SEXUAL ABUSE OF MINORS IN THE ROMAN CATHOLIC CHURCH

Extended version

Part 1: The inquiry
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PREFACE

Every story is harrowing. Behind every story there is a victim. Last year I was asked to investigate the relevant facts, stories and circumstances surrounding the sexual abuse of minors in the Roman Catholic Church in the Netherlands in the period from 1945 to 2010. Prior to 7 March 2010, when I was given the assignment to formulate a proposal for an independent inquiry, my initial response had been non-committal.

Why should that be? I was born and raised in The Hague. My parents belonged to the Dutch Reformed Church and I went to a Protestant Christian primary school. I went on to attend a Protestant Christian secondary school; that was the way of the world in those days. When I left school, I continued my studies at VU University Amsterdam, another institution with strong roots in the Protestant tradition. I therefore grew up, went to school and attended university in an entirely different environment and culture to many of the victims of sexual abuse in the Roman Catholic Church who, from March 2010, reported their cases to me and later to the Commission of Inquiry. In letters, and most often in e-mails, they volunteered their stories. In some cases, their accounts took the form of a brief message but I also received detailed descriptions of the suffering that had been inflicted on them and of the impact that could often still be felt on a daily basis. Some of the people — victims — who reported what had happened to them were my own age; they told me that never in their entire lives had they spoken of their ordeal to their partner or children. In many other cases, I was only the second person with whom a victim had chosen to share their life story — sometimes in great depth. Apart from their partner, I was the first person in whom they had confided. I was moved by this and continue to be so to this day.

But what could I do? Raised in protestant Christian circles, my initial reaction was one of surprise when I was asked to lay the foundations for the investigation on which the Commission of Inquiry is now reporting. In 1980, the Roman Catholic Church in the Netherlands still had over five million faithful members, or at least people who were involved in the Roman Catholic Church to some extent. At the time, I was a Member of the Lower House of the Dutch Parliament.

As a politician, I had the privilege of learning that there are no barriers when it comes to engaging with social issues and with people. Especially not given the way our society in the Netherlands works. If you are called upon to do your bit, you need a very good reason to refuse. I had no such reason. When on 7 May 2010 I was interviewed by television presenter Twan Huijs for current affairs programme Nova (now Nieuwsuur), I declined to commit myself on the subject of whether I would in fact lead this inquiry. The response given by Peter Dijcks, who had come forward as a victim from the Sint Henricus Institute in Grave, was as follows: ‘Without Deetman as its chairman, this commission will be worthless.’ It seemed I had reached the point of no return. Now, with hindsight, I can say that this was as it should have been.

These same deliberations also applied to the other members of the Commission of Inquiry. When I approached them, they were just as surprised as I had been. With one exception, I had not made their acquaintance before. They too accepted, and for the same reasons. I would like to take this opportunity to express my gratitude to them, more than I have been able to express in the past 18 months.

The process that began in March 2010 and — I say this with a certain emphasis — that has come to an end in this report has not left me unmoved. In March 2010, I watched as my mailbox filled with dozens, hundreds of messages. Personal stories that made a deep and
lasting impression on me. And that I continue to carry with me. Some of these stories came from people my own age. And, even more strikingly, from people I knew in the world of politics and in organizations in whose employ or on whose behalf I had worked. People who began their e-mail with ‘Dear Wim’. You cannot imagine what I read and the effect it had on me.

I was unable to conceive beforehand that everything, and I do mean everything, connected with this investigation was so charged with emotion, and continues to be so. The abuse has not only left scars, but also raw nerves and even open wounds in the lives of many people. Understandably so.

For the other members of the Commission of Inquiry, these experiences were just as intense. It was clear to us all that the highest priority should be given to the provision of good quality help and support. For this reason, we decided to publish an interim report on 9 December 2010. This paved the way to improving the position of the victims. Their position can still be improved and still needs to be improved. This point was emphasized by the Commission of Inquiry on 8 November 2011 in a second interim report.

The abuse has also sown the seeds of mistrust. In some cases, this mistrust was directed towards members of the victim’s own family, who were often unable to believe the accounts of abuse. Sometimes the mistrust was directed at the healthcare sector. Many victims had and still have great difficulty putting their trust in experts and qualified care professionals.

