

PROTECTING THE CHILDREN: THE NEED FOR WISCONSIN EVANGELICAL  
LUTHERAN SYNOD CHURCHES TO ENACT SEXUAL MISCONDUCT POLICIES

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## ABSTRACT

The churches of the Wisconsin Evangelical Lutheran Synod demonstrate care for children in many aspects of their ministry. Yet, many churches overlook important steps in protecting the children, especially from sexual abuse performed by clergy and representatives of the church. This thesis seeks to demonstrate the need for Wisconsin Evangelical Lutheran Synod churches to enact and implement sexual misconduct policies for the protection of children. To do this, the thesis looks at the consequences of sexual abuse and the prevalence of sexual violence throughout history. The thesis then looks to why Wisconsin Evangelical Lutheran Synod churches would want to prevent sexual abuse from occurring in their congregations. This thesis closes by explaining why sexual misconduct policies are an important step in combating sexual abuse in churches.

## INTRODUCTION

At the first convention of the Wisconsin Synod in 1850, they resolved “that every pastor in the Synod should devote himself to the youth and conduct day schools.”<sup>1</sup> The Wisconsin Evangelical Lutheran Synod (WELS) embodies this resolution in its everyday actions. The Synod’s desire to care for the children is evident. As of the 2019-20 school year, the WELS operates 372 early childhood ministries, 289 Lutheran elementary schools, twenty-five area Lutheran high schools, and two preparatory schools. Overall, the WELS cares for the physical and spiritual needs of 42,233 children through these schools.<sup>2</sup> However, these schools are not the only way in which the WELS demonstrates its care for children. At any number of churches, one will find a Sunday school program, Vacation Bible School, and many other activities to benefit children both physically and spiritually. The WELS demonstrates its care for children in body and soul.

Yet, there is a clear area in which its care for children can be better. This is regarding the protection of children from sexual abuse. WELS members can thank the Lord that sexual misconduct has not been a significant problem in the Synod’s history, but too many churches have failed to make clear, proactive steps to protect the vulnerable. Knowledge of the sinful nature, history of sexual misconduct in society, and history of sexual misconduct in churches lead one to see the necessity of clear steps for the protection of the vulnerable. Policies enacted to prevent sexual misconduct and protect children are important steps in this process. Therefore,

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1. Arnold J. Koelpin, “A WELS Historical Profile Chronological Sketches of Our Synod’s Past: 1850-1860,” *WELS Historical Institute Journal* 2 (1984): 5.

2. “WELS School Statistics 2019-2020” WELS, <https://cls.welsrc.net/download-cls/general-documents/?wpdmdl=3106&ind=1579632341237>.

Wisconsin Evangelical Lutheran Synod churches should institute formal policies to combat sexual misconduct by clergy, church staff, and volunteers to prevent sexual misconduct, preserve reputations, and protect the most vulnerable population.

## PART 1: WHY SEXUAL MISCONDUCT NEEDS TO BE ADDRESSED

### **What is Sexual Misconduct?**

To adequately discuss the concept of addressing sexual misconduct within the church setting, defining the term sexual misconduct is essential. In this paper, the Centers for Disease Control and Prevention's definition for sexual violence will be used. Here is the CDC's uniform definition for sexual violence,

Sexual violence is defined as a sexual act committed or attempted by another person without freely getting the victim's consent or against someone unable to consent or refuse. It includes: forced or alcohol/drug-facilitated penetration of a victim; forced or alcohol/drug-facilitated incidents in which the victim was made to penetrate a perpetrator or someone else; nonphysically pressured unwanted penetration; intentional sexual touching; or non-contact acts of a sexual nature. Sexual violence can also occur when a perpetrator forces or coerces a victim to engage in sexual acts with a third party.<sup>3</sup>

Sexual violence can be an interchangeable word for what is called sexual misconduct in religious institutions. For this paper, the terms of sexual misconduct and sexual violence will be used interchangeably.

A vital component of this definition is what consent is. Consent is "words or overt actions by a person who is legally or functionally competent to give informed approval, indicating a freely given agreement to have sexual intercourse or sexual contact."<sup>4</sup> In the realm of children,

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3. Kathleen C. Basile, Sharon G. Smith, Matthew J. Breiding, Michele C. Black, and Reshma Mahendra, "Sexual Violence Surveillance: Uniform Definitions and Recommended Data Elements Version 2.0," CDC (2014), 11, [https://www.cdc.gov/violenceprevention/pdf/sv\\_surveillance\\_definitions1-2009-a.pdf](https://www.cdc.gov/violenceprevention/pdf/sv_surveillance_definitions1-2009-a.pdf).

4. Basile, Smith, Breiding, Black, and Mahendra, "Sexual Violence Surveillance: Uniform Definitions and Recommended Data Elements Version 2.0," 11.

which is the primary focus of this paper, those under the age of eighteen cannot give consent legally. Therefore, any sexual contact committed or attempted between an adult and a child is, by definition, sexual violence. The child cannot consent.

### Sexual Misconduct Causes Pain

As one would assume, sexual misconduct committed against children, or perhaps more aptly put, the sexual abuse of children, has many consequences. These consequences are long-term and are physical, mental, and behavioral.<sup>5</sup> No matter the type of consequence, the pain that the child experiences is devastating. Sexual misconduct hurts children emotionally. It hurts children mentally. This abuse hurts children. People and organizations that love children do not want the children to experience such pain. Therefore, the need to address the problem of the sexual abuse of children must be recognized.

### Risk of Re-Victimization

Another reason to address the sexual abuse of children is the risk of re-victimization. According to the CDC,

Females exposed to child sexual abuse are at 2-13 times increased risk of sexual victimization in adulthood. Individuals who experienced child sexual abuse are at twice the risk for non-sexual intimate partner violence. The odds of attempting suicide are six times higher for men and nine times higher for women with a history of child sexual abuse than those without a history of child sexual abuse.<sup>6</sup>

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5. "Preventing Child Sexual Abuse Violence Prevention Injury Center CDC," CDC. <https://www.cdc.gov/violenceprevention/childabuseandneglect/childsexualabuse.html>.

6. "Post-Traumatic Stress Disorder in Children" CDC, <https://www.cdc.gov/childrensmentalhealth/ptsd.html>.

The risk of re-victimization is devastating for those who were sexually abused as children. If they are re-victimized, it causes them to face even more consequences of the actions of their abuser. The risk of re-victimization is a reason to combat the sexual abuse of children.

### **Sexual Misconduct Happens**

After a quick overview of the problem of the sexual abuse of children, the reasons to address this problem are clear. There are, perhaps, even greater reasons to address sexual misconduct performed by people who represent and work for the church.<sup>7</sup> To further help understand the seriousness of this issue, it would be good to look at how prevalent sexual misconduct is.

#### **Dealing with Sinful People**

Sexual misconduct is prevalent in this world throughout all eras of history. This is true because of sin. All people are born sinful. This truth is seen in Psalm 51:5 (NIV). There, David writes, “Surely, I was sinful at birth, sinful from the time my mother conceived me.” Although David makes this statement regarding himself, it is implicit that this statement is true for all people of all time. Scripture testifies to the fact that all people are sinful. For example, Paul, quoting the Old Testament Scriptures, writes, “There is no one righteous, not even one” (Rom 3:10). This inspired statement is all-inclusive. This means that all people of the world, no matter what their professions are, are not righteous by nature. Perhaps even more to the point, Paul explicitly states, “For all have sinned and fall short of the glory of God” (Rom 3:23). All people are sinful. Scripture demonstrates and repeats this truth.

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7. The negative consequences of clergy sexual misconduct will be addressed later in this paper.

## Christians too are Sinful

Since all people are sinful, one can also assert that this is true even for those within the church.

The Apostle Paul speaks of battling his sinful nature in Rom 7:21–24.

