defend himself (in the end, the readiness to investigate the case was in line with the guidelines of the Polish episcopate). There is also a third area of the subject under discussion. How is it possible that the diocesan and religious delegates for the fight against pedophilia in the Church have, with individual exceptions, become exclusively clergy? How is a person who has been abused by a man wearing a clerical outfit supposed to report, in safe conditions, the sexual abuse committed by a person wearing a similar outfit?

On the website of the Child Protection Centre in Krakow you can find a list of similar, church-based specialists. However, it is difficult to find lay specialists among them. There are also no representatives of female religious orders. As indicated on the portal of the above-mentioned Centre: "In each diocese and religious province there is a designated delegate for the protection of children and young people - a person responsible for receiving reports of sexual abuse of minors by a cleric and for indicating psychological, legal and pastoral assistance. Persons who have been abused by clergy, or who have knowledge of such abuse, are asked to contact the delegate of the respective diocese or religious congregation^[30].

Looking at the actions of the Catholic Church on pedophilia - as has already been pointed out - one can see a clear dissonance. First of all, there is real action in this area. There are firm announcements, clear positions, legal procedures are being improved, research is being carried out, new institutions are appearing, such as the ecclesiastical delegates mentioned above. Priests, including bishops, who are found guilty of crimes lose their clerical state or have their positions withdrawn^[31]. On the other hand, there is still a lack of action which takes into account the specific situation of the lay person. Very often people without any experience in dealing with a person experiencing trauma have been appointed to receive and explain cases and complaints in this area. The above-mentioned Fr. Szerszeń (no longer performs this function) is a canonist and lectures at the university dealing with religious validity. In Łódź, the first delegate was a long-time chancellor of the curia, also a specialist in church law: a woman, who was a psychologist, joined him. The doctor of canon law was also responsible for the Dominican support for the victims. There, the delegate was first Fr. Dr. Mirosław Sander, as we read in his biography: "lawyer of the Province, councilor of the Provincial Council, lecturer at the College of Philosophy and Theology of the Polish Dominican Province, the prior of the monastery." The Jesuits followed a slightly different path. They had a similar service for Jarosław Naliwajko, who was a psychotherapist. There are, of course, many examples. Regardless, however, whether the indicated specialists have lost experience, for example in working with children and young people (such as Salesian Delegates) or not, a significant doubt remains valid. Accepting a sexual abuse case is an exceptional situation. This is the moment when the injured person experiences excruciating suffering, going back to the painful past. In most cases, the information about the painful behavior of a priest is still passed on to another priest.

The appointment of clergy as ecclesiastical delegates for the protection of children and young people unfortunately shows a far immaturity in the analysis and reflection carried out by the hierarchy and superiors dealing with this subject. It shows, unfortunately, a lack of sufficient understanding of what is pain, trauma and suffering that lasts for many years. The institution of the Church, by appointing only priests and religious to deal with the subject of the sexual abuse of children, has completely trivialized the subject of secondary victimization. One can come to the conclusion that it was considered crucial for the delegate to have competent legal and canonical knowledge rather than empathy, diagnostic skills and the ability to establish a therapeutic relationship. Surely there must be people in the curia who are specialized - in the context of similar topics - in the problems of, for example, the canonical criminal process. However, talking to a victim of sexual abuse requires not only tact and sensitivity, but also knowledge and skills. It is positive that, among others, the above-mentioned Centre for Child Protection regularly organizes trainings for church delegations. However, the lack of participation of lay specialists receiving applications in church institutions may lead to a lack of effects and a lack of positive changes.

II. CONCLUSIONS

At the beginning of 2021, Archbishop Tadeusz Wojda began his work as Archbishop of Gdansk. He took over this position after his predecessor, who was charged with covering up the crime of pedophilia. In one of the first interviews after his appointment, he said: "I am aware that victims of pedophilia suffer enormously. Personally, I am always very sad when I encounter situations of this kind. Many times I ask myself how an innocent child could be harmed in such a way" ^[32]. Reading such words it is worth considering whether

Archbishop Wojda is really 'aware' of what people feel whose suffering is usually spread over a lifetime. We are talking here about people who had to keep silent for years, "because it was the right thing to do".

It is about people who have not mentioned their pain to their loved ones, experiencing a strong fear consciously aroused by the perpetrator. People whose pain has been underestimated by many over the years. The lack of awareness of the suffering of those who have experienced sexual abuse in childhood is not limited to clergy. The results of research - also conducted in Poland, clearly indicate that there is a significant problem with understanding the phenomenon of pedophilia by representatives of the judiciary who decide to impose still liberal penalties. However, there is no doubt that a pedophilic act committed by a member of the clergy arouses particular interest and anger. As indicated above, priests and religious are persons who, as it were, have been trusted for many years, marking their special social position.

Two decades ago, Pope John Paul II, in his apostolic letter "Novo Millennio Ineunte", emphasized: "What is needed today is a new imagination of mercy, demonstrated not so much and not only by the efficacy of aid, but by the ability to be a neighbour to suffering people, to show solidarity with them, so that the gesture of help is not perceived as a degrading almsgiving, but as a witness to a fraternal community of goods". This right statement of a Polish saint requires - with regard to those harmed by the crime of pedophilia - that we take a step back. It is necessary to first experience "the imagination of suffering".

It is not an easy task. Sexual abuse, harassment and rape are somehow paradoxical topics. On the one hand, many people talk about them aloud, rightly stigmatizing the crimes committed and demanding that the perpetrators and those who cover up the crimes be brought to bear. On the other hand, many people naturally distance these issues from one another. These topics hurt, not only when reading court files, but also when we see a young woman talking about her childhood mutilations, about wounds to her soul and body. Our perception of this kind of suffering will always be somewhat imperfect. There is a ton of pain that no painkillers work for. Rule and long-term therapy do not help to cope with suffering quickly. It is worth remembering, however, that the opinions of commentators and experts are not the most important in these contexts. The most important are those who have the right to speak out loudly for justice. This perspective should force and motivate to immediate help and action, no matter who the perpetrator was and what outfit he wore on a daily basis.

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- [18]. This is perfectly illustrated by a certain situation that took place in Poland in August 2021. During a prayer in Jasna Góra (a special place for Poles, to which pilgrimages are regularly organized), Bishop Antoni Długosz addressed the topic of sexual abuse of children. His statement focused on the theological perspective of the exercise of the mission of a bishop. In his brief discourse on abused persons, he focused on the mission that a bishop carries out. He stressed that his role is to be a merciful father, also towards those priests who "sin and go astray" <https://www.rp.pl/Kosciol/210819778-Biskup-Dlugosz-o-pedofilii-ksiezy-Kiedy-ksiazdz-grzeszy-jesli-otrzymuje-od-ksiedza-chec-poprawy-przebacza-mu.html>
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- was he who shared the news of the incident at school with his father, for the next morning his father knew all about it and punished Rudolf severely for causing the accident. The boy was convinced that the priest had violated the secrecy of his confession, and his deep faith was fundamentally shaken. From that moment on, he no longer regarded priests as people who could be trusted implicitly, he no longer went regularly to church, went to confession less and less, had more and more doubts about his faith and gradually drifted further away from religion. S. Batawia, Rudolf Hess, *komendant obozu koncentracyjnego w Oświęcimiu*, „Archiwum kryminologii”, Vol. XXVII, 2003-2004, p. 22- 23.
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