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# Using a Negotiations Lens to Examine the American Catholic Church's Response to the Clergy Sex-Abuse Scandal

*Michael J. Cedrone*

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*The explosive clergy sex-abuse scandal forced Roman Catholic Church members, clergy, and leaders to renegotiate the kind of dialogue that they will have with each other. As the full dimensions of the clergy sex-abuse scandal in Boston came to light during 2002, the public response of Cardinal Law and other church leaders to victims, and groups of clergy and laity was often adversarial. While some of the Cardinal's actions were consistent with his stated goal of protecting children, his behavior revealed the unstated goal of protecting the institution of the church, its leadership structure, and ultimately, his own position. By contrast, Bishop Wilton Gregory's November 2002 presidential address to the United States Conference of Catholic Bishops employed a more complex model of negotiation: he articulated broad goals to attract the support of his various audiences and postponed discussion of the controversies that will attend efforts to reach those goals. Ultimately, the future of relations among church members, clergy, and church leaders will depend on how successfully these groups can negotiate church membership.*

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**T**he full dimensions of the clergy sex-abuse scandal that came to light recently horrified many American Catholics.<sup>1</sup> Few would have contemplated

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**Michael J. Cedrone** serves as law clerk to Senior Judge Edward F. Harrington, Jr. of the U.S. District Court for the District of Massachusetts. He can be reached by e-mail at [mcedrone@post.harvard.edu](mailto:mcedrone@post.harvard.edu).

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the developments of 2002. Priests and bishops stand accused, arrested, and convicted of rape and other forms of sexual misconduct; Bernard Cardinal Law resigned as Archbishop of Boston for his role in mismanaging the crisis; and groups of priests and lay persons have formed to work for change in the church. As a result, the nation's Catholic bishops and other leaders of the church find themselves under siege. They face massive litigation from victims of abuse, and they face challenges to their authority from clergy and lay Catholics alike.

Informal negotiation about the future of the church permeates this entire conflict. Victims, clergy, and lay Catholics have each attempted to engage church leaders in dialogue about the sex-abuse scandals and other issues they deem important. Church leaders have repeatedly rebuffed these overtures. However, the resignation of Cardinal Law following intense pressure from Catholic priests and laity demonstrates that church leaders at the highest levels can respond to the will of church members.

Beyond the dramatically reported developments, the day-to-day exchange between church leaders and their constituents is of special interest to negotiation scholars and practitioners. A clearer understanding of this dispute emerges from examining the behaviors of church leaders and church members through the lens provided by negotiation theorists.

Broadly speaking, these theorists proffer two basic models to explain negotiation behaviors; one more aggressive, the other more collaborative. The "traditional" adversarial orientation of a negotiator grows out of the approach of litigators: the negotiator succeeds if she/he "wins" and causes the other side to "lose" (Menkel-Meadow 1984: 764-765). Negotiators motivated by this orientation may adopt hard-line positions and use powerful pressure tactics. They typically reach narrow settlements that resolve the contested issue but may not satisfy the broader needs of the parties or prevent future conflict (Menkel-Meadow 1984: 754-760).

Other writers have urged negotiators to employ alternative techniques, observing that the parties to a dispute should attempt to solve the problems that underlie the specific issues presently in dispute. They urge parties to focus on underlying principles (Fisher and Ury 1991) or on needs and interests that may coincide or conflict (Menkel-Meadow 1984, 2001). Negotiators who revise their goals and mindsets in this way may well adopt different behaviors and arrive at different outcomes. Frequently, more issues are drawn into larger settlements that may be marked by creativity and innovation.

The clergy sex-abuse scandal provides examples of both adversarial and collaborative negotiation behaviors. Because each bishop has a large measure of independence, there can be as many different approaches to crisis leadership as there are bishops. Examining the leadership of two key players illustrates important differences in approach. Bernard Cardinal Law

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of Boston, MA, and Bishop Wilton Gregory of Belleville, IL, both appear to be motivated by principled concerns about protecting children, while still maintaining the present leadership structure in the church. However, they pursued these goals in dramatically different fashion.