So I find this law at work: Although I want to do good, evil is right there with me. For in my inner being I delight in God's law; but I see another law at work in me, waging war against the law of my mind and making me a prisoner of the law of sin at work within me. What a wretched man I am! Who will rescue me from this body that is subject to death? Thanks be to God, who delivers me through Jesus Christ, our Lord!

Ultimately, Paul sees his deliverance found in Jesus Christ. Yet, this deliverance does not mean that he is free from sinning here on earth. Paul has to struggle daily with his temptations and sin.

This is true for Paul, even though he is an apostle and Christian.

Paul is not the only Christian that sins. All Christians sin. Christians are not only capable of sinning, but Christians are even capable of falling and committing such heinous sins as sexual misconduct. This can be seen in the account of David and Bathsheba. David, who is called a man after God's own heart, nevertheless lusts after another man's wife, rapes her according to current definitions of sexual violence, murders that man, and then pretends that this all did not happen (see 2 Sam 11). Unquestionably, David is guilty of committing sexual violence against Bathsheba, along with many other sins. David was a sinner. Sinners commit heinous sins.

Through reading Scripture, it is apparent that Christians are capable of sin. They are even capable of falling and committing such heinous sins as sexual misconduct. Paul's confession of his struggles with indwelling sin and David's flagrant rebellion draw out the fact that leaders are not exempt from the power of sin. Leaders within the congregation are even capable of committing sins like sexual misconduct. Not only are church leaders capable of committing sexual misconduct, but all members of a physical church are. Therefore, since Christians are sinful, in all likelihood, this sin will manifest itself within a Christian congregation.

Sinful people are bound to produce specific sinful actions. In Galatians, the Apostle Paul calls these works “the acts of the flesh.” In Gal 5:19, Paul writes, “The acts of the flesh are obvious: sexual immorality, impurity, and debauchery.” In this verse, Paul has a clear focus on sexual sins. The sinful flesh commits sexual sins. They are apparent, and they occur. Sadly, they occur in the lives of Christians. They even occur within our visible church organizations. This is true because sexual sins happen in every place and every time.

### **Sexual Misconduct Today**

Since sexual sins happen in every place and every time, that means sexual misconduct happens today. In order to demonstrate this truth, it is necessary to look at the statistics. The sexual abuse of children is more common than one might think. According to the Centers for Disease Control and Prevention, “1 in 4 girls and 1 in 13 boys experience child sexual abuse at some point in childhood.”<sup>8</sup> This is a staggeringly high percentage of children. Because of the difficulty to prove such numbers, these percentages can be disputed. However, even a fraction of these percentages would be too often. Even if the CDC’s percentages are not accurate, the reality is that sexual abuse is more prevalent than often thought. Sexual violence committed against children is far too common in modern society. Sexual misconduct is a problem in this sinful world.

### **Sexual Misconduct in Church Hierarchy**

As has been established, sexual immorality has manifested itself in the world through the sexual abuse of children. Christians are also capable of falling and sinning in this way. Even leaders

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8. “Preventing Child Sexual Abuse Violence Prevention Injury Center CDC” CDC, <https://www.cdc.gov/violenceprevention/childabuseandneglect/childsexualabuse.html>.

within the Christian community have committed sexual violence against others. The sexual abuse of others within the church hierarchy stems from an abuse of power, and it occurs throughout history.

### Abuse of Power

In a critical journal article called “God, Sex, and Power,” James Newton Poling, a former professor of Pastoral Theology at Garrett-Evangelical Theological Seminary in Evanston, Illinois, writes about the potential danger of an abuse of power leading to clergy sexual abuse. Poling states,

What situations are more dangerous for women than pastoral counseling, pastoral care, spiritual direction, and ministry supervision? In these situations, the man is usually the one in the power position, and the agreement involves sharing of life’s most intimate personal, sexual and spiritual issues. The church claims direct access to the God of the universe who has a personal destiny for each person and community. By virtue of ordination, education, experience and leadership, male clergy and other leaders are the gatekeepers of this information for women as they assert their right to know for themselves. Situations of ministry training and supervision create significant danger for women.<sup>9</sup>

Although Poling is overly critical of men in the pastoral office, he does recognize the potential issues of the abuse of power. Those who are called to be leaders within God’s church have a unique and high calling. They, in many ways, represent God to their people. Think especially of pastors. From being God’s mouthpiece in preaching to bringing the people God’s grace through administering the sacraments, these men have clear authority. Through their other functions, they are given power over people. They receive confidential information through confession and counseling. They are seen as father figures to the children. The inherent power of the position

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9. James Newton Poling, “God, Sex, and Power,” *Theology & Sexuality* (2005): 63.

can be seen for those who serve in many functions within the church. Leaders in the church have power.

Unfortunately, since these are sinful people working in these positions, it is possible that they can abuse this power. It is possible that they can use their position to satisfy their desires or needs. This abuse of power can be manifested in many ways, from striving to gain more money to sexual pleasure. All too often, this abuse of power has been seen in the history of the visible church.

### Reformation Era

Sexual misconduct performed by church leaders has occurred throughout the history of the church. This was particularly an issue during the Reformation Era. The sexual impurity of pastors was one of the major issues which led to Martin Luther write his Catechisms. Lutheran theologians: Charles Arand, Robert Kolb, and James Nestingen speak about this issue in their book regarding the background of the Lutheran Confessions.<sup>10</sup> Here, they write,

The situation was not that much better among the clergy. The requirement of clerical celibacy was some four centuries old by this time, but church officials – many of whom had no contact at all with their territories, frequently living elsewhere – generally winked at violations. In the most common ruse, priests had live-in cooks who also had bedroom duties. In one district the visitors surveyed, over ninety percent of the pastors were living in such arrangements. The hypocrisy had severe consequences for the women involved. They had no legal protection and their children were considered illegitimate. Erasmus of Rotterdam, Luther's supporter before he became one of his main opponents, was one such child.<sup>11</sup>

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10. *The Lutheran Confessions: History and Theology of the Book of Concord*. 67.

11. Charles P. Arand, James A. Nestingen, and Robert Kolb, *The Lutheran Confessions: History and Theology of the Book of Concord* (Minneapolis: Fortress, 2012), 67.

Clergy sexual misconduct was a significant problem in Martin Luther's day. It must be noted that for the clergy members of Luther's day, much of the blame also lands on those who improperly imposed celibacy upon them. Nevertheless, this issue of clergy sexual misconduct was widespread and common. Part of the issue was the forced celibacy on pastors. Another part of the issue was that the pastors were sinners. No matter the cause, that sexual misconduct performed by church leaders was a problem during the Reformation Era is clear.

The issue of clergy sexual misconduct also was not ignored by Martin Luther. Part of his response to this issue was the creation of his Catechisms. Luther also addressed this issue through a treatise written in 1530. He does not skirt around the issue. Luther writes, "The devil, however, wanted so to fix things, by means of this canon, that his celibates should have no wives of their own, but should have instead the wives, daughters, and maids of everybody else, and Sodom into the bargain. This would not have been the case had they been married."<sup>12</sup> Luther states that the sexual misconduct performed by the clergy was a work of the devil. In this statement, Luther recognized that a significant problem that led to clergy sexual misconduct was the celibacy of pastors. Luther then pleads to the authorities to fix the problem. His solution was to allow the priests to marry. Regarding this, Luther wrote, "I hope, nevertheless, that you will have pity on the poor parish priests and pastors, and allow them to marry."<sup>13</sup> Luther recognized that clergy sexual misconduct was a significant problem. He identified the issues of the culture of the church, which allowed such grievous actions to occur. He made a clear exhortation to end the celibacy rule, which put these priests in the situation to be tempted in such a way. Ultimately, he

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12. Martin Luther, "To All the Clergy Assembled in Augsburg at the Diet in the Year 1530," Trans. Charles M. Jacobs, *BookofConcord.org* (2020), <https://bookofconcord.org/sources-and-context/luthers-exhortation>.

