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A BRIEF EXAMINATION OF PEDOPHILIA AND SEXUAL ABUSE COMMITTED BY NUNS WITHIN THE CATHOLIC CHURCH

INTRODUCTION

As a child, my father was a little hellion.¹ He's told my sisters and me countless stories of his early years, which were mostly spent tormenting his younger siblings. He would, however, occasionally take a break to torment instead the nuns who ran his Catholic school.

One of my favorite stories concerns my father's practice of putting massive amounts of Butch Wax² in his hair. On one particular day, he was acting up in class. A nun grabbed him by his flat-topped hair and slammed the back of his head into a blackboard. His hair product left a grease spot that never came off the board, rendering it unable to be written upon ever again.

Though my father's point in telling this story was to make fun of how much wax he used to put in his hair, it always disturbed me. As a child, I was the opposite of my father: a very quiet and obedient girl growing up in the age of political correctness. Acting up in class was unthinkable, and the thought of a teacher hurting one of her students was beyond my wildest nightmares. So my Dad's story of nuns impressed upon me at an early age that perhaps nuns were not to be trusted.

Fast-forward to the current era, when the allegations of child abuse by the clergy of the Catholic Church are so widespread, they are caricatured.³ Not only priests, but the bureaucracy of the Church itself is accused of enabling child abuse by shuffling priests from diocese to diocese without any thought about the dangers of keeping them near children.⁴

1. This note is dedicated to my father, William, for growing up into a big hellion. It is also dedicated to my uncle, Robert, for leaving through the window when the nuns told him he couldn't leave through the door.

2. Butch Wax is a thick and greasy hair care product that was most popular in the 1940s and '50s. Boys of that era (my father included) used Butch Wax to hold their flat-topped haircuts straight up. Reference to Butch Wax may be found in vintage hair care discussion forums throughout the internet. See, e.g., The Fedora Lounge Discussion Forums, <http://www.thefedoralounge.com> (last visited Mar. 15, 2006).

3. See, e.g., Daryl Cagle, Professional Cartoonists Index: Pedophile Priests, <http://www.cagle.msnbc.com/news/PedophilePriests/main.asp> (last visited Mar. 15, 2006) (displaying numerous political cartoons on the subject of sexual abuse by priests).

4. ELINOR BURKETT & FRANK BRUNI, A GOSPEL OF SHAME: CHILDREN, SEXUAL ABUSE AND THE CATHOLIC CHURCH 19-20 (1993).

It's no secret that there have been priests, bishops, and even cardinals involved in performing and perpetuating the abuse of children. But what about nuns? Nuns are around children just as much as priests,⁵ if not more, due to their traditional role in Catholic schools.⁶ Aren't nuns just as likely to be child molesters as priests?

Massachusetts newspapers have followed a recent case involving former students at the now-defunct Massachusetts School for the Deaf⁷ accusing the nuns who ran the school of abusing them, both physically and sexually.⁸ Though this case has not yet gone to court, it has stirred up great controversy in recent months, due not only to the extent of the alleged abuse, but also to the sex of the alleged perpetrators.

This note examines how the Catholic Church's perspective on and treatment of women affects child abuse in the Church. This note also seeks to discern the pervasiveness of sexual abuse committed by nuns and why it seems to receive less publicity and scrutiny than abuse committed by priests. Finally, this note examines how the seeming ignorance of females as child molesters is treated in the law, specifically in punishment (or lack thereof) for female abusers.

CELIBACY IN THE CATHOLIC CHURCH: AN HISTORICAL PERSPECTIVE

In America today, celibacy and religion appear most closely associated in Catholicism, but religious celibacy predates Christianity.⁹ Evidence of clerical celibacy is found in the most ancient religions;

The bishop of Fall River first learned of [Father] Porter's predilections [for the sexual abuse of children] in March 1964, when his chancellor . . . finally informed him that Porter had molested thirty to forty children at St. Mary's By September 1965 . . . he was transferred to St. James parish in New Bedford to work as the chaplain at a local hospital. Within months, he was training altar boys in New Bedford. Within weeks, he was abusing them.

Id.

5. Paul Yovino, *And Now the Allegations About Nuns*, BOSTON GLOBE, Aug. 23, 2004, at A10. "Nuns had access to children for much longer periods of time than did priests, and within societies that were secretive and cloistered far more than priests." *Id.*

6. See generally JOHN J. FIALKA, *SISTERS: CATHOLIC NUNS AND THE MAKING OF AMERICA* (2003).

7. Deaf children may be considered "easy targets" for child molesters if they are unable to communicate what is happening to their hearing parents.