Prior to his resignation as Archbishop of Boston, Cardinal Law did not always clearly articulate these principles; further, he often used adversarial methods to advance his agenda.<sup>2</sup> Bishop Gregory, who was President of the United States Conference of Catholic Bishops during 2002, took a different approach in the remarks he offered at the conference's fall meeting. He articulated guiding principles more clearly and, through tone and word choice, implied a wider variety of negotiation behaviors in pursuit of his goals. Only time will tell whether church leaders follow the paths envisioned by Bishop Gregory and whether those paths lead to successful resolution of the present church crisis; however, his approach opens more possibilities for fruitful dialogue.

This article explores the motivating principles and various adversarial moves made by the Archdiocese of Boston under the leadership of Cardinal Law, both in response to litigation from victims of sexual abuse and criticism from clergy and lay groups. Specifically, the first section will conclude that Cardinal Law and church leaders in Boston often left their principles unexplained and then used antagonistic behaviors to forestall discussion.

The article then examines Bishop Gregory's remarks at the bishops' 2002 conference. Although his audience was ostensibly the country's Catholic bishops, Bishop Gregory actually addressed several groups at once, drawing upon a mixed set of negotiation behaviors to pursue his agenda. The form and content of his remarks made his underlying principles and interests clearer. From these observations of Cardinal Law and Bishop Gregory, a prediction of the future of the relationships among church leaders, clergy, and the flock begins to emerge.

### **Case Study: The Archdiocese of Boston**

Allegations of sexual abuse of minors by clergy have been so intense in the Archdiocese of Boston that some have termed Boston the "epicenter" of the scandal (Boston Globe Investigative Staff 2002: xiii). For much of 2002, victims of sexual abuse pursued lawsuits against the church and publicly disclosed church documents gained through the discovery process. Lurid tales of abuse by priests and the subsequent cover-up of these misdeeds by bishops dominated headlines nationally. In addition, priests and lay Catholics in Boston expressed frustration with the church leaders and the decision-making power structure of the church.

For several reasons, Boston provides a suitable example for analysis. First, because Boston is one of the largest U.S. Catholic dioceses, a number of stakeholder groups have emerged. Second, because the scandal has been

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aggressively reported in the press, interactions between the leadership of the diocese and the stakeholder groups have been unusually public. Information is available not only from published press reports but also from the archdiocese's web site and the web site of Voice of the Faithful (<http://www.votf.org/>), an important newly formed organization of lay Catholics. Finally, Boston represents one of the first and best-known sustained, major public engagements of this issue by a church leadership that appears to have been "feeling its way" through the crisis.

### ***First Responses***

Public awareness of clergy sexual abuse of minors first began to grow in Massachusetts in 1992 as more than one hundred people filed lawsuits alleging that they had been abused by James Porter, then a priest in the neighboring Diocese of Fall River (Boston Globe Investigative Staff 2002: 42). Situations involving priests in Boston soon came to light, and Cardinal Law had to address the issue nearly ten years before the media firestorm of 2002.

Explicit and implicit principles motivated his response to the situation. Cardinal Law explicitly condemned the abuse of minors by clergy as "the tragedy of a priest betraying the sacred trust of priestly service" (Longcope 1992). On moral grounds, the Cardinal's response to the situation clearly condemned Porter's crimes. However, Cardinal Law also appears to be motivated by another principle that he did not state aloud. His subsequent actions demonstrate that he wanted to protect the church from the damage that public scandal could cause, and, particularly, to maintain the structural integrity of the church's leadership.<sup>3</sup> In order to do this, the Cardinal pursued what amounted to a containment strategy. He publicly characterized the problem as narrow in scope, swiftly proposed a new policy solution to the limited problems he perceived, and settled victim lawsuits quickly and quietly.

The Cardinal's public comments at the time reflect this mix of explicit condemnation and implicit protection of the church. Cardinal Law publicly characterized priests who molest children as "aberration[s]" and "rare exception[s]" (Boston Globe Investigative Staff 2002: 45). Undoubtedly, the term "aberration" reflected the Cardinal's moral judgment that sexual abuse of children by priests is simply beyond the pale. However, by calling abusive priests "rare," the Cardinal sought to isolate the problem to those few priests whose crimes had come to light. In brief, he sought to protect the entire church from being tainted by the effects of the scandal.

Whether consciously or not, the Cardinal behaved as one in litigation might; he narrowed the problem to only those aspects he perceived to be at issue. The Cardinal "deplore[d] the (media) focus on the faults of the few" (Marantz 1992). In effect, the Cardinal alleged that the Porter affair had been exaggerated because of anti-Catholic bias in the media (Boston Globe Investigative Staff 2002: 7). This attempt to contain the scope of the problems

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furthered the Cardinal's implicit agenda of protecting the church from those who would pry further or dig deeper.

In retrospect, it appears that the Cardinal's view of the issues was limited by a cognitive bias: a sort of "partisan perception" to use Mnookin's term (Mnookin, Peppet, and Tulumello 2000: 157). By stating that the problems were rare and caused by aberrant priests, the Cardinal did not admit the possibility that church structures might also be to blame.

As late as April 2002, the Cardinal claimed that the situation arose because of "inadequate" record keeping and a lack of "continual institutional memory" (Cardinal Law 2002a, 2002b). While these statements admit that the bureaucratic structures of the church may have contributed to the problem, they do not recognize that the leadership that supported that bureaucracy was also part of the problem. Further, more recent revelations indicate that the archdiocese had a massive amount of information about scores of priests who were accused of sexually abusing minors over the years (Reilly 2003a).

In pursuit of protecting the structures of church leadership, Cardinal Law and others were unable or unwilling to address the full scope of the problem. Thus, they failed to reexamine their implicit moral principle and to consider whether it was time to critically examine the current structure of the church or continue to protect it.

In keeping with his implicit principle of protection, in 1993 the Cardinal announced a new policy covering sexual abuse of minors and appointed subordinates to handle allegations accordingly (Boston Globe Investigative Staff 2002: 46-47; details of this policy may be found at Reilly 2003a: 6-8). The process followed for developing this policy was largely internal: the Cardinal appointed members of the commission that drafted it (Boston Globe Investigative Staff 2002: 152).

After offering input for the policy, one victim said he felt "used." He noted that while church leaders correctly claimed the policy was developed in consultation with victims, "they [church leaders] didn't hear anything we said" (Boston Globe Investigative Staff 2002: 47). Significantly, none of their recommendations were adopted in the final policy (Reilly 2003a: 41). Prominent experts on the problem of pedophilia who were consulted expressed frustration that the Cardinal listened but did not respond to many of their concerns (Boston Globe Investigative Staff 2002: 152-153).

While victims and experts sought a broad examination of problems and potential problems, the Cardinal responded with a policy that was constrained to the issues as he and other diocesan leaders saw them. As a result, his unilateral solution did not meet the needs and interests of all the parties involved. However, it did allow him to further the public perception that the archdiocese had recognized and responded to a relatively minor problem, while keeping the structure of church leadership largely unchanged.

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The archdiocese also protected itself by engaging in confidential settlement agreements with victims in civil claims resulting from clergy sex abuse (Boston Globe Investigative Staff 2002: 48). In many ways, confidential settlement agreements were the lynchpin to the containment strategy because they facilitated the information failures that allowed the scope of the problem to remain hidden. Victims did not know of each other nor did anyone outside the church hierarchy realize how widespread sexual abuse of minors by clergy had become. Further, the church avoided having to provide documents through the legal discovery process that would reveal this information. Thus, the number of complaints against particular priests remained undisclosed as did the details of how these priests were treated by the church. As a result, church leaders did not confront the scope of the problem they faced. Again, this strategy hewed more closely to the implicit agenda of protecting the church structure than it did to the explicit agenda of solving the problem.

Ultimately, confidential civil settlements proved a disastrous vehicle for resolving the disputes between victims and the church. Many negotiation theorists recognize that certain cases should not be negotiated; for example, Menkel-Meadow points to situations presenting important, unresolved constitutional questions (Menkel-Meadow 1999: 50). This situation presents a variant of that principle: in certain instances, situations involving criminal wrongdoing should not be resolved by confidential civil settlement. Confidentiality served the implicit goal of containing the problem and protecting the church, but it did not serve the explicit goals of eradicating the problem and protecting children from further abuse.

In July 2003, Massachusetts Attorney General Thomas F. Reilly issued a ninety-one-page report outlining the dimensions of the scandal and attributing it to “an institutional acceptance of abuse and a massive and pervasive failure of leadership” (Reilly 2003a: 25). The report states that the decision to keep clergy sex-abuse cases confidential “reflected tragically misguided priorities,” and asserts that the archdiocese and its leaders “regularly addressed and supported the perceived needs of offending priests more than the needs of children . . .” (Reilly 2003a: 30, 37–38).

However, factual material in the report itself suggests that this conclusion may be too glib. In each of the fiscal years covering the period 1994–2000, the Archdiocese spent at least as much on treatment of victims as it did on treatment of priests. Further, in each of these years the archdiocese spent at least five times as much on settlement payments to victims as it did on treatment of priests (Appendix 3 in Reilly 2003a).

The amount of money devoted to treating and compensating victims reveals what appears to be a genuine concern for healing the damage inflicted by abusive priests. At the same time, the archdiocese did not take decisive action to remove abusive priests from public ministry and thereby failed to prevent future abuse. To this extent, archdiocesan policies shielded

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abusive priests at the expense of protecting the children with which they came in contact. In this light, the Cardinal's public statements and 1993 policy seem best interpreted as an effort to protect children from abuse that was tragically limited by the unstated priority of protecting the institutional church and its status quo.

Attorney General Reilly's cover letter comes closer to capturing what actually occurred: he charges that church leaders' "misguided devotion to secrecy" resulted in a choice "to protect the image and reputation of their institution rather than the safety and well-being of children" (Reilly 2003b: 3). By protecting the church institution, Cardinal Law and his collaborators also protected their own positions and decision-making authority.

The Cardinal's response to victims and groups of clergy and laity as the scandal fully came to light in 2002 made it clear that protecting the church and his role within it was an important motivation for his behavior.

### ***Responding to Broader Groups***

Throughout 2002, public revelations made clear the scope of the problem in Boston and effectively defeated the archdiocese's 1993 condemnation and containment strategy. Over the course of the year, the leaders of the archdiocese were involved in dialogue with victims of abuse, nonabusive priests of the diocese, and lay Catholic organizations. The dominant mode of these responses was adversarial, appearing to elevate the implicit goal of protecting current church leaders and the current church structure over the primary goal of protecting children by preventing further or future abuse.

*Victims.* Formal outreach to victims by church leaders in Boston has been visible but quite limited. The church established an Office of Healing and Assistance Ministry, which is prominently announced on the archdiocese's home page (<http://www.rcab.org>). This action appeared to serve the goal of healing the community, because as Mnookin points out, most parties to a dispute "need to tell their story and to feel that it has been understood" (Mnookin, Peppet, and Tulumello 2000: 49). This office allows victims to reach the archdiocese for this purpose.

However, in a presentation that is unduly adversarial, all one finds on the office's web page is an address and telephone number. While the archdiocese may not want to provide any information that might be considered an admission in the ongoing litigation, the web page asks victims of sexual abuse by clergy to pick up the telephone to call the archdiocese not knowing who will answer or what resources will be available to them when they do call. The archdiocese's behavior in this instance seems to follow the very first suggestion offered by Meltsner and Schrag to adversarial negotiators: "arrange to negotiate on your own turf" (1974: 96). As a result, the web site presents significant obstacles to its goals of facilitating healing through sharing information and fostering trust.

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*Clergy.* In early 2002, leaders of the archdiocese found themselves in dialogue with priests as well. A group of priests came together under the name “Boston Priests’ Forum” to address issues of concern among local priests (Boston Globe Investigative Staff 2002: 192–193). In an opinion piece in the *Boston Globe*, eight leaders articulated purposes of the group.

The priests wrote that they intended to discuss issues facing them “such as spirituality, sexuality, and education,” and to address the crisis of leadership in the diocese. They noted that the official channel for priests to dialogue with Cardinal Law, the presbyterial council of the diocese, “has been for the most part unsuccessful.” They questioned whether the future would bring “authentic leadership” or whether the church would cling to ways of operating that have proven fragile, unreliable, and outdated. While challenging leadership, the priests attempted to foresee concerns of the diocese. They suggested that the Priests’ Forum might begin to dialogue with the presbyterial council to “revitalize that body” and emphasized that they did not intend to “divide the priesthood of Boston” (Bullock et al. 2002).

The priests faced the difficulty of negotiating in an unbalanced power structure, an issue frequently addressed in the negotiations literature. Observing the difficulty of negotiating with large bureaucratic organizations such as government agencies, Professor Menkel-Meadow has suggested that these kinds of interactions “may require an entirely different negotiation model — bureaucratic negotiation . . .” (1984: 308). The structure of the church makes it especially difficult for priests to challenge authority. At ordination, priests take a vow of obedience to their bishop and his successors. Thus, all the priests in the diocese lived a vow of obedience to Cardinal Law. An opinion piece in the largest newspaper in the city expressing dissatisfaction arguably might be taken as a breach of this vow.

Nonetheless, the priests chose this forum for their comments presumably to exert pressure on Cardinal Law for a response. Further, they took steps to ensure that their messages would not offend the Cardinal’s fundamental sensibilities. They identified areas of concern in thoughtful, careful language and suggested a possibly mutually acceptable means of addressing these areas — a revitalized presbyterial council. In addition, the priests emphasized goals that Cardinal Law presumably shared with them: church unity and lively, faithful, and effective priests.

The archdiocese responded with silence and chastisements. No public statements were issued to the press or posted on the archdiocesan web site. However, the *Boston Globe* reported that in mid-April 2002, “Law’s auxiliary bishops began summoning the eight leaders of the Priests’ Forum for chats that some described as reprimands” (Boston Globe Investigative Staff 2002: 193). Significantly, Cardinal Law did not take the step of banning the group — perhaps he doubted his ability to enforce such a ban. Nonetheless, there is no evidence that the Cardinal engaged the priests in any dialogue. On December 9, 2002, following the release of more documents gathered by victim plain-



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tiffs in legal discovery, fifty-eight priests (many members of the Priests' Forum) signed a letter calling for Cardinal Law to resign.

*Laity: Voice of the Faithful.* Similarly, groups of lay Catholics attempted to organize and were initially rebuffed by the archdiocese. The most prominent group, called "Voice of the Faithful," was formed in early 2002 with three goals: to support those who have been abused, to support priests of integrity, and to shape structural change within the church. Although Voice of the Faithful avoided taking positions contrary to church teaching, its third goal called for an explicit examination of the Cardinal's implicit principle of protecting the church.

The archdiocese initially paid little attention to Voice of the Faithful. This changed after a Voice of the Faithful conference in Boston in July 2002 attracted more than four thousand participants (Paulson 2002a). Following the conference, the diocese banned new Voice of the Faithful chapters from using parish facilities (Paulson 2002b) and refused to accept money raised by the group (Morrissey 2002).

The statement issued by the archdiocese refusing to accept money revealed that this action was guided by the implicit principle of protecting the current structure of church leadership. The archdiocese explained that Voice of the Faithful's independent fund-raising "undercut the customary means of financial support to the mission of the Church in this Archdiocese, which is the Cardinal's Appeal." Further, the archdiocese stated that Voice of the Faithful's approach "does not recognize the role of the Archbishop [i.e., Cardinal Law] and his responsibility in providing for the various programs and activities of the Church" (Morrissey 2002).

For many months, Cardinal Law and church leaders in Boston refused to meet with the group. When Cardinal Law did meet leaders of Voice of the Faithful in November 2002, he expressed concern that the goal of shaping structural change in the church was "troublesome" (Paulson 2002b). The concern of the Cardinal appeared to be the relationship of Voice of the Faithful, as an organization within the church, to himself as bishop of the diocese. The Cardinal seemed to be pursuing his implicit agenda of protecting church structures. He might have articulated what kind of relationship he thought a lay group should have with church leaders, or he might have noted what areas were open for discussion and what areas were foreclosed by settled church law and practice. Instead, he objected to the lay group's attempt to begin dialogue about structural change in the church.

Ultimately, this strategy appears to have failed. By choosing not to engage in dialogue as the group was forming, the Cardinal missed whatever opportunity he may have had to influence Voice of the Faithful. By keeping his cards off the table, the Cardinal cemented himself and the group into more oppositional positions. In a statement following the November 27, 2002 meeting, the president of the group noted that the Cardinal had rec-

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ognized “that Voice of the Faithful is not going to go away” (Paulson 2002b). Ultimately, the ability to engage in a relationship with Voice of the Faithful and the rest of the Boston laity may prove crucial to the success or failure of the next leader of the Catholic Church in Boston.

### **Bishop Wilton Gregory: Speaking in a Different Voice**

Bishop Wilton Gregory faced a delicate rhetorical situation in addressing the nation’s Catholic bishops in November 2002. As president of the United States Conference of Catholic Bishops, Bishop Gregory’s role was mostly administrative. The president has no actual authority over any other bishop; church law is clear that each bishop answers only to the Pope. Thus, Bishop Gregory’s remarks could only be as effective as they were persuasive.

Nonetheless, Bishop Gregory had enormous influence in shaping the national church’s response to the clergy sex-abuse crisis. At their June 2002 meeting in Dallas, the Bishops approved a national policy on child sexual abuse. Bishop Gregory and others shepherded the policy through expedited Vatican review.

Critics of this policy soon emerged. Some charged that the Vatican changes watered down the original policy’s stringent requirements. Others noted that there were still not enough due process protections for accused priests. Bishop Gregory’s words to the bishops began to take an increasing significance as a sign of his attitude and approach. Bishop Gregory used presentation strategies designed to minimize reactive devaluation of his remarks (Mnookin, Peppet, and Tulumello 2000: 165-166). He sought to recognize the difficulties of the situation and frame the issues broadly. Finally, he articulated clear goals with sufficient generality that all could agree on, and he was deliberately vague about more sensitive areas.

To Catholics and to the victims of abuse, Bishop Gregory affirmed the bishops’ commitment to protect children above all else. Attending to the needs of his audience, Bishop Gregory embraced a broader characterization of the problem as “criminal” and “sinful.” (The latter is a particularly loaded word in the church context.) Further, he recognized that the scope of the problem extended to “mismanagement by some Church leaders,” a key complaint of many including the eight priests who led the Boston Priests’ Forum.

While Cardinal Law spent much of 2002 blaming the archdiocese of Boston’s problems on poor record keeping, Bishop Gregory recognized that poor leadership also played a role in the problems. Later in his remarks, Bishop Gregory affirmed that the bishops “will not step back from our compassion for those who have been harmed, or from our determination to put into place policies that will protect children” (Gregory 2002). While the means of attaining these goals remain controversial, Bishop Gregory sought to articulate a mission that was broad enough to garner agreement.

To groups within the church, Bishop Gregory issued a call for unity. This call seemed to serve the underlying interest of protecting the church,

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but in a more effective manner. Bishop Gregory recognized that “fracture and discord” had arisen within the church in the past year, noting specifically “serious fractures between bishops and the faithful, as well as between bishops and priests.” Further, he noted that the bishops themselves disagreed over how best to respond to the crisis. Nonetheless, he urged the community not to let “positions that we have taken on such a serious issue or even the mistakes that we have made . . . destroy our communion with one another” (Gregory 2002). Instead, he called upon the bishops to “address [their differences] appropriately and reconcile fully with one another” (Gregory 2002).

In contrast to the defensive, adversarial moves undertaken by Cardinal Law, Bishop Gregory encouraged church leaders to recognize their own failings and faults, dialogue with each other, and then reconcile. He did not prescribe how to go about this process nor did he set conditions on it. His language implied that the present church structure of bishops, priests, and people was not going to change, but that he envisioned a far more robust dialogue than what took place between Cardinal Law, the priests, and the Catholic people of Boston.