13. Martin Luther, "To All the Clergy Assembled in Augsburg at the Diet in the Year 1530," Trans. Charles M. Jacobs, *BookofConcord.org* (2020), <https://bookofconcord.org/sources-and-context/luthers-exhortation>.

made clear steps to deal with the problem of clergy sexual misconduct. These steps were changing rules and educating people.

### Roman Catholic Church

Sadly, even in the face of actions that Luther took to address sexual misconduct performed by church leaders, clergy sexual misconduct remained a major issue for the Catholics. Nearly 500 years later, sexual misconduct within the Roman Catholic Church is still a major issue.

The sexual abuse of children within the Roman Catholic Church is well-documented. The problem of clergy sexual misconduct by Roman Catholic priests is a worldwide issue. A study of sexual abuse performed by priests in Germany demonstrates this. In May 2019, “the German Bishops’ Conference (Deutsche Bischofskonferenz, DBK) commissioned a study by an interdisciplinary consortium to determine the frequency of sexual abuse by Catholic clergy in Germany.”<sup>14</sup> This study produced “Sexual Abuse at the Hands of Catholic Clergy: A Retrospective Cohort Study of Its Extent and Health Consequences for Affected Minors (the MHG Study).” In the process of this study, the German Bishops’ Conference analyzed information from “38,156 personnel files of Catholic clergy from the period 1946 to 2014.”<sup>15</sup> The results of this study were devastating. The German Bishops’ Conference found,

1670 persons belonging to the Catholic clergy who were accused of sexual abuse of minors were identified from their personnel files, corresponding to 4.4% of the clergy overall. 3677 victims of sexual abuse could be linked to the accused persons; 62.8% of them were male, and 66.7% were under 14 years old when the abuse took place. The

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14. Harald Dreßing, Dieter Dölling, Dieter Hermann, Andreas Kruse, Eric Schmitt, Britta Bannenberg, Andreas Hoell, Elke Voss, and Hans Joachim Salize, “Sexual Abuse at the Hands of Catholic Clergy: A Retrospective Cohort Study of Its Extent and Health Consequences for Affected Minors (the MHG Study),” *Deutsches Arzteblatt International* (2019): 389-396, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6676731/>.

15. Dreßing, Dölling, Hermann, Kruse, Schmitt, Bannenberg, Hoell, Voss, and Joachim Salize, “Sexual Abuse at the Hands of Catholic Clergy: A Retrospective Cohort Study of Its Extent and Health Consequences for Affected Minors (the MHG Study),”

mean duration of the abuse in individual cases was 1.3 years. “Hands-on” abuses (i.e., abuses involving bodily contact) occurred in more than 80% of cases.<sup>16</sup>

As can be seen, over four percent of the Catholic clergy in Germany committed sexual abuse of children. Many of these situations involved long-term abuse. It is stunning to think that, from 1946 to 2014, 3,677 children in Germany were sexually abused by clergy.<sup>17</sup>

This study done by the German Bishops’ Conference reveals the major issues of clergy sexual misconduct within the Roman Catholic Church. This study is just one of many that demonstrate this sad truth. The sexual abuse of children is a cultural pattern that existed for quite some time in the Roman Catholic Church.

#### Southern Baptist Convention

The sexual abuse of children by Roman Catholic clergy members is well documented and well-known. The sexual misconduct by church leaders in the Southern Baptist Convention (SBC) is now coming to light. The Southern Baptist Convention recognizes their fault in this matter. Therefore, in 2018 “SBC President J.D. Greear formed the Sexual Abuse Advisory Group.”<sup>18</sup>

The Sexual Abuse Advisory Group produced “The Caring Well Report.” “The Caring Well Report” aimed to “illuminate the evil that has occurred within our midst”<sup>19</sup> and “help

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16. Dreßing, Dölling, Hermann, Kruse, Schmitt, Bannenberg, Hoell, Voss, and Joachim Salize, “Sexual Abuse at the Hands of Catholic Clergy: A Retrospective Cohort Study of Its Extent and Health Consequences for Affected Minors (the MHG Study).”

17. Dreßing, Dölling, Hermann, Kruse, Schmitt, Bannenberg, Hoell, Voss, and Joachim Salize, “Sexual Abuse at the Hands of Catholic Clergy: A Retrospective Cohort Study of Its Extent and Health Consequences for Affected Minors (the MHG Study).”

18. “Caring Well: A Report From the SBC Sexual Abuse Advisory Group” *Ethics & Religious Liberty Commission* (2020), 6.

19. “Caring Well: A Report From the SBC Sexual Abuse Advisory Group,” 7.

churches who are eager to make their churches safe for survivors and safe from abuse.”<sup>20</sup> Within this report, they recognize the absolute failure of the SBC. They also share many stories of those who faced abuse.<sup>21</sup> Concerning preventing sexual misconduct, this report is a good step. It is also a clear indication of just how prevalent sexual misconduct was in this church body.

In the Caring Well Report, Dr. Susan Condone, a survivor of clergy abuse and member of a Southern Baptist church, underlines the prevalence and issue of clergy sexual misconduct in their church body.

Sexual abuse in the SBC is an epidemic powered by a culture of our own making. The work of the Study Group will not stop this epidemic right away. It takes years of purposeful work to change the culture of indifference and develop a cure for such a poison. However, the Study Group’s work can serve as a vaccine, inoculating our churches with the conviction of the deadened sin that has harmed many. It takes a movement to change the culture, not a mandate, and movements begin with the undeniable burden that things are not right the way they are and must change.<sup>22</sup>

Condone’s words are correct; clergy sexual misconduct is an epidemic in the Southern Baptist Convention. She is also correct in acknowledging that although “The Caring Well Report” is a step in the right direction, it will not be an immediate fix. Clergy sexual misconduct is a long-standing problem in the Southern Baptist Convention.

### **Summary of Part I**

As was seen through an overview of church history, clergy sexual misconduct is a long-standing problem. There is no reason to believe religious people are generally immune today. Sexual misconduct performed by church workers is a significant problem for Christian churches,

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20. “Caring Well: A Report From the SBC Sexual Abuse Advisory Group,” 7.

21. “Caring Well: A Report From the SBC Sexual Abuse Advisory Group.”

22. “Caring Well: A Report From the SBC Sexual Abuse Advisory Group,” 5.

especially acts against children. This is not just a problem for church bodies that have had a high number of accusations. This is a problem for all churches.

## PART II: WHY SEXUAL MISCONDUCT OF CHILDREN NEEDS TO BE ADDRESSED BY THE WELS

### **Sexual Misconduct by Church Staff is a Problem for the WELS to Address**

The sexual abuse of children by church workers is a issue which the WELS needs to address. Now, it must be acknowledged that this is not because sexual misconduct performed by clergy, church staff, and volunteers is common in WELS churches. The opposite is true. By God's grace, sexual abuse within the church has not been a significant issue for WELS churches. Yet, there are key reasons why this issue still must be addressed by WELS churches.

### **Because of Public Perception of Clergy**

WELS churches must address the issue of clergy sexual misconduct because of the public perception of the clergy. Due to many clergy members' sins and the media attention given to them, many people in public see clergy members in a negative light. A recent Pew Research study demonstrates the overall negative impression of clergy members regarding clergy sexual misconduct.

According to this same study, most adults have heard about the reports of sexual abuse within the Catholic Church-- 92% of U.S. adults! So, it is well-known that sexual abuse has been a significant issue within the Catholic Church. About half of them believe this is just as much a

problem in other religious groups.<sup>23</sup> The public perception is that clergy sexual misconduct is a significant problem for all Christian churches.<sup>24</sup>

Though many believe it is a problem, there is also a perception that the problem is not being addressed or even mentioned. In the same study done by the Pew Research Center, they found that of Americans who attend worship regularly, 68% of people have not heard clergy speak out about sexual misconduct.<sup>25</sup> Ultimately, this survey demonstrates that people believe sexual misconduct performed by church workers is a problem in Christian churches and that pastors are just not talking about it.

From this data provided in the Pew Research study, one can see that the public perception regarding sexual misconduct in the church is not favorable. Even though church bodies, like the WELS, have not had a major issue of sexual misconduct, many believe that they are just as guilty as the church bodies with many accusations of clergy sexual misconduct. Also, if and when church bodies, like the WELS, remain silent on the topic of sexual violence, people believe they are just not owning up to their issue. For public perception alone, sexual misconduct by clergy, church staff, and volunteers is an issue that the WELS needs to address.

Having a positive public perception is important for a church. Partially, this is because God demands that the representatives of his church have a positive image in public. The Holy Spirit inspired Paul to speak about this requirement in his list of qualifications for overseers. “He

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23. This study found that 47% of U.S. adults believe that clergy sexual misconduct is as common in other religious groups as it is in the Catholic Church.

24. “Americans See Catholic Clergy Sex Abuse as an Ongoing Problem,” Pew Research Center’s Religion & Public Life Project, <https://www.pewforum.org/2019/06/11/americans-see-catholic-clergy-sex-abuse-as-an-ongoing-problem/>.

25. “Americans See Catholic Clergy Sex Abuse as an Ongoing Problem,” Pew Research Center’s Religion & Public Life Project, <https://www.pewforum.org/2019/06/11/americans-see-catholic-clergy-sex-abuse-as-an-ongoing-problem/>.

must also have a good reputation with outsiders” (1 Tim 3:7). Another reason that having a positive public perception of the church is important is evangelism. Christians want to be careful so as not to deter people from the church by their actions. About this, Paul says, “Be careful, however, that the exercise of your rights does not become a stumbling block to the weak.” (1 Cor 8:9) Although in this section Paul speaks specifically about the use of Christian freedom, this concept can be applied to all areas of a Christian’s life. The sinful actions of church members can be stumbling blocks that potentially provide Satan a chance to deter a person from coming to church. WELS churches care about their public perception because God cares about their public perception. Also, they do not want to be stumbling blocks to others. Therefore, WELS churches need to address sexual misconduct in church for the sake of public perception.

### **Cover-Ups**

As was seen in the Pew Research survey, the public perception is that clergy sexual misconduct is a significant problem for Christian churches. People also seem to believe that churches are not being open and honest about this issue. If we are honest, we must acknowledge that this negative perception is not unfounded. People believe that churches are not being honest about sexual misconduct because many have not been honest. Previously, it was seen that the Roman Catholic Church and the Southern Baptist Convention had major issues with the sexual abuse of children committed by church leaders. Another issue that plays into this negative perception is what these church bodies did to cover up clergy sexual misconduct allegations.

There are many stories of sexual abuse and cover-ups within the Roman Catholic Church. One of the most notable and recent examples of this can be found in the actions of Cardinal Pell. As the New York Times reports, the Australian cardinal “had been the Vatican’s chief financial

officer and an adviser to Pope Francis.”<sup>26</sup> Cardinal Pell himself had been convicted of abusing children, although this conviction was later overturned.<sup>27</sup> Allegedly, he knew about children being abused by clergy members but did nothing about it.<sup>28</sup> Sadly, if true, he would hardly be an anomaly. Many looked the other way and helped cover-up sexual abuse allegations.

The cover-up of sexual abuse allegations is such a large issue that, in 2019, Pope Francis made a new mandate in this regard. According to the Associated Press, “Pope Francis issued a groundbreaking new church law Thursday requiring all Catholic priests and nuns around the world to report clergy sexual abuse and cover-ups by their superiors to church authorities, in a new effort to hold the Catholic hierarchy accountable for failing to protect their flocks.”<sup>29</sup> The Associated Press explains what is to be reported according to this new mandate. They state, “The law defines the crimes that must be reported as performing sexual acts with a minor or vulnerable person; forcing an adult ‘by violence or threat or through abuse of authority, to perform or submit to sexual acts’; and the production, possession or distribution of child pornography. Cover-up is defined as ‘actions or omissions intended to interfere with or avoid’ civil or canonical investigations.”<sup>30</sup> This mandate to report clergy sexual abuse and cover-ups to church hierarchy is a positive step from the Catholic Church’s past actions. Ultimately, it demonstrates just how big the issue of covering-up allegations was in their midst.

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26. Livia Albeck-Ripka, “Cardinal George Pell Knew of Clergy Sex Abuse, Australian Report Finds,” *The New York Times*, May 7, 2020, <https://www.nytimes.com/2020/05/07/world/australia/cardinal-george-pell.html>.

27. Albeck-Ripka, “Cardinal George Pell Knew of Clergy Sex Abuse, Australian Report Finds.”

28. Albeck-Ripka, “Cardinal George Pell Knew of Clergy Sex Abuse, Australian Report Finds.”

29. Nicole Winfield, “Pope Mandates Reporting of Sex Abuse to Church, Not Police,” *Associated Press*, May 9, 2019, <https://apnews.com/article/ae64aa69d90043caaa38e52ee58eae2c>.

30. Winfield, “Pope Mandates Reporting of Sex Abuse to Church, Not Police.”

The Roman Catholic Church is not the only church body guilty of covering up sexual misconduct allegations. Sadly, Southern Baptist Convention churches have been guilty of this as well. They, too, see their failures. Regarding this issue, the Southern Baptist Convention resolved in 2007 that “we renounce individuals, churches, or other religious bodies that cover-up, ignore, or otherwise contribute to or condone the abuse of children.”<sup>31</sup> Based on this resolution, it is clear that the SBC recognized that churches had failed to deal with sexual misconduct allegations properly. They also recognized that this was wrong. Yet, the issue did not immediately go away. Again, in 2013 the Southern Baptist Convention had to address the issue of mishandling sexual misconduct allegations. In 2013, they resolved that “we likewise call upon all Southern Baptists to cooperate fully with law enforcement officials in exposing and bringing to justice all perpetrators, sexual or otherwise, who criminally harm children placed in our trust.”<sup>32</sup> Based on the words of the Southern Baptist Convention’s resolutions, it is clear that their churches had been guilty of covering up allegations of sexual abuse.

The Roman Catholic Church and Southern Baptist Convention are two of the largest church bodies in the United States. They are also both guilty, in some way, of covering up the allegations of sexual misconduct by people associated with their churches. It must be acknowledged, though, that they are not the only church bodies to have been guilty of this. They simply are the ones that got caught. The sad truth is that too many churches have failed to deal with allegations of sexual misconduct in their midst properly.

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31 “On Protecting Children From Abuse,” Southern Baptist Convention, <https://www.sbc.net/resource-library/resolutions/on-protecting-children-from-abuse/>.

32. “On Sexual Abuse of Children,” Southern Baptist Convention, <https://www.sbc.net/resource-library/resolutions/on-sexual-abuse-of-children/>.

### **Be Proactive**

Thus far, it has been seen that the public perception is that churches have not honestly dealt with sexual misconduct performed by clergy, church staff, and volunteers. This is partly because many churches have not dealt with this issue properly. It, again, must be considered how this relates to church bodies like the WELS, which has not yet had to suffer this kind of public criticism. In fact, the WELS has a golden opportunity now to provide leadership on this matter. For the protection of the vulnerable, for the sake of our reputation, we can take proactive steps to prevent sexual abuse of children by church volunteers, staff, and workers. It is far better to be proactive rather than reactive. WELS congregations should not believe that these actions cannot occur inside of their walls. Therefore, they should desire to address the problem of clergy sexual misconduct before it even happens.

### **The Spiritual Damage to Children**

The ultimate reason that WELS churches should desire to combat the sexual abuse of children among us is the harm that this causes to the children. Previously in this paper, the consequences of sexual abuse were mentioned. Among those consequences is spiritual harm done to the child. This spiritual damage is amplified when a leader of the church perpetuates the abuse. Victor Vieth, a Lutheran lawyer who advocates for children who have been abused, spoke about the spiritual harm caused to children in his article, *When Faith Hurts: Overcoming Spirituality-Based Blocks and Problems Before, During and After the Forensic Interview*.