8. Franci Richardson, *Deaf Plaintiffs Speak Loudly: Nuns Raped Us, Tortured Us*, BOSTON HERALD, May 12, 2004, at 2.

9. GORDON THOMAS, *DESIRE & DENIAL: CELIBACY & THE CHURCH* 8 (1986).

in his study of religious celibacy, Gordon Thomas writes, “[f]ive thousand years before Paul addressed the Corinthian Christians there were celibates in India. Judaic belief is partly focused on the premise of the ‘impurity’ of women: at one time only men who eschewed sex were believed to be exalted enough to serve as rabbis.”¹⁰

The Catholic Church itself had no restrictions upon the marriage of its clergy members until the Counsel of Elvira passed an optional decree of celibacy in 305 CE.¹¹ Celibacy was not mandatory until the eleventh century, when Pope Gregory VII ordered clergy members to be celibate in order to prevent Church land from falling into the hands of their families.¹² The deprivation of families’ rights to Church land was not the only reason for the Church’s celibacy requirement. As the Church drew heavily from Grecian, Roman, and Judaic history, and sought converts from both Judaism and Roman paganism, it adopted their traditional disdain for females.¹³ According to Jason Berry:

To survive, Christianity submitted to certain strictures; slavery was one, subservience of women another. Public roles for women would have clashed with the dominant Greco-Roman and Judaic standards that influenced the early church. Patriarchal thought considered that menstruation made women ineligible for the rabbinate. Christianity inherited such taboos and denied ordination to women. What ministering women could do was relegated to what theologian Elisabeth Tetlaw calls “the inferior, but socially more acceptable, office of deaconess.”¹⁴

To this day, the Church bars female members of its clergy from rising above the office of nun, while male members hold sway via the more elevated positions of bishop and cardinal.¹⁵ In addition, author Gordon Thomas postulates that while the lower status of women in the Church was partially the cause of the celibacy

10. *Id.* at 8.

11. *Id.* at 8-9. Despite this note’s religious topic, it employs the secular “Before the Common Era” and “Common Era” rather than the traditional “Before Christ” and “Anno Domini.” See The Use of CE and BCE to Identify Dates, <http://www.religioustolerance.org/ce.htm> (last visited Mar. 15, 2006), for a discussion of the use of secular date identifiers.

12. JASON BERRY, *LEAD US NOT INTO TEMPTATION: CATHOLIC PRIESTS AND THE SEXUAL ABUSE OF CHILDREN* xx (1992).

13. *Id.* at 176-77.

14. *Id.* at 177 (quoting ELISABETH TETLAW, *WOMEN AND MINISTRY IN THE NEW TESTAMENT: CALLED TO SERVE* 129 (1980)).

15. See, e.g., Church Hierarchy, <http://www.catholic-pages.com/church/hierarchy.asp> (last visited Mar. 15, 2006).

doctrine, it also became another instrument to keep women from seeking equality.¹⁶ He suggests that priests, denied the "balancing" of a wife and children, are forced to develop stereotypically "feminine traits . . . to be gentle, meek, and kind."¹⁷ Without a wife and children, "psychologists argue . . . these virtues can lead to a psychological imbalance . . . allowing positive qualities to assume a negative light."¹⁸ In addition, Thomas states:

Psychiatrists, along with the more liberal of the Church's theologians, and of course, nuns, believe this tendency could explain why some priests, after a period of celibacy, compensate with an excessive exercise of power. The sisters, in particular, claim that much priestly authority is designed to suppress the position of women in the Church.¹⁹

Whether Thomas's opinion is correct, very few people can argue against the fact that women hold a disproportionately low position in the Catholic Church, especially when compared to the greater opportunity for education and leadership women now have in secular society. For instance, "[o]ne poll of American nuns revealed that 65 percent held master's degrees and 25 percent possessed doctorates. In contrast only 24 percent of U.S. bishops have master's and 10 percent have doctorates."²⁰ But how does this continued view of the women of the Church, combined with mandated celibacy, relate to the recent explosion of allegations of child abuse committed by clergy members?

PEDOPHILIA: ENCOURAGED BY THE TENETS OF THE CHURCH?

What is a pedophile? According to Kathryn Smith, "[o]ne broad definition of a pedophile is 'an older person whose conscious sexual desire and responses are directed, at least in part, toward dependent, developmentally immature children and adolescents who do not fully comprehend these actions and are unable to give informed consent.'"²¹

16. THOMAS, *supra* note 9, at 10.

17. *Id.*

18. *Id.*

19. *Id.*

20. *Id.* at 5.

21. Kathryn L. Smith, *Making Pedophiles Take Their Medicine: California's Chemical Castration Law*, 17 BUFF. PUB. INT. L.J. 123, 126, 1998 (quoting GEORGE W. BARNARD, *THE CHILD MOLESTER* 7 (1989) (quoting R.I. Lanyon, *Theory and Treatment in Child Molestation*, 54 J. CONSULTING CLINICAL PSYCHOL. 176 (1986))).

Pedophilia is considered a mental disorder rather than a simple sexual predilection. The American Psychiatric Association provides the criteria for a diagnosis of pedophilia:

- A. Over a period of at least six months, recurrently intense sexual urges and sexually rousing fantasies involving sexual activity with a prepubescent child or children (generally age 13 or younger).
- B. The individual has acted on these urges, or is markedly distressed by them.
- C. The person is at least 16 years old and at least 5 years older than the child or children in A.²²

Most pedophiles fit into one of two distinct categories. The first type is the “fixated pedophile,” who is attracted to the child’s body type as opposed to his chronological age.²³ Fixated pedophiles tend to prefer boys and are “experts at romancing children”²⁴ with affection and friendship.²⁵ Kathryn Smith differentiates fixated pedophiles from sexual predators who target adult victims by stating that fixated “[p]edophiles are more likely to seek affection and acceptance from their victims. Unlike rapists, child molesters are generally conscious of, and even motivated by, a desire to create pleasure for the child.”²⁶ The average fixated pedophile tends to be prolific and may violate, on average, seventy-six children over the course of his or her life.²⁷

The second type of pedophile is the “regressive pedophile,” who, unlike the fixated pedophile, is not necessarily attracted to children. Smith explains, “regressive pedophiles turn to children for sex as a maladaptive response to an extremely stressful event in the offender’s life such as divorce or job loss.”²⁸ He or she may “turn to children as docile and controllable substitutes for adult sexual partners,”²⁹ but does not “persistently pursue children,”³⁰ and does not self-identify as a person who is attracted to children.³¹

22. *Id.* at 127 (quoting AMERICAN PSYCHIATRIC ASSOCIATION, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS (3d ed. 1987)).

23. *Id.* at 130.

24. *Id.*

25. *Id.*

26. *Id.* at 133.

27. *Id.* at 128.

28. *Id.* at 130.

29. *Id.* at 131.

30. *Id.*

31. *Id.*

Although regressive pedophiles tend to target females, while fixated pedophiles focus on males,³² pedophilia has nothing to do with sexual orientation.³³ "A homosexual and a pedophile are not synonymous,' states Sister Fran Ferder, a therapist who treats clergy with pedophilia 'A true diagnostic pedophile does not necessarily have a good grasp of his sexual orientation. There can be a lot of crossover between little girls and little boys.'"³⁴

What does this have to do with the Catholic Church's requirement of celibacy? Although no one factor can "cause" pedophilia, Kathryn Smith states that "clinicians believe 'that a complex and variable interplay of biological mechanisms, psychodynamic influences, conditional and social factors facilitate child molesting behavior.'"³⁵ There are several theories as to why Catholic clergy members, denied sex with consenting adults, may choose to turn to children. Most theories have to do with male, rather than female, clergy members, as they focus on why priests turn especially to young boys.³⁶ For instance, Jason Berry claims:

Data in society show that most [male] child molesters prey on girls. The seeming reversal of this pattern among priests is partially, most experts agree, the product of a segregated male culture that restricts sexual maturity at one extreme and, at the other, tolerates sexual rebels, some of whom are regressively focused on young people.³⁷

The restriction on sexual maturity, according to Berry, is the doctrine of celibacy foisted upon priests, while the tolerance of sexual rebellion regards the "blind eye" the Catholic Church seems to turn upon child molesters in its ranks.³⁸ The segregated male culture, of course, has the effect of barring women from rising in Church rank. Does this mean that male pedophilia in the Church could be curbed by granting more equality to women in Church hierarchy?

Or perhaps it is the Church's view of women in general, not just in the clergy, which exacerbates priest to boy pedophilia. Beth Wilbourn claims, "[m]any priest sexual offenders report learning

32. *Id.*

33. BERRY, *supra* note 12, at 267.

34. *Id.* (quoting telephone interview with Sister Fran Ferder, Jan. 17, 1992).

35. Smith, *supra* note 21, at 133 (quoting GEORGE W. BARNARD, *THE CHILD MOLESTER* 7 (1989)).

36. BERRY, *supra* note 12, at 269.

37. *Id.*

38. *Id.* at 259-73.

from an early age that 'sex with women is the ultimate sin; therefore, sex with boys is a lesser sin.'³⁹ The celibacy requirement of the priesthood is both a necessary and difficult sacrifice for a man to make and is an issue focused upon in seminary education.⁴⁰ The reinforcement of this message of the dangers of sexual relationships with women, and the necessity of giving up adult relationships with either sex, may lead priests to seek sexual relationships elsewhere. According to Wilbourn:

[M]any priest child molesters confess to growing up in a repressive environment which subtly, or not so subtly, told them to 'stay away from girls' or that 'sexual desires concerning women are evil.' While the priest might be heterosexual, he believes it is wrong even to feel his sexual attraction to women. He becomes extremely threatened by his own heterosexual feelings.

Ironically, no one ever told them it was wrong to have a sexual encounter with boys . . . They grew up with a belief that sex with boys is okay.⁴¹

Eleanor Burkett and Frank Bruni take a more simplified approach to why male clergy members may gravitate towards boys: the fact that priests have readier access to boys than girls.⁴² As they claim, "[g]irls, after all, are still barred from serving with priests on the altar."⁴³

While there are many theories concerning the development of male pedophiles, especially priests, female pedophiles have been virtually overlooked in the past. This may be because female sexual abuse of children without the involvement of a male perpetrator represents a very small percentage of the child abuse cases reported.⁴⁴

[W]omen are responsible for five percent of the reported sexual abuse cases involving girls and twenty percent of the cases involving boys, and a second study found that women were responsible for child sexual abuse in six to fourteen percent of

39. Beth Wilbourn, *Suffer the Children: Catholic Church Liability for the Sexual Abuse Acts of Priests*, 15 REV. LITIG. 251, 253 (1996) (quoting STEPHEN J. ROSSETTI, SLAYER OF THE SOUL: CHILD SEXUAL ABUSE AND THE CATHOLIC CHURCH 13 (1991)).

40. See, e.g., DAVID FRANCE, OUR FATHERS: THE SECRET LIFE OF THE CATHOLIC CHURCH IN AN AGE OF SCANDAL 26 (2004) (describing an absurd look at the lectures seminary students get regarding intimacy with women).

41. Wilbourn, *supra* note 39, at 254 (quoting STEPHEN J. RISSETTI, SLAYER OF THE SOUL: CHILD SEXUAL ABUSE AND THE CATHOLIC CHURCH 13 (1991)).

42. BURKETT & BRUNI, *supra* note 4, at 68-69.

43. *Id.*

44. William Winslade et al., *Castrating Pedophiles Convicted of Sex Offenses Against Children: New Treatment or Old Punishment?* 51 SMU L. REV. 349, 362 (1998).

the cases involving girls and in fourteen to twenty-four percent of the cases involving boys. However, a study of twenty-three cases of child sexual abuse by females found that in twenty-one of the cases of forced sexual intercourse, the females were acting in consort with a male perpetrator.⁴⁵

In recent years, female pedophiles have received a greater amount of publicity — specifically, female teachers who are caught having sex with their underage male students. In 1997, Mary Kay Letourneau was accused of sexual relations with her then thirteen-year-old student Vili Fualaau in a widely publicized case,⁴⁶ which eventually caused Letourneau to spend seven years in prison.⁴⁷ Upon her recent release, Fualaau petitioned the Washington State court to remove the no-contact order between them,⁴⁸ and the two were married on May 20, 2005.⁴⁹ In the years since Letourneau's convictions, there have been additional reports of female teachers sleeping with their minor male students.⁵⁰ As many of these cases are relatively recent and have not yet been prosecuted, it is not yet known whether these teachers will be treated by law in the same fashion as a male in their position would be treated.

The Letourneau case has caused observers to question whether Mary Kay Letourneau's troubled childhood past and her ongoing bipolar disorder had anything to do with her actions towards Fualaau.⁵¹ Such justifications for female pedophile behavior appear common. Experts seem to believe that theorizing about the reasons females sexually abuse children is a thornier, more troublesome process than determining the motivation of their male counterparts.

45. *Id.*

46. See Denise Noe, *Mary Kay Letourneau, The Romance That Was a Crime*, Court TV's Crime Library, http://www.crimelibrary.com/criminal_mind/psychology/mary_kay_letourneau/1.html (last visited Mar. 15, 2006) (providing a detailed, albeit sensationalized, overview of the facts of the Letourneau case).

47. *Id.*

48. Jessica Blanchard, *Letourneau, Ex-Pupil to Wed*, SEATTLE POST-INTELLIGENCER, Feb. 14, 2005, at B1.

49. *Ex-Teacher Weds Student: Letourneau Served Seven Years for Raping Boy, Now 22*, CNN.COM, May 21, 2005, <http://www.cnn.com/2005/US/05/21/letourneau.wedding/index.html> (noting that Fualaau never finished high school and has been unemployed).

50. See *Teacher Charged with Having Sex with Student*, CLICK2HOUSTON NEWS, Jan. 5, 2005, <http://www.click2houston.com/news/4051476/detail.html> (last visited Mar. 15, 2006); *Teacher Accused of Having Sex with Male Student*, DENVER'S 7, Mar. 24, 2005, <http://www.thedenverchannel.com/news/4314637/detail.html>.

51. See, e.g., Kimberly Bailey & Marcia Purse, *Mary Kay Letourneau: Criminal — or Victim of Bipolar Disorder?*, http://bipolar.about.com/cs/crime/a/0001_marykay.htm (last visited Mar. 15, 2006).

[C]haracteristics of female pedophiles and child molesters differ somewhat from males. In general, female sex offenders not only have more severe levels of psychopathology and personal victimization than their male counterparts, but they also frequently exhibit a history of psychiatric impairment and disturbed childhood, including sexual victimization, as well as a high incidence of major depression and substance abuse, which appear to be related to their mistreatment by, and disappointment with, parental figures and adult love objects.⁵²

While it is possible that there are simply fewer female pedophiles in the world, it is also possible that female pedophiles are merely underreported by their victims. Child victims are often unable or unwilling to report abuse, whether the abuser is female or male. As an example of the reticence of children to report abuse, Jason Berry describes the multitude of boys abused by one Father Gilbert Gauthé.⁵³ Although Gauthé had violated an extensive number of boys,⁵⁴ none had come forward to their parents about the priest's actions.⁵⁵ On the question of why the children did not report the abuse, Berry speculates:

Children often . . . do not know how to resist or even that they should . . . The latent sensuality of a child awakens to touches, caresses, and ostensibly tender overtures by an adult. Moreover, children are capable of "enjoying" sexual sensations, even amid confusions of arousal The great damage is psychological.⁵⁶

The danger of underreporting may only be increased when the abuser is female rather than male, and increased still further when the abuser is a nun.⁵⁷ Nuns, as stated earlier, tend to take charge of children more often than priests,⁵⁸ and their position of authority may intimidate children into silence. This position may even cause children to justify the abuse as a "normal" aspect of the clergywomen's authority. As Elizabeth Burkett and Frank Bruni wrote:

Some experts believe sexual abuse by nuns may be underreported — as is sexual abuse by women in secular society — and unrecognized even by those children who are its victims. In