It is hardly surprising, therefore, that this mistrust also extended to the Commission of Inquiry. After all, the assignment given to the Commission of Inquiry came from the Conference of Bishops and the Conference of Religious in the Netherlands. It did not come from the government or Parliament, but from within the Roman Catholic Church. This lack of trust among the victims is understandable. Often from a very young age, their trust in others was betrayed, damaged and unfortunately in many cases irrevocably destroyed. Why should they now trust a Commission of Inquiry consisting of people unknown to them personally and whom they certainly had not asked to conduct an investigation?

How did the Commission of Inquiry deal with this mistrust? This inquiry is scientific in nature. The methods employed come — as it were — from the professional literature. But an investigation such as this cannot be conducted if the Commission of Inquiry is not in contact with all those involved: with the responsible authorities, with the offenders and alleged perpetrators, but also with the victims. The Commission of Inquiry gave priority and devoted its attention to establishing that contact. Anyone reading the reports submitted by victims was propelled into feelings of indignation, rage, mistrust, impatience and aversion. The one thing the Commission of Inquiry could do and indeed had to do was to seek contact with the victims.

All those who had reported abuse to the Commission of Inquiry at the time were invited to two meetings, held behind closed doors in Utrecht on 29 September 2010 and in Eindhoven on 1 October 2010. These meetings were well attended and emotions ran high. They laid the foundation for regular contact with victim support groups, but also with victims on an individual basis. This extensive and intensive contact was not simply a one-way street that allowed the victims to vent their feelings. On the contrary, it made it clear to the Commission of Inquiry that the suffering and distress – which in many cases had been inflicted on these victims so long ago – may well need to be addressed on a permanent basis. In its second interim advisory report, the Commission of Inquiry returned to this point.

I have spoken with many victims individually, but also with groups of victims on a fairly regular basis. As individuals, or in groups, they actively approached the Commission of Inquiry throughout this process. Often in one and the same breath, they sought to encourage the Commission of Inquiry while firing off mistrustful questions about the outcome of the investigation. I faced many a challenging situation, yet each meeting followed its own
unorthodox pattern. We gradually reached a position in which the investigation also benefited from the commitment of victims and their willingness to work with us. When testing the questionnaires for a large-scale survey, two groups of victims provided comments, suggestions for improvement and additions. Perhaps this is not of primary importance, but it speaks volumes about the way in which victims — while they remained critical and mistrustful — still recognized the importance of this inquiry.

The Commission of Inquiry has now reached its end. Its task has been fulfilled. It has investigated the nature and the scale of the sexual abuse of minors within the Roman Catholic Church in the Netherlands from 1945 to 2010. The Commission of Inquiry also had the task of investigating the circumstances and the administrative responsibilities pertaining to this issue. An additional question was to investigate how this administrative responsibility was carried out. This report is the outcome of an investigation that took over one year to complete. It is possible that this outcome will lead to further scientific study.

The Commission of Inquiry has focused strictly on the sexual abuse of minors in the Roman Catholic Church. Its findings do not represent a comprehensive answer to the general phenomenon of the sexual abuse of minors and related issues such as the maltreatment of children, domestic violence, forced prostitution and physical violence in relationships of power or authority. The quality of our society would be well served if research or further research were to be devoted to these issues. This applies to society in the broadest sense of the term. It would enable us to gain a greater insight into the effective action that might be taken to reduce the impact of these abuses. Where the initiative for such research is concerned, let it be taken by those who feel called upon to do so.

The Commission of Inquiry has completed its inquiry. It is now up to others to pass judgement on the work we have done. The Commission of Inquiry will view these judgements with an open mind.

I would like to thank everyone who has contributed to this report. First of all, the members of the Commission of Inquiry: Nel Draijer and Marit Monteiro took responsibility for important sections of this report, with the full approval of the Commission of Inquiry as a whole. The same is true of Pieter Kalbfleisch, Harald Merckelbach and Gerard de Vries. At key moments, they took up their pens to produce the final report. Last but not least, I wish to thank Bert Kreemers for the commitment he showed in the role of secretary. He was literally available day and night, which made my role as chairman far easier to fulfil. But it is also important to note that this level of commitment enabled us to build contact with and win the confidence of both victims and the commissioning parties. I would also like to extend my thanks to all those who worked as part of the archive team and the administrative support team, under the firm organizational and expert direction of Meyken Houppermans. Without their invaluable contributions, the Commission of Inquiry could not have done as much work or uncovered as much information. The consultative group are deserving of our thanks for their meticulous reading and for their unflinching critical faculties.