In this article, Vieth speaks about how a child is harmed regarding his or her faith due to sexual abuse. This will happen because the perpetrator manipulates the child's faith. Regarding this, Vieth writes, "The perpetrator may manipulate a child's faith in such a way as to convince

the child that he or she is sinful. If a child has been taught that sexual conduct, even sexual thoughts are sinful, the perpetrator may cite a child's biological reaction as proof the child is just as sinful, if not more so, than the perpetrator."<sup>33</sup> When the abuser manipulates the child in this way, he or she is caused to believe that this abuse is his or her sin. This can lead the child into despair. The child believes that he or she is guilty before God for being abused. This is spiritual harm inflicted on the child.

Furthermore, some children will see the abuse as something God is not only allowing them to go through but perhaps God desires that they go through. On this thought, Vieth shares the experience of a woman who was abused. Vieth writes, "A survivor of clergy abuse reported she concluded God must be allowing the abuse in order to make her a saint and was certain that, eventually, the church would reward her if she patiently endured her suffering."<sup>34</sup> This is clear spiritual harm caused to the child. In this case, the girl's view of God's love had been twisted. Also, her view of justification had been twisted. Due to the sexual abuse committed against her by a clergy member, she was led to believe that her abuse was a way of her being justified before God. Sexual abuse causes tremendous harm to a child's spiritual life.

It must be acknowledged that the spiritual harm caused to a child by clergy sexual misconduct is related to the clergy member's role. To the members of a church, the pastor is a representation of God himself. This is even more so true when it comes to children. Therefore, if a church leader sexually abuses a child, the child perceives that this abuse is coming from God himself. Vieth reports one such girl's experience, "a victim of abuse by her priest reported that,

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33. Victor I. Vieth, "When Faith Hurts: Overcoming Spirituality-Based Blocks and Problems Before, During and After the Forensic Interview (revised and expanded)," *Center Piece 2* (2010): 2, <https://www.zeroabuseproject.org/wp-content/uploads/2019/02/e9739535-centerpiece-vol-2-issue-10.pdf>.

34. Vieth, "When Faith Hurts: Overcoming Spirituality-Based Blocks and Problems Before, During and After the Forensic Interview (revised and expanded)," 3.

given the importance of the Eucharist in her Catholic faith tradition, being abused by her priest was akin to being sexually touched by Christ.”<sup>35</sup> Because of the heinous act, this girl did not see Jesus as the Savior who loved her and died for her. Instead, she associated her Savior with the wicked actions of her priest. That is the spiritual harm that could, humanly speaking, destroy one’s faith in God.

The spiritual harm that clergy sexual abuse of children is devastating. In an article published in *Social Work Today*, Christiana Reardon explains the damage caused to these children’s faith. In it, Reardon cites information from interviews done by a man named Dr. Brian J. Clites. Clites is an “associate director of the Baker-Nord Center for the Humanities and an instructor in the religious studies department at Case Western Reserve University in Cleveland.”<sup>36</sup> Reardon summarizes Clites finding by stating,

Many of the survivors Clites interviewed described their experiences as “soul murder.”... For some survivors, Clites says, their perception of the abuse as children was that God directly assaulted them. Also, perpetrators often will carry out abuse in ways that entangle the abuse with children’s faith lives. Many of the survivors Clites interviewed were abused in religious places such as sacristies or confessionals and/or asked to engage in religious activities such as reciting prayers while being abused. In some cases, religious objects such as crucifixes or holy water were used as part of the abuse.<sup>37</sup>

As is seen in this information, the abuse perpetrated by a member of the clergy is damaging to a child’s faith. Because of the horrific nature of the abuse and the potential ramifications, one would believe these children would forsake their faith. Yet, Reardon shares the thoughts of Dr.

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35. Vieth, “When Faith Hurts: Overcoming Spirituality-Based Blocks and Problems Before, During and After the Forensic Interview (revised and expanded),” 3.

36. Christina Reardon, “Clergy Sexual Abuse – Faith Damaged, Trust Betrayed” *Social Work Today* 19 (2020), <https://www.socialworktoday.com/archive/MA19p16.shtml>.

37. Reardon, “Clergy Sexual Abuse – Faith Damaged, Trust Betrayed.”

Mary Gail Frawley-O’Dea (an executive director of Presbyterian Psychological Services in Charlotte, NC.<sup>38</sup>) that this is not necessarily the case. On this matter, Reardon writes,

Given the horrific abuse they endured in faith-based environments, it would be natural to expect that the majority of survivors eventually turn away from the faith of their childhood. That is not necessarily the case. Frawley-O’Dea tells the survivors she has worked with fall into four groups: 1) those who remain with the denomination in which the abuse took place, 2) those who leave their denomination and join another one, 3) those who retain a sense of spirituality but don’t want to be involved in organized religion, or 4) those who reject entirely religion or any kind of spirituality.<sup>39</sup>

According to Dr. Frawley-O’Dea, not all who are abused in this way forsake their faith. Yet, one who is conscious about doctrine would notice that many of these options are not favorable. If a child faces abuse and then leaves the WELS, this would mean the person is leaving the truth and purity of teaching because of this abuse. If one simply sees him or herself as spiritual due to this abuse, this means they have fallen from saving faith. If one rejects religion because of this abuse, this means that the person is hardening their heart due to this abuse. The spiritual harm caused by clergy sexual misconduct toward children is terrible. The Caring Well Report from the SBC summarizes this truth by saying, “Research finds that church attendance among survivors decreases, they are less likely to trust God, and their relationship with God often ceases to grow.”<sup>40</sup> Overall, there is clear spiritual damage to a child when a church leader sexually abuses him or her.

As is seen by the spiritual damage caused by sexual abuse in the church, the WELS needs to combat this problem in a proactive way. WELS congregations and pastors do not want to see any child harmed in this way. A potential result of such abuse is that the child rejects his or her

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38. Reardon, “Clergy Sexual Abuse – Faith Damaged, Trust Betrayed.”

39. Reardon, “Clergy Sexual Abuse – Faith Damaged, Trust Betrayed.”

40. “Caring Well: A Report From the SBC Sexual Abuse Advisory Group,” 16.

faith. The WELS must combat the danger of sexual misconduct, whether from clergy, church staff, or volunteers who care for the children's spiritual welfare.

### **Summary of Part II**

Some may believe that clergy sexual misconduct is a matter that does not have to be dealt with because it has not been more widely reported in the WELS than in some other church bodies. Yet, this belief is not valid. The sexual abuse of children in the church is a problem that the WELS should address for various reasons. The Wisconsin Synod must address this issue because public perception is that clergy sexual misconduct is an issue for the church. This public perception is built upon the failures of individual church bodies. WELS is not exempt from this perception. Most importantly, the WELS is far better advised to be proactive in preventing possible sexual misconduct performed against children in churches due to the spiritual damage that it causes the children.

### **PART III: POLICIES ADDRESSING SEXUAL MISCONDUCT IN CHURCHES ARE A SOLUTION**

The sexual abuse of children in churches is a problem that must be addressed by WELS churches. Therefore, WELS churches should institute policies addressing sexual misconduct performed by clergy, church staff, and volunteers. Shira Berkovits emphasizes the benefit of sexual misconduct policies in her article, "Preventing Abuse in Christian Organizations That Serve Youth: Ten Policies to Create Safer Environments." Dr. Berkovits "is a behavioral psychologist, attorney, and founder of Sacred Spaces... a national non-profit organization that

works with youth-serving organizations in Jewish communities to prevent and respond to abuse through policy development and training.”<sup>41</sup> Regarding such policies, Dr. Berkovitz writes,

Policies clarify acceptable and unacceptable behaviors that guide adults to model safe interactions with children. When a policy is well communicated, it becomes integral to institutional culture, and its violations are easily identifiable, making it possible for bystanders to intervene and institutions to respond. Without policies, leaders may forget or dismiss important response steps, become more susceptible to pressure, and introduce their organizations to increased liability. Having a policy provides organizations with a plan to act on before a situation escalates. Finally, a good policy can function as a deterrent, sending a clear message to potential abusers: Abuse is not tolerated here and will be reported immediately.<sup>42</sup>

As Dr. Berkovits states, a good sexual misconduct policy will clarify what behaviors are accepted. It will be integral to the culture of the institution. It will deter potential abusers. Clearly, such policies are very beneficial for an organization. For many reasons, WELS churches should institute policies regarding sexual misconduct performed in the church.