52. Winslade et al., *supra* note 44, at 362.

53. BERRY, *supra* note 12, at 21.

54. *Id.*

55. *Id.*

56. *Id.*

57. BURKETT & BRUNI, *supra* note 4, at 88.

58. Yovino, *supra* note 5.

fact, Kenneth Lanning, the FBI's expert on child sexual abuse, who attended Catholic schools as a child, wonders if some nuns' notorious penchant for physical discipline may betray a degree of sexual sadism. "When somebody takes a ruler and bends you over the desk and whacks you with the ruler, is it discipline?" Lanning asks. "Is it physical abuse? Or is it sexual abuse? My opinion is it could be any of the three."⁵⁹

INCIDENTS OF FEMALE PEDOPHILIA WITHIN THE CHURCH

When compared to the stunning number of child sexual abuse cases involving priests, the number of such cases involving nuns seems extremely small.⁶⁰ However, an examination of the few cases of child abuse by nuns that have come to light may provide a better understanding as to what motivates these female abusers and why so few cases appear in the public eye.

The first case is that of Sister Georgene Stuppy.⁶¹ An anonymous Minnesota woman filed suit against Sister Stuppy in 1990, claiming that Stuppy had begun fondling her when the victim was in the eighth grade in the late 1970s.⁶² The victim alleged this behavior had gone on for years.⁶³ At the time of the suit, Stuppy was "the only Catholic nun in the United States ever legally accused of molesting a child."⁶⁴

While Stuppy admitted to fondling and sucking the breasts of the girl, she "professed total and seemingly genuine confusion as to why the lawyers questioning her insisted on describing these gestures as sexual."⁶⁵ Instead, she claimed her actions with the girl were a "shared journey"⁶⁶ in "discovering God's divine love."⁶⁷

Though it seems shocking in the modern era of sexual education that a grown woman would not understand the sexual nature of her actions, it appears from the details of Sister Stuppy's case that she truly believed her claim.⁶⁸ During the time period of the alleged abuse, she wrote "letters to the girl — gushing proclamations of caring punctuated with heart-shaped drawings — alternately

59. BURKETT & BRUNI, *supra* note 4, at 88 (quoting Interview with Kenneth Lanning, Federal Bureau of Investigation, in Quantico, Va. (July, 1992)).

60. *Id.* at 88.

61. *Id.* at 88-89.

62. *Id.* at 88.

63. *Id.*

64. *Id.*

65. *Id.*

66. *Id.*

67. *Id.*

68. *See id.* at 89.

suggest[ing] that the girl was a direct gift and communication from God, or that the girl was the mother of God, or that the girl was the personification of Jesus Christ.”⁶⁹

What could explain Sister Stuppy’s ignorance of her sexual actions? An examination of the theories as to why priests become pedophiles may shed some light on the subject. Like priests, women who become nuns often begin their training at an early age, entering first aspirancy,⁷⁰ then postulancy,⁷¹ phases of education and contemplation that mirror the priests’ experiences in the seminary. The training processes for both priests and nuns necessitate seclusion from the secular world as they transition into the spiritual.⁷² This process places a halt on the students’ natural sexual growth into adults. This can lead some members of the celibate clergy, both male and female, to “harbor a profound sexual immaturity that is never challenged in the celibate priesthood [or convent], which basically sends the message: Stop developing right where you are. If you’re not very far, that message is dangerous, because you’re still at a point of intense sexual curiosity and poor sexual self-control.”⁷³

Such unawareness and discomfort with sexual feelings can lead those with a predilection for pedophilia to deny their actions, or repress them with such violence that they believe they have no sexual feelings at all. Elinor Burkett and Frank Bruni explain, “[t]herapists who have treated priest sexual abusers say that many entered the Catholic clergy with no sexual experience and little sex education. They believed their pledge of celibacy meant an end to any sexual need.”⁷⁴

Sister Stuppy’s denial of the sexual nature of her actions echoes many cases of priests who made similar denials. For instance, a priest who was “accused of shepherding three adolescent boys into the rectory and making them drop their pants . . . answered that he had reason to believe the boys were injecting heroin and wanted to check their penises for hidden track marks.”⁷⁵ Another priest who

69. *Id.*

70. Vocations, <http://www.op-stjoseph.org/nuns/olgrace/vocation.htm> (last visited Mar. 15, 2006) (“The aspirancy is a period of time which a woman, who manifests positive indications of a call to our life, spends within the enclosure for the purpose of further discerning that call.”).

71. *Id.* (“The postulancy constitutes the first phase of formation. It is primarily a time of transition from secular life to Dominican monastic life. The postulant is gradually introduced into a way of life radically different from life ‘in the world.’”).

72. *Id.*

73. BURKETT & BRUNI, *supra* note 4, at 84.

74. *Id.*

75. *Id.*

was sued by a woman who accused him of having sexual intercourse with her when she was fourteen adamantly denied the charge:

Sexual intercourse, he said, doesn't occur unless a man clutches a woman in passion and ejaculates into her . . . Yes, he had put his penis into [his victim's] vagina. But there was "no passion, no kissing, no nothing," he said. And he had not ejaculated. "I don't think that is sexual intercourse," [he] said. "Reserved embrace, yes, that's what we call it . . . not a real sex act."⁷⁶

Sister Stuppy's case was settled in 1993.⁷⁷ But her case was only the beginning of a new focus on sexual abuse cases committed by the women of the Catholic Church.

One of the most recent allegations of sexual abuse committed by nuns involves the former Boston School for the Deaf in Randolph, Massachusetts.⁷⁸ The Boston School for the Deaf was a residential facility that specialized in teaching students with hearing and speech impediments and was operated by the Sisters of St. Joseph until 1994.⁷⁹ On Tuesday, May 11 2004, nine former students of the Massachusetts School for the Deaf filed suit alleging that they had been abused as children by Catholic nuns who ran the institution.⁸⁰ The abuse, they claim, took both a physical and sexual form.⁸¹ According to the accusers' lawyer, Mitchell Garabedian, "they were sexually molested, physically abused, and mentally tormented."⁸²

The alleged abuse took place between 1944 and 1977, to students ranging from four years to eighteen years of age.⁸³ Among their claims, the former students state that urine,⁸⁴ were beaten in the face and head,⁸⁵ and were exposed to "fondling and more serious sexual conduct."⁸⁶ In addition, the nuns would not allow their students to communicate using American Sign Language (ASL).⁸⁷ The

76. *Id.* at 87-88.

77. Louis Room, *Vows of Silence?* GAMBIT WKLY., Aug. 13, 2002, available at http://www.bestofneworleans.com/dispatch/2002-08-13/cover_story.html.

78. Emily Anthes, *More Join Abuse Suit Against Nuns: Alleged Victims Attended School for Deaf Students*, BOSTON GLOBE, Aug. 18, 2004, at B2.

79. *Id.*

80. Katie Zezima, *9 Students at School for Deaf Say They Were Abused by Nuns*, N.Y. TIMES, May 12, 2004, at A20.

81. *Id.*

82. *Id.*

83. *Id.*

84. Anthes, *supra* note 78.

85. *Id.*

86. Ralph Ranalli, *St. Joseph Nuns Sued in Abuse Claim, School for Deaf Case Also Names 4 Others*, BOSTON GLOBE, May 12, 2004, at B1.

87. Zezima, *supra* note 80.

plaintiffs in this case assert that if they attempted to use ASL, the nuns would tie their hands behind their backs as a punishment.⁸⁸

The lawsuit was filed against the Sisters of Saint Joseph.⁸⁹ It named fourteen nuns, one priest, an athletic instructor, and Bishop Thomas V. Dailey as co-defendants.⁹⁰ As of this note's writing, this case has not yet set a trial date.⁹¹ However, Suffolk Superior Court Judge Margot Botsford refused to dismiss the suit on March 7, 2004.⁹² The defendants sought to dismiss the case on the grounds that the statute of limitations on such a civil suit had expired.⁹³ Judge Botsford rejected the dismissal on the grounds that the nuns' failure to teach their students ASL, coupled with the allegations of abuse, had rendered the students mentally unable to "understand they had been harmed and [unable] to communicate with others about it."⁹⁴

According to Emily Anthes, correspondent for the Boston Globe, "[a]rchdiocesan officials have called the case remarkable, because although they received scores of complaints over the last half-century about sexually abusive priests, there were virtually no similar accusations against nuns."⁹⁵

The second case against a nun to enter the courtroom occurred in Chicago in 1989 when two attorneys filed suit against former Sister Alice Halpin, the principal of their son Richard's school,⁹⁶ alleging that she and a priest had abused their son in the pretext of disciplinary visits to Halpin's office.⁹⁷

Richard alleged that Halpin had struck him in the head and body and had shown him nude photographs.⁹⁸ A closer investigation, however, cast doubt upon the boy's claims.⁹⁹ For example, although

88. *Id.*

89. Anthes, *supra* note 78.

90. Zezima, *supra* note 80.

91. *Judge Declines to Dismiss Lawsuit Alleging Abuse by Nuns*, BOSTON HERALD, Mar. 9, 2005, at B3 [hereinafter *Judge Declines*].

92. *Id.*

93. *Id.* See generally Jodi Leibowitz, *Criminal Statutes of Limitations: An Obstacle to the Prosecution and Punishment of Child Sexual Abuse*, 25 CARDOZO L. REV. 907 (2003) (discussing the legal implications of allowing a statute of limitations to run in cases of child abuse).

94. *Judge Declines*, *supra* note 91. It is interesting to note that this ruling may imply that the nuns' failure to teach American Sign Language might be a form of abuse in and of itself.

95. Anthes, *supra* note 78.

96. Harvey Berkman, *Boy Says Abuse; Priest, Ex-Nun Say Slander*, CHI. LAW., Jan. 1994.

97. *Id.*

98. *Id.*

99. *Id.*

he complained of blood in his urine,¹⁰⁰ which could be evidence of a torn urethra, his doctors could not find any evidence of an injury.¹⁰¹ In his article on the case, Harvey Berkman quotes one of the child's doctors as stating, "I . . . think this could be a sign of Munchausen Syndrome by this very bright young man.' Munchausen Syndrome is a psychological disorder characterized by the fabrication of ailments to gain attention and sympathy."¹⁰² The case against Sister Alice Halpin concluded in 1996, when the Appellate Court of Illinois affirmed the circuit court ruling in favor of the defendant.¹⁰³

With respect to child abuse by nuns, courtroom allegations are far outnumbered by claims that remain untested by law. Ashley Hill, the author of *Habits of Sin: An Expose of Nuns Who Sexually Abuse Children and Each Other*, was herself a victim of abuse by nuns.¹⁰⁴ She wrote the only widely published book on child abuse by nuns after placing ads in women's networks, asking for testimony from others who had been abused.¹⁰⁵ Hill began to receive letters from across the country from women and men who had been abused as children.¹⁰⁶

Without the ability to research official documents of abuse via complaints, cases, or even the media, the information that Hill received from these letters was naturally without much more foundation than the word of each informant.¹⁰⁷ Many of the writers claim to have blocked their memories of the abuse and only remembered the incidents they described through therapy.¹⁰⁸ Some writers were not even certain that the abuse had occurred at all.¹⁰⁹ Such testimony is not exactly conducive to presenting a case in court, but, as Hill warns us, to treat such testimony as false may be too dismissive:

With the exception of a couple of letters which I have viewed with some skepticism and have not included, I have no reason to doubt the sincerity of these letter writers. . . . There are few guarantees that going public with such a humiliating account is going to win us any friends.¹¹⁰

100. *Id.*

101. *Id.*

102. *Id.*

103. Doe v. Lutz, Halpin, et al., 668 N.E.2d 564 (1996).

104. ASHLEY HILL, *HABITS OF SIN: AN EXPOSE OF NUNS WHO SEXUALLY ABUSE CHILDREN AND EACH OTHER* 13 (1995).

105. *Id.* at 48.

106. *Id.*

107. *Id.* at 57.

108. *Id.* at 48-59.

109. *Id.*

110. *Id.* at 58.

Whatever the reasons for the alleged victims of abuse forgetting or disbelieving their experiences, it seems evident that perhaps this is another reason for the lack of public allegations against nuns. When even victims of abuse do not believe their own stories, they may feel it is hopeless for the public, or even a court of law, to believe them either. As Hill writes, "[w]hen I expressed to my therapist . . . that I couldn't quite believe my molestation . . . happened . . . she assured me . . . that the memories were simply too vivid not to have happened in that way."¹¹¹ But the assurance of a therapist and a verdict in a court of law are necessarily divergent things, and for all the private claims of abuse, the number of cases of nun sexual abuse that make it to the courtroom is extremely small.

In addition to the letters she received, Hill also describes some instances of widespread abuse by nuns.¹¹² For instance, she cites the Gray Nuns in Quebec, who ran an orphanage for mentally and physically disabled children.¹¹³ According to Hill, the abuse that went on in this asylum was both widespread and horrific.¹¹⁴ However, in my research, I was unable to discover any other accounts of abuse at the hands of the Gray Nuns.¹¹⁵ Similarly, Hill cites a suit brought by a man against the nuns of the St. Joseph's Orphan Asylum, again alleging widespread sexual abuse of the students there.¹¹⁶ The only widely available evidence of the suit, however, is in a brief decision, which stated that the plaintiff would be able to bring suit against the diocese despite the statute of limitations.¹¹⁷ With no prior or subsequent case history, one assumes the case was settled out of court, though there is no evidence of such a settlement as of the writing of this note.

The ratio of victim allegations of abuse to cases that are actually settled in court is extremely high.¹¹⁸ However, with the

111. *Id.*

112. *Id.* at 60.

113. *Id.*

114. *Id.* at 62.

115. *Primetime Live: Abuse by Nuns* (ABC television broadcast, May 6, 1993).

116. HILL, *supra* note 104, at 65; see also Sally Johnson, *Adults Worry That Church Won't Confess Its Sins*, INSIGHT ON THE NEWS, Aug. 23, 1994, http://www.findarticles.com/p/articles/mi_m1571/is_n34_v10/ai_15751602 (describing the suit before it went to court).

117. *Barquin v. Roman Catholic Diocese of Burlington, Vt., Inc.*, 839 F. Supp. 275, 279 (D. Vt. 1993).

118. Johnson, *supra* note 116.

Such allegations of abuse by nuns are rare, according to Jeffrey Anderson, an attorney in St. Paul, Minn., whose firm specializes in child abuse cases involving Roman Catholic clergy. "We've handled over 300 cases of sexual molestation by clergy in 30 states" says Anderson. "Only three of them

advent of the highly publicized Boston School for the Deaf case, perhaps victims of child abuse by nuns will begin to speak out and press their cases into court at a greater rate. But if they do so, and their abusers are sentenced in a court of law, what will be their punishment?

LEGAL CONSEQUENCES FOR FEMALE PEDOPHILES

Despite the number of allegations of female pedophilia in general which have come to light in the past few years, there appear to be few specified legal consequences for female pedophiles when compared to the legal consequences for their male counterparts.¹¹⁹ While few of the cases involving female pedophilia, especially when perpetrated by nuns, appear to enter the courtroom, there is a possibility that the greater publicity garnered by the Boston School for the Deaf case may induce more criminal prosecutions for abuse. However, special treatments for female pedophiles still do not exist.