To priests and the laity, Bishop Gregory also offered words of encouragement. He remarked that “priests today too often are being unfairly judged by the misdeeds of other priests,” and posited that “the overwhelming majority of priests are faithful servants of the Lord” (Gregory 2002). Some outside the priesthood might take issue with these remarks; the number of priests accused of abuse in Boston for instance is truly overwhelming. However, to their intended audience — the nation’s priests — these remarks recognize the difficult position they find themselves in and offer affirmation and support.

Bishop Gregory also encouraged the church to “give both the religious and laity their rightful place and share in the mission of the Church.” He noted that “the opportunities for the laity to assist us are great and we need to seize upon them in order to fulfill effectively [our] mission” (Gregory 2002). Undoubtedly, the future of the church will largely be shaped by the bishops’ and clergy’s response to Bishop Gregory’s suggestion. It is the kind of call to action that a group such as Voice of the Faithful would likely support.

Finally, Bishop Gregory urged the bishops to beware of “the call of the false prophet.” He defined these people to be those who have taken advantage of the present crisis “to advance their own agendas . . . acceptance of practices and ways of life that the Church cannot and will never condone” (Gregory 2002). This was as close to a positional statement as Bishop Gregory came, but the remarks were cryptic to be sure. Was Bishop Gregory referring to the ordination of women, the notion of married priests, or church attitudes toward sexuality and homosexuality? Were the false prophets activist groups who have taken positions on these issues, or were

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they groups like Voice of the Faithful that have attempted to engage the hierarchy in dialogue? While it is understandable that Bishop Gregory may not have wanted to make public condemnations during a speech that was widely reported in the news media, these remarks risk being perceived as a veiled threat designed to stifle discussion and return to the culture of secrecy, containment, and condemnation.

## Concluding Thoughts

Ultimately, actions will speak louder than words as the church progresses through the years ahead. Bishop Gregory attempted to articulate sentiments that could lay the groundwork for good negotiations: he articulated principles that his various constituencies were likely to agree with and did not attempt to dictate specific means of implementation. He also tried to reclaim the moral voice of the bishops in American society by addressing the potential war in Iraq, the sin of violence against women, the plight of migrant workers, and other topics.

As the years ahead unfold, the influence of various church leaders will undoubtedly wax and wane. Cardinal Law is no longer Archbishop of Boston; whether he will remain influential behind the scenes or in Rome remains to be seen. His replacement, Archbishop Seán O'Malley, OFM Cap., has yet to establish the terms on which he will relate to the church in Boston. Further, the first half of 2003 has seen a less public presence from Bishop Gregory. His term as President of the United States Conference of Catholic Bishops will eventually end. However, the techniques he employed in his November 2002 remarks remain a precedent for Archbishop O'Malley and other leaders to follow.

By entering into dialogue with victims, laity, and priests in a spirit of genuine understanding, the hierarchy may follow through on the promise of Bishop Gregory's eloquently articulated goals for increased lay and clerical participation and new paths for the church — leaders and laity together — may well emerge.

## Notes

I am most grateful to Professor Carrie Menkel-Meadow, Peter Reilly, Marguerite McLamb of Georgetown University Law Center, and Julie McKee for perceptive comments; to Oma McLoughlin for assistance; and to my wife Luci Cedrone for everything.

1. I have not observed these developments as an entirely disinterested observer. From 1995 to 2000, the Archdiocese of Boston employed me as a musician and religious educator in two parishes. During that time, I knew priests earnest in their efforts to serve and protect children, and I have known priests who now stand accused of or have admitted to abusive conduct.

2. See Menkel-Meadow (1984: 824) for a discussion of how "[e]ven conventional adversarial negotiation . . . may be justified by principled movements."

3. "Scandal" has particular meaning in the church community. According to ¶2284 of the *Catechism of the Catholic Church*, "[s]candal is an attitude or behavior which leads another to do evil. . . . Scandal is a grave offense if by deed or omission another is deliberately led into a grave offense."

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