### **Law as a Curb**

One of the primary functions of a sexual misconduct policy is that it uses God’s Law in its first use. This is what is called *usus legis politicus* (political use of the law). The *usus legis politicus* is often called using the law as a curb. Martin Luther describes this use of the law in the Smalcald Articles. Luther writes, “Here we maintain that the law was given by God, in the first place, to curb sin by means of the threat and terror of punishment.”<sup>43</sup> As described by Luther, the law curbs the actions of sinful people through the threat of punishment.

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41. Shira Berkovits, “Preventing Abuse in Christian Organizations That Serve Youth: Ten Policies to Create Safer Environments,” *Currents in Theology and Mission* 45 (2018): 20.

42. Berkovits, “Preventing Abuse in Christian Organizations That Serve Youth: Ten Policies to Create Safer Environments,” 20.

43 Smalcald Articles, III. I. 1 in Robert Kolb and Timothy J. Wengert, eds., *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (Minneapolis: Fortress Press, 2000), 306.

To demonstrate the use of the law as a curb in Christians' lives, it is interesting to look to Paul's instructions to the Roman Christians about respecting authorities. There in Rom 13:4, the Apostle Paul writes, "because he is God's servant for your benefit. But if you do wrong, be afraid because he does not carry the sword without reason. He is God's servant, a punisher to bring wrath on the wrongdoer." According to Paul, the rulers wield the sword of the law. The rulers used the *usus legis politicus* to prevent people from committing crimes. There was a threat of punishment for those who did wrong. Now, of particular interest regarding the first use of the law in this context is that Paul speaks of it as also applying to believers. Paul clearly, demonstrates that the law works as a curb in the life of Christians.

The sainted Professor August Pieper speaks about the need for the first use of the law, in the life of Christians, in an essay translated by K.G. Sievert. Pieper writes, "So then, because the Christian shall not be free from the law of sin until he dies, therefore the law also applies to him. It applies because and in so far as this is true. And it applies in every way: as mirror, rule, curb, as the definition of right and wrong, as motive and driving force, as pressure and compulsion, as punishment, chastisement, wrath, and as curse."<sup>44</sup> The law has the use of preventing people from sinning. This is true for Christians because they are, at the same time, sinners and saints. This is even true for Christian leaders. Therefore, the law is used to curb sins in the life of a Christian. This is one of the roles that sexual misconduct policies will play in a church. Sexual misconduct policies work to curb the sinful desire, to commit sexual misconduct against a child, of a clergy member, church staff worker, or volunteer.

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44. August Pieper, "The Law is Not Made For a Righteous Man," trans. K.G. Sievert, *Theologische Quartalschrift* (January 1916), 17, <http://essays.wisluthsem.org:8080/bitstream/handle/123456789/3683/PieperLaw.pdf?sequence=1&isAllowed=y>.

### Law as Curb for Hypocrites

It has been established that sexual misconduct policies should be instituted to curb the sinful nature of Christians. There is another reason to use policies according to the first use of the law. This is that there are hypocrites within the congregation. The sexual misconduct policies can be instituted to deter abusers from gaining access to positions at a church where they would abuse children.

Through Scripture, God warns us to watch out for those hypocrites that hold positions within the church yet do not believe. Jesus warns about such people in Mat 7:15, “Watch out for false prophets. They come to you in sheep’s clothing, but inwardly they are ferocious wolves.” There will be people who claim to be believers and teachers, yet they are liars. An application that one can make based on what Jesus says here is that a wolf may put on sheep’s clothing to gain access to the little lambs. Put in another way, an abuser may put on a veil of false Christianity to gain access to children. For this reason, churches must be on guard against them. WELS churches should institute sexual misconduct policies to curb the sinful nature of hypocrites.

According to Victor Vieth, the presence of abusers, who use the church to gain access to children, is greater than one would expect. Regarding this, Vieth writes,

In a 3,952 male sex offender study, 93% of these perpetrators described themselves as “religious.” There is some evidence that “religious” sex offenders may be the most dangerous offenders category. One study found that sex offenders maintaining significant involvement with religious institutions “had more sexual offense convictions, more victims, and younger victims.”<sup>45</sup>

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45. Vieth, “When Faith Hurts: Overcoming Spirituality-Based Blocks and Problems Before, During and After the Forensic Interview (revised and expanded),” 3.

Here, Vieth states that sex offenders who claim to be religious may be the most dangerous group of abusers. Such abusers use the Christian faith in order to gain access to children.

Rachel Mitchell explains the fact that sex offenders will use churches to gain access to children. Rachel Mitchell is the “chief of the special victims division of the Maricopa County Attorney’s Office in Phoenix”<sup>46</sup> and a member of a Southern Baptist Church. In a presentation entitled “Creating A Safe Environment,” Mitchell discusses how abusers use target-rich environments. The abusers desire locations in which they have access to children. To do this, the abusers strive to gain the trust of victims, parents, church, and community.<sup>47</sup> Consequently, whether or not a person is a potential abuser is not often evident. The abusers put on a good front in order to gain trust. Therefore, WELS churches should institute sexual misconduct policies to curb the sinful nature of hypocrites who may infiltrate the churches.

### **Protecting Reputations**

Another reason for WELS churches to institute sexual misconduct policies is to protect the reputation of falsely accused. At first, one hesitates to demonstrate this point because of the improper impression people have regarding how common false allegations of sexual misconduct are made.

Many people seem to believe false allegations of sexual violence are more common than they are. According to a Pew Research study done in 2018, thirty-one percent of Americans believe that women making false accusations of sexual assault is a major problem. Yet, the

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46. Shane Croucher, “Sex Crimes Prosecutor to Question One of Brett Kavanaugh’s Accusers at Senate Hearing,” *Newsweek*, September 26, 2018, <https://www.newsweek.com/rachel-mitchell-brett-kavanaugh-christine-blasey-ford-1138747>.

47. Rachel Mitchell, “Creating A Safe Environment, Pt. 1,” video, <https://e-quip.net/presentations/1084>.

reality is that false accusations are rare. According to the National Sexual Violence Research Center, research demonstrates that false accusations occur “between 2 percent and 10 percent”<sup>48</sup> of the time. This means that false accusations do occur, but they are nowhere near as common as many suppose.

How does one explain the public perception, then, regarding false accusations? In their book, *Engaging Boys and Men in Sexual Assault Prevention*, authors Charlie Huntington, Dr. Alan Berkowitz, and Dr. Lindsey Orchowski present the contributing factors to this perception. They write,

Public perception of false accusations of rape may also be influenced by the disproportionate attention given in the media to accusations eventually found to be false. High profile cases, such as the accusations made and later withdrawn against lacrosse players at an elite private university in 2006, may add apparent legitimacy to the myth that false reports are common (Taylor & Johnson, 2007), even though the withdrawal of an accusation, as noted above, does not indicate that it is false. Such cases may even influence decision-making among public defenders, reducing the visibility of rape cases that are founded (McCannon & Wilson, 2019). Furthermore, proven cases of sexual assault have not typically received the same amount of media attention (Belknap, 2010), making false accusations all the more memorable.<sup>49</sup>

Here, they suggest that the perception that false accusations are common is because of high-profile cases. Many people see unfounded cases of sexual assault, but they do not hear about the founded cases. Nevertheless, there is an improper perception that false accusations of sexual misconduct are a major issue, but the opposite is true. False accusations of sexual misconduct are rare.

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48. “False Reporting Overview,” National Sexual Violence Resource Center, <https://www.nsvrc.org/sites/default/files/Publications>.

49. Charlie Huntington, Alan Berkowitz, and Lindsay Orchowski, “False Accusations of Sexual Assault: Prevalence, Misperceptions, and Implications for Prevention Work with Men and Boys,” *Alpert Medical School of Brown University* (July 2020): 10.

Since false accusations are rare, one must be careful not to assume that the accuser is lying. That being said, there are occasions in which a church worker is accused of something that was not done or the reality of the situation is not that which was reported. Therefore, churches will want to establish sexual misconduct policies. These policies will establish the rules of conduct. Therefore, the church worker, when abiding by the policy, will be put into situations in which the possibility of a false accusation is much less likely. This action will be done, partially, to protect the reputation of the representative of the church.

### **To Protect the Most Vulnerable**

Although churches want to protect the reputations of those accused, this motive is minor compared to protecting the most vulnerable populations. Among the most vulnerable population are children. Perhaps the WELS churches' biggest reason to institute sexual misconduct policies is to protect these children from harm. This harm, as previously stated, is physical, mental, and spiritual. Sexual misconduct policies play an important role in protecting children from sexual abuse.

In introducing their book on forming policies within churches to protect children, Basyle Tchividjian and Shira Berkovits state the importance of child protection policies. They write, "Many experts and survivors of child sexual abuse agree that an important way to demonstrate support to survivors is to enact and enforce child protection policies."<sup>50</sup> Enacting and enforcing such policies will support survivors and protect potential victims. Berkovits speaks about this purpose in another article. Dr. Berkovits writes, "a good policy can function as a deterrent,

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50. Basyle Tchividjian and Shira Berkovits, *The Child Safeguarding Policy Guide for Church and Ministries* (Greensboro: New Growth, 2019), 2.

sending a clear message to potential abusers: Abuse is not tolerated here and will be reported immediately.”<sup>51</sup> As previously noted, abusers can work their way into service roles at a church. Also, any person could fall into the sin of becoming an abuser. Therefore, sexual misconduct policies will communicate to these people that abuse is not tolerated. Along with enacting and enforcing these policies, Berkovits speaks about the importance of communicating such policies. Berkovits writes, “When a policy is well communicated, it becomes integral to institutional culture and its violations are easily identifiable, making it possible for bystanders to intervene and institutions to respond.”<sup>52</sup> Ultimately, a church wants to institute these policies, enforce these policies, and communicate the regulations of these policies with those involved. When these steps are taken, then the children who are vulnerable to abuse are better protected against it.

Not only do experts advise implementing sexual misconduct policies in order to prevent sexual violence committed against children, but there have also been studies performed which demonstrate the effectiveness of clear policies. In a qualitative case study of five school districts which experienced employee sexual misconduct in 2014, performed by the Magnolia consulting group, nine steps were recommended to prevent such abuse:

To prevent or respond effectively to incidents, participants recommend that districts 1) be proactive, 2) develop clear and comprehensive policies and procedures, 3) improve communication about policies and procedures, 4) offer annual in-person staff, student, and parent trainings, 5) have clear guidance for reporting procedures, 6) develop protocols and checklists, 7) establish accountability measures, 8) have strong leaders communicate and enforce policies and procedures, and 9) develop collaborative relationships with criminal justice and child welfare agencies.<sup>53</sup>

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51. Berkovits, “Preventing Abuse in Christian Organizations That Serve Youth: Ten Policies to Create Safer Environments,” 20.

52. Berkovits, “Preventing Abuse in Christian Organizations That Serve Youth: Ten Policies to Create Safer Environments,” 20.

53. Billy-Jo Grant, Stephanie B. Wilkerson, deKoven Pelton, Anne Cosby, and Molly Henschel, “A Case Study of K-12 School Employee Misconduct: Lessons Learned from Title IX Implementation,” Magnolia Consulting (2017), ii.

Many of these recommendations indicate the importance of having sexual misconduct policies in order to prevent the sexual abuse of children. It would be wise for a WELS church to follow the recommendations of this study. WELS churches desire to prevent the sexual abuse of children within the church; therefore, they will want to be proactive, develop clear and comprehensive policies, and communicate and enforce such policies and procedures. They will want to take these steps in order to protect the children.

Ultimately, WELS churches will desire to protect the children because they love children. *The Child Safeguarding Policy Guide for Ministries and Churches* explains in its conclusion, protecting children with these policies is an act of love. There, it states, “Developing, implementing, and updating a Policy is a lot of work for a congregation to undertake, but it’s effort well spent. The Policy, far more than a piece of paper, is a tangible expression of love toward your church’s children... Through the Policy your church is now equipped to intervene and show God’s love to this child.”<sup>54</sup> Sexual misconduct policies are acts of love done by a church for the sake of the children. The act is loving because it protects children from sexual violence. Therefore, WELS churches should establish sexual misconduct policies to protect the children.

### **For the Sake of Those Who Have Been Abused**

Protecting children from potential harm is an important purpose of the sexual misconduct policy, perhaps the most important. Another important reason to establish sexual misconduct policies is to make those who have been abused comfortable at church. Previously in this paper, the

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54. Tchividjian and Berkovits, *The Child Safeguarding Policy Guide for Church and Ministries*, 215.

negative spiritual impacts that sexual abuse within the church causes was established. Therefore, a WELS church will want to establish sexual misconduct policies to support those who have been abused in the past.

Dr. Carolyn Holderread Heggen, a mental health therapist who specializes in trauma recovery and an advocate for supporting those who have been abused in church, speaks about the important steps that a church should take in order to help victims heal in an article entitled “Sexual Abuse by Church Leaders and Healing for Victims.”<sup>55</sup> It must be acknowledged that Heggen has an unbiblical view of the relationship of men and women, yet aspects of what she says are beneficial even for a church body that does not agree with many of her beliefs. In this article, Heggen speaks about the importance of a church’s response to sexual abuse for the victim. Dr. Heggen writes, “The church’s response to those who have experienced clergy sexual abuse can either increase their trauma or help them heal and be restored to faith and their spiritual community.”<sup>56</sup> With this in mind, Heggen suggests steps that a church should take to support the victims “who have been abused by a pastor or church leader.”<sup>57</sup> Heggen believes that an important step to make in supporting those who have been abused in the past is “working at prevention of future abuse.”<sup>58</sup> Of the steps that she suggests in this realm, one of the primary steps is to “Create, implement, and carefully monitor policies designed to prevent abuse and ensure that offenders are held accountable.”<sup>59</sup> Churches, who wish to support past victims of

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55. Carolyn Holderread Heggen, “Sexual Abuse by Church Leaders and Healing for Victims,” *MQR* 89 (January 2015), 81.

56. Heggen, “Sexual Abuse by Church Leaders and Healing for Victims,” 90.

57. Heggen, “Sexual Abuse by Church Leaders and Healing for Victims,” 90.

58. Heggen, “Sexual Abuse by Church Leaders and Healing for Victims,” 92.

59. Heggen, “Sexual Abuse by Church Leaders and Healing for Victims,” 92.

sexual abuse within the church, should institute sexual misconduct policies. These policies will help them feel safe at church.

Sexual misconduct policies should also be instituted for the sake of those who have been abused in the past because the policies protect others from being abused. Dennis McKewon, a victim of clergy sexual abuse and an advocate for those abused by clergy members, expresses a strong desire that no one else suffer the trauma that he and others have already suffered.<sup>60</sup> McKewon is not alone with this desire. Many of those who have been the victims of sexual abuse within the church desire that others not be victimized in the same way. Therefore, WELS churches should implement sexual misconduct policies to prevent future occurrences of the sexual abuse of children.

Ultimately, WELS churches should implement sexual misconduct policies for the sake of those who have been victimized in the past. When a child is abused at church, this causes many spiritual problems for them. Therefore, a WELS church will want to implement these policies in order for these people to feel safe at church. Also, the church will want to implement such policies for the sake of those who have been abused because these people desire that no person be victimized again as they were. Certainly, WELS churches will want to implement sexual misconduct policies for the sake of those who have been abused by clergy members, church staff, and volunteers.

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60. Dennis McKeown (victim of clergy abuse), Interview on Zoom call, October 12, 2020.

### Legal Reasons

An often-neglected reason for churches to implement sexual misconduct policies is for legal reasons. Likely, this is because many churches do not know the laws. Nevertheless, WELS churches should implement sexual misconduct policies for legal reasons.

The first reason to consider the legal aspect of implement sexual misconduct policies is because of the doctrine of two kingdoms. Professor Emeritus of Wisconsin Lutheran Seminary, John Brug, summarizes this truth well when he writes, “Christians are citizens of two kingdoms, one a heavenly spiritual kingdom, and the other an earthly political kingdom. Because of this dual citizenship a Christian has dual obligations and loyalties.”<sup>61</sup> Christians operate in both the heavenly spiritual kingdom and the earthly political kingdom. This is true for churches as well. When operating in the earthly political kingdom, church members desire to honor and serve God. They do this by honoring, obeying, and praying for the government.<sup>62</sup> Another way that church members will operate in a godly way within the earthly political kingdom is how they interact with the laws of the government. About this concept, Brug states,

Today when there is so much disrespect for law, it is especially important that Christians set a good example to others by respecting and obeying the law. Parents should be especially concerned to set a good example for their children. “Obeying every ordinance of man” is not confined to avoiding homicide and bank robbery. It includes setting an example by respecting “lesser” laws like traffic laws, tax laws, gambling laws, ethical business practices, and so on. If our example is to be effective, we cannot be selective in our obedience to the law.<sup>63</sup>

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61. John Brug, “The Lutheran Doctrine of the Two Kingdoms: Current Problems Concerning Christian Citizenship and the Separation of Church and State,” WLS (1999).

62. Brug, “The Lutheran Doctrine of the Two Kingdoms: Current Problems Concerning Christian Citizenship and the Separation of Church and State,” 3.

63. Brug, “The Lutheran Doctrine of the Two Kingdoms: Current Problems Concerning Christian Citizenship and the Separation of Church and State,” 3.

Here, Brug speaks about the importance of a Christian observing all of the laws that a government has established. Christians will observe these laws partially to set a good example. In this quotation, Brug speaks about setting the example for one's own children, but Christians desire to set a positive example for all people. Therefore, a church, which is comprised of Christians, will do everything that it can do to observe the laws of the earthly political kingdom.

Although it is not required by rulers within the earthly political kingdom for churches to implement and enforce sexual misconduct policies, church leaders will want to understand the laws of their area, especially those regarding sexual misconduct performed by a church leader, so that they can properly observe and support the law. They will do this as a way of honoring the authorities.

The sexual abuse of children is a crime in most places. This paper will use the laws of Wisconsin as illustrative. In the state of Wisconsin, sexual contact with a child under the age of thirteen years old and causing great bodily harm is a Class A felony.<sup>64</sup> There are many different variations in what degree of harm is caused and what class of crime it is. But ultimately, the sexual abuse of children is illegal in the state of Wisconsin. Since the sexual abuse of children is a crime, a WELS church, out of respect for the government, would be wise to enact policies that support the adherence to this law within their facilities.

Also of special importance for a church is that according to the law, it is the obligation of those who are responsible for the welfare of children to prevent the abuse. Failure to prevent such abuse is a Class F felony in the state of Wisconsin. Regarding this, the statute says,

948.02(3) (3) Failure to act. A person responsible for the welfare of a child who has not attained the age of 16 years is guilty of a Class F felony if that person has knowledge that

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64. "2015 Wisconsin Statutes & Annotations 948. Crimes against children. 948.02 Sexual assault of a child., " Justia US Law, [https://law.justia.com/codes/wisconsin/2015/chapter-948/section-948.02/#:~:text=948.02\(1\)%20\(1\),of%20a%20Class%20A%20felony](https://law.justia.com/codes/wisconsin/2015/chapter-948/section-948.02/#:~:text=948.02(1)%20(1),of%20a%20Class%20A%20felony).

another person intends to have, is having, or has had sexual intercourse or sexual contact with the child, is physically and emotionally capable of taking action which will prevent the intercourse or contact from taking place or being repeated, fails to take that action and the failure to act exposes the child to an unreasonable risk that intercourse or contact may occur between the child and the other person or facilitates the intercourse or contact that does occur between the child and the other person.<sup>65</sup>

According to this statute, those who are responsible for the welfare of a child are required to do whatever they can in order to prevent re-victimization from occurring. Therefore, WELS churches should institute sexual misconduct policies that address the proper response to occurrences of the sexual abuse of children. The churches will institute these policies in order to follow and support this statute.

WELS churches operate in both kingdoms of God, the heavenly spiritual kingdom and the earthly political kingdom. Therefore, WELS churches will do what they can to abide by and support the laws of the earthly political kingdom. They will do this to honor the authorities that God has placed over them. They will also do this to be good examples for the community by taking care to observe all the laws in the earthly political kingdom regarding the sexual abuse of children. For this reason, WELS churches should enact and enforce sexual misconduct policies.

### **Church Discipline**

When churches institute sexual misconduct policies, they will establish both proactive policies that work to prevent sexual misconduct and reactive policies that are designed to handle accusations and occurrences of sexual misconduct performed by clergy, church staff, and volunteers. One reason for which WELS churches should institute reactive policies is that God has called churches to practice church discipline.

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65. "2015 Wisconsin Statutes & Annotations 948. Crimes against children. 948.02 Sexual assault of a child., " Justia US Law, [https://law.justia.com/codes/wisconsin/2015/chapter-948/section-948.02/#:~:text=948.02\(1\)%20\(1\),of%20a%20Class%20A%20felony](https://law.justia.com/codes/wisconsin/2015/chapter-948/section-948.02/#:~:text=948.02(1)%20(1),of%20a%20Class%20A%20felony).

In Matthew 18, Jesus gives instructions to his followers on how to deal with instances in which a fellow believer sins against them. Based on Jesus' words, it is clear that the church has the responsibility to respond to the sinful actions of its members. In Matthew 18:15, Jesus gives the reason for exercising such church discipline. There, Jesus says, "If they listen to you, you have won them over." Ultimately, churches practice church discipline for the eternal good of the sinner. Churches point the person to his sin. They do this to draw the individual to repentance so that they can share the truth of forgiveness found in Christ Jesus with that sinner.

Jesus instructs believers to address the sins of fellow believers. This is true in all circumstances. This even includes times of sexual abuse. It would be unloving for church members to ignore the sin of the abuser. Instead, they want to do due diligence. They want to address the sin committed by their fellow believer. They will do this to draw the abuser to repentance. Therefore, churches want to implement sexual misconduct policies to exercise church discipline.

### **Part III Summary**

Throughout Part III of this paper, it has been demonstrated that sexual misconduct policies should be established by WELS churches. Such policies will operate as curbs to prevent clergy members, church staff, and volunteers from committing sexual abuse against children. These policies will also serve to protect the reputations of clergy members, church staff, and volunteers who are falsely accused. They serve to protect children from facing sexual abuse. They provide a greater sense of welcome, safety, and security for those who have suffered abuse in the past. They demonstrate the desire to protect others from such abuse. They offer an example of good and godly citizenship in the kingdom of God's left hand. Finally, the churches want to establish

sexual misconduct policies as part of their mission to carry out church discipline. For these and many more reasons, WELS churches should enact sexual misconduct policies

### **Conclusion**

Christians are called by God to care for children. The Wisconsin Evangelical Lutheran Synod has demonstrated special care for children. For this reason, WELS churches should institute sexual misconduct policies that combat sexual violence committed by clergy, church staff, and volunteers to prevent sexual misconduct, preserve reputations, and protect the most vulnerable population. WELS churches will want to establish such policies because church workers can commit sexual violence, and it has happened many times in other church bodies. Ultimately, WELS churches will look to implement sexual misconduct policies to protect the children of the church.

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