I would like to close by expressing my particular thanks to all those who have reported sexual abuse to the Commission of Inquiry: the victims, and the families and partners of victims living and deceased, who often find themselves dealing with the impact of the ordeal suffered by their nearest and dearest. Without them we could make no claim to recognition, involvement, dialogue, help, redress, transparency, openness and integrity. This brings me to the organizations that commissioned this report. I have been pleasantly surprised by their openness, transparency and willingness to cooperate. They kept the promise made by the former head of the Conference of Bishops: ‘You will have full and unencumbered access to everything you need.’ From today, bishops and higher superiors throughout the Netherlands will have full and unencumbered access to this report.
Wim Deetman

1 INTRODUCTION

This introductory chapter describes the setting up, the assignment, the approach, the importance and the questions pertaining to the inquiry into the sexual abuse of minors in the Roman Catholic Church in the Netherlands.

1.1 Setting up the Commission of Inquiry into the sexual abuse of minors in the Roman Catholic Church

1.1.1. The background

In early 2010, the extensive media coverage of the sexual abuse of minors came as a surprise to the Roman Catholic Church in the Netherlands. With a few exceptions, this was the message communicated by all bishops and auxiliary bishops (past and present), higher superiors and other figures of authority within the Roman Catholic Church in their interviews with the commission investigating the sexual abuse of minors in the Roman Catholic Church (hereafter referred to as the Commission of Inquiry).

The public outcry about the sexual abuse of minors has spread from continent to continent and country to country over the past twenty years. Ten years ago there was a flood of reports about abuse in the United States of America.¹ This was preceded by a torrent of reports about abuse in Ireland. Later the public outcry spread to Austria and Germany. In February 2010, the same phenomenon took hold in the Netherlands, although there had previously been sporadic media reports regarding the sexual abuse of minors in the Roman Catholic Church in the Netherlands.

One report followed another in rapid succession, focusing on the abuse itself and on the failure of the authorities within the Roman Catholic Church to deal with the issue openly. The present-day authorities and holders of office within the Roman Catholic Church were unable to answer many of the questions asked. These questions were diverse in nature. What did the relevant authorities know of the abuse? How widespread was the abuse? How were the complaints of the victims and their parents handled? Why was no help offered at the time when the abuse was taking place? The call for answers to all of these questions grew steadily louder in the first months of 2010.

1.1.2. The initial response from the Conference of Bishops and the Conference of Religious in the Netherlands

On Tuesday, 9 March 2010 the bishops assembled for their monthly conference. On this occasion the bishops were joined by the deputy chair of the Conference of Religious in the Netherlands (Konferentie Nederlandse Religieuzen, KNR), Sister T. Sonder, and two board members of Hulp & Recht (the body set up by the Roman Catholic Church to deal with allegations of sexual abuse within its ranks; its name translates literally as Help & Justice). At that point, Hulp & Recht had received 350 reports of the abuse of minors dating from the 1950s and 1960s. Eighty per cent of these reports concerned children between the ages of eight and fifteen ‘being brought up under religious leadership’.² This mainly involved congregations of priests and religious brothers, spread over congregations established by pontifical and diocesan right. According to Professor P.J.E. Chatelion...
Counet, the Secretary-General of the Conference of Religious in the Netherlands, this meant that responsibility was shared by the Conference of Religious and the bishops.

The Conference of Religious in the Netherlands and the Conference of Bishops identified three problems. The first problem was the help and support provided to victims, the responsibility for which was initially given to the higher superiors. The second problem concerned the handling of the complaints, for which *Hulp & Recht* was the appropriate authority. The third problem encompassed three questions: who should carry out the inquiry, what should the inquiry focus on and should it be an inquiry established jointly by the bishops and the Conference of Religious in the Netherlands?

In the first instance, the bishops who met to discuss this matter *extra omnes* (in closed session) were in favour of holding two inquiries. One was to be an independent inquiry by the Conference of Religious in the Netherlands looking into the reports and the abuse in boarding schools run by religious orders and congregations. A second inquiry, also independent, was to be conducted by the bishops ‘on the basis of their overarching responsibility towards the faithful, education and social commitment’.

The Conference of Religious in the Netherlands was opposed to the idea of two inquiries and emphasized the collective responsibility. The complaints not only concerned seminaries run by congregations of pontifical and diocesan right, but also seminaries that came under the jurisdiction of the bishops.