What are the treatments for pedophilia? According to William Winslade, T. Howard Stone, Michele Smith-Bell, and Denise M. Webb, authors of a Southern Methodist University article on surgical castration of pedophiles, treatments "include the use of biological or pharmacological approaches, stereotaxic neurosurgery, and surgical castration . . . [they also] include traditional individual, group, and family psychotherapy, as well as psychotherapy which emphasizes cognitive or behavioral approaches, one or more of which may even be used in conjunction with biological or pharmacological treatment."¹²⁰ The biological methods of treating pedophilia, however, appear to center mainly on the reduction of testosterone in order to suppress sexual urges.¹²¹ Such treatment is ineffective for female pedophiles.¹²²

Male pedophiles are, in jurisdictions such as California,¹²³ treated with Depo-Provera.¹²⁴ Depo-Provera was first developed as a method of birth control for women, but it also has the effect of reducing testosterone in males.¹²⁵ Testosterone reduction leads to

have involved nuns. We don't typically see women involved in predatory, aggressive behavior."

Id.

119. See generally Winslade et al., *supra* note 44, at 349.

120. *Id.* at 365.

121. *Id.*

122. Smith, *supra* note 21, at 152.

123. Winslade et al., *supra* note 44, at 376. California Assembly Bill 3339, regarding chemical castration, was signed into law in 1996. *Id.*

124. Smith, *supra* note 21, at 141.

125. *Id.*

a decreased sexual desire, which is an effective way to ensure that male pedophiles do not act on their desire for sexual relations with children.¹²⁶ As Kathryn L. Smith writes, "Depo-Provera, as a sexual suppressant, effectively prevents pedophiles from re-offending."¹²⁷ In fact, Smith points out, in a study of forty-eight pedophiles treated with Depo-Provera, "[o]nly seven of the forty-eight had offended again after the third year."¹²⁸

However, Depo-Provera is not an effective treatment for female pedophiles. It does not diminish a woman's sex drive in the same way that it does a man's.¹²⁹ Furthermore, even if this drug were effective in treating women, it is also a birth control agent, and would violate a woman's constitutional right to bear children.¹³⁰

If biological and pharmacological treatments are unavailable for women, courts may still order psychotherapy¹³¹ "such as behavioral therapy, covert sensitization, hypnosis, and marital therapy."¹³² However, "there is disagreement as to whether any form of psychotherapy, in and of itself — individual or group, superficial or deep — is of any practical value in the treatment of the sexual offender if reduction in reconviction rate is taken as a measure of success."¹³³ For this reason, "many advocates of a psychotherapeutic approach to the treatment of pedophilia and child molestation support psychotherapy in conjunction with some form of biological or pharmacological treatment."¹³⁴ But if biological and pharmacological treatments are centered only on male pedophiles, this still leaves female pedophiles without effective treatment.

CONCLUSION

While the sexual abuse of children by priests has been highly publicized in recent years, the sexual abuse of children by nuns is only just beginning to gain national media attention. With the help of high-profile cases such as the suit against the Boston School for

126. *Id.* at 142.

127. *Id.* at 125.

128. *Id.* at 142.

129. *Id.* at 152.

130. *Id.* at n.160; *see also* *Roe v. Wade*, 410 U.S. 113 (1973); *Eisenstadt v. Baird*, 405 U.S. 438 (1972); *Griswald v. Connecticut*, 381 U.S. 479 (1965); *Skinner v. Oklahoma*, 316 U.S. 535 (1942).

131. Winslade et al., *supra* note 44, at 365.

132. *Id.* Marital therapy would, of course, not be available to nuns.

133. *Id.* at 368.

134. *Id.*

the Deaf¹³⁵ and the efforts of abuse victims themselves,¹³⁶ public awareness of female pedophiles in the Catholic Clergy is increasing; but there is still a long way to go before female pedophiles in the clergy can be understood.

The removal of a statute of limitations for filing child abuse cases appears to have already assisted the alleged victims of abuse in the Boston School for the Deaf case to file a claim against their former teachers.¹³⁷ The establishment of such a precedent may allow other victims of abuse in their childhood who forgot or repressed memories of their abuse, such as those who contributed to Ashley Hill's *Habits of Sin*,¹³⁸ to confront those who may have abused them in a court of law. However, before such solutions may effectively allow victim compensation and treatment for those who committed the abuse, the legal profession must recognize that female pedophiles exist, and that legislation needs to be revised to provide appropriate punishments and treatments for such abusers.

In order to form a better legal analysis of female pedophiles, the rather sketchy psychological evaluations about females who engage in child abuse must be fleshed out by the medical and scientific community. Once this occurs, legislators will be better able to formulate laws regarding the detection and treatment of female pedophiles.

It is my hope that this note will assist those involved in the Boston School for the Deaf suit, victims of abuse by nuns, and those who study criminal sexual behavior to increase public awareness of sexual abuse of children committed by females and, in particular, by nuns. Such awareness can, I hope, lead to a greater understanding, and eventually, a better process of rehabilitation, both for those who abuse and for those who have been abused.

NICOLE TRAVERS*

135. Zezima, *supra* note 80.

136. HILL, *supra* note 104.

137. *Judge Declines*, *supra* note 91.

138. HILL, *supra* note 104.

* J.D. expected, William and Mary School of Law, 2006; Editor in Chief, *The Advocate: William and Mary Law Student Newspaper*, 2004-06.