The question of who should carry out the inquiries or one single overarching inquiry (and how this should be done) was left unanswered. An initial decision was made to examine how the approach to the independent inquiry should be worked out in greater detail. In the words of the decision, Mr W.J. (Wim) Deetman was asked ‘to supervise the process with the aim of arriving at an inquiry’.³

### 1.1.3. Setting up the inquiry

On 12 March 2010, Wim Deetman announced in a press conference that he would ‘in the coming weeks, carry out preparatory work with a view to an independent inquiry’.⁴ This work consisted of formulating the questions to be addressed by the inquiry, establishing the methods and field of research, the staffing of a proposed commission of inquiry, establishing a time frame and determining safeguards to ensure an independent, painstaking and transparent inquiry. This work was expected to take between six and eight weeks. Lastly, an announcement was made to the effect that everyone who wished to contribute information or to report an instance of sexual abuse could do so at the following e-mail address: onderzoekrk@gmail.com.⁵

### 1.1.4. The Conference of Bishops on 13 April 2010

At the meeting of the Conference of Bishops on 13 April 2010, the Bishop of Groningen-Leeuwarden, Monsignor G.J.N. de Korte, stated that in the first week of May 2010, an ‘inquiry proposal’ would be presented: ‘Mr Deetman will not allow the bishops to reject any part of the proposal, but they will have the opportunity to make additions.’⁶ Monsignor De Korte pointed out that ‘Mr Deetman is in charge of setting up the inquiry: he will seek out the people to serve on the commission and define their tasks, and will probably specify the information that the commission needs to have at its disposal. He will leave the task of setting the agenda to the commission itself. If the bishops accept his inquiry proposal, he will consider the possibility of chairing the commission himself.’
With regard to the further stages of the inquiry, Mr J.C.G.M. Bakker, a close associate of the chairman of the Conference of Bishops, informed Monsignor A.H. van Luyn that ‘there will be no comprehensive revision in consultation with the bishops. This is to ensure the independent nature of the inquiry. Society at large, including the bishops, will be able to respond to the report.’

1.1.5. The presentation of the inquiry proposal

The proposal for the inquiry was ready at the end of April. Mr Deetman consulted a great many people on this subject, including five individuals whom he later asked to become members of the Commission of Inquiry. These five people were Dr P.J. (Nel) Draijer, Mr P. (Pieter) Kalbfleisch, Professor H.L.G.J. (Harald) Merckelbach, Professor M.E. (Marit) Monteiro and Professor G. H. (Gerard) de Vries.

On 7 May 2010, the chairman presented his proposal for the inquiry. At this stage, he was accompanied by the members of the Commission of Inquiry. This proposal gave priority to examining and advising on the performance of Hulp & Recht and the help it provided. At the time Hulp & Recht was the name of the organization that dealt with the issue of sexual abuse within the Roman Catholic Church. From the end of September 2011, this role was taken over by a new organization, the Agency for Reports of Sexual Abuse in the Roman Catholic Church (Meldpunt Seksueel Misbruik in de Rooms-Katholieke Kerk).

When inviting individuals to serve as members of the Commission of Inquiry, the chairman ascertained their academic integrity and independence. None of the members had a Roman Catholic background, with the exception of Professor H.L.G.J. (Harald) Merckelbach.

1.1.6. The decision-making process with regard to setting up the inquiry and the composition of the Commission of Inquiry

On 11 May 2010, another meeting of the Conference of Bishops was held. The board of the Conference of Religious in the Netherlands was not represented, but had already given its full backing to the inquiry proposal.

For the Conference of Bishops, accepting the proposal was not simply a formality. The composition of the Commission of Inquiry was a point of discussion. The bishops were of the opinion that the Commission lacked an expert in the field of canon law. They also expressed the wish that two such experts and a diocesan archivist should be included in the inquiry’s administrative support team. The chairman of the Commission did not adopt these suggestions, with a view to safeguarding the independent nature of the Commission of Inquiry. However, it was agreed that advice in this field could be sought if necessary.

Another point of discussion was access to church archives. The bishops were willing to open their archives ‘insofar as this served the needs of the inquiry’. They insisted that access only be given to ‘relevant documents’. The Commission’s chairman Wim Deetman explained that the complex nature of the inquiry made it impossible to determine in advance which documents may or may not be relevant. It was therefore a requirement that access be granted to all archives under the auspices of the commissioning bodies, and without any restrictions. The Commission of Inquiry gives an account of its approach to the archive research in Appendix A.
In addition, the bishops asked for attention to be paid to ‘sociopathic personality disorders in paedosexuals’ and asked for a budget proposal to be drawn up. The Conference of Bishops also had its own perspective on the installation of the Commission of Inquiry. They thought that the chairs of the Conference of Bishops and the Conference of Religious in the Netherlands should be present, along with Monsignor De Korte.

The decision of the Conference of Bishops was that ‘the commission under the chairmanship of Mr Deetman [may] proceed with the proposed inquiry.’ This was confirmed in a press release issued jointly with the Conference of Religious in the Netherlands: ‘The plan for an inquiry in its present form has the full support of the bishops and the board of the Conference of Religious in the Netherlands. They pledge their fullest cooperation and will undertake to make all relevant information available to the Commission of Inquiry.’

The commissioning bodies agreed to the proposal put forward by the Commission of Inquiry that ‘priority will be given to advice on the help and support provided to the victims. While help and support are already under way through the procedures of Hulp & Recht or in the form of dialogues between victims and confidential counsellors in dioceses, orders and congregations, the bishops and religious superiors attach great importance to hearing from the Commission of Inquiry in the short term in what respects it may be desirable to supplement the provision of help and support and how existing procedures can be optimized, where needed.’

1.1.7. The first step in the implementation

The inquiry conducted by the Commission of Inquiry was required to meet all possible criteria for academic integrity, thoroughness and also independence. In seeking out administrative support for the inquiry, the Commission of Inquiry turned to the Centrum Arbeidsvoorwaardenoverleg Overheidspersoneel (CAOP), a leading knowledge and service centre for the labour market and labour relations within the public domain. The CAOP took care of financial management for the Commission of Inquiry, as well as security, documentation and support for the inquiry’s administrative team.

The Samson Commission, which is carrying out an independent inquiry into the sexual abuse of minors in state care who were placed in institutions or in foster homes, later based itself at the same location as the Commission of Inquiry. This made it possible for the chairs, members and administrative support teams to consult each other and coordinate on a regular basis.

The chairman of the Commission of Inquiry received approximately 100 unsolicited applications from individuals who wished to be of service to the Commission of Inquiry in one way or another. For a list of the staff of the Commission of Inquiry’s administrative support team and the archive team, see Appendix B. They were under the authority of the Secretary of the Commission of Inquiry, Dr H.P.M. (Bert) Kreemers.

On 24 August 2010, an introductory meeting took place between the Commission of Inquiry and the commissioning bodies. Since the Commission of Inquiry had decided not to hold any formal installation ceremony, this introductory meeting marked the formal start of the Commission of Inquiry’s work.

1.2 The assignment
1.2.1. The assignment for an independent inquiry

The Conference of Bishops and the Conference of Religious in the Netherlands commissioned an independent inquiry into the facts and circumstances regarding the sexual abuse of minors whose welfare was entrusted to the responsibility of institutions and parishes within the Roman Catholic Church in the Netherlands, including the orders and congregations which are members of the Conference of Religious in the Netherlands.

The inquiry focused on the scale and the nature of the sexual abuse of minors, in addition to the sphere of responsibility within which this abuse was allowed to take place. Priority was given to the help and support offered to victims and advice was given on this matter.13

In this inquiry, the following strict definition of sexual abuse was used:

The term sexual abuse refers to sexual contact by representatives of the Roman Catholic Church in the Netherlands — priests, members of a religious order or congregation, pastoral workers in the employ of the church, laypersons and volunteers working for the church — with a child or young person under the age of 18 entrusted to the responsibility of the above-mentioned representatives, without the child or young person feeling able to refuse this sexual contact, as a result of physical dominance or abuse of a position of authority, emotional pressure, compulsion or force.

Abuse of a position of authority refers to an inequality in the balance of power (e.g. adult-minor, teacher-pupil, team leader-youth member). The term sexual contact is defined as all physical sexual contact, from touching or making another person touch breasts and genitals, and kissing with sexual intent to sexual intercourse (vaginal, oral or anal) or penetration of the vagina or rectum using objects or fingers.

What victims regard as sexual abuse covers a wide range of behaviour: from spying on someone and less invasive forms of contact, to fondling under clothing and penetration.

Numerous cases of sexual abuse involve physical violence or psychological pressure, including threats and blackmail. This is done to break the will of the victim and accordingly fits into a pattern that precedes sexual abuse. But in some cases compulsion consists only of the suggestion or assumption of such a connection.

The inquiry covers the period from 1945 to May 2010. The victims are minors who were under the responsibility of persons working in the Roman Catholic Church in the Netherlands: priests, members of a religious order or congregation, pastoral workers employed by the church and laypersons.

The inquiry spans a lengthy period in which the Netherlands in general, and the Roman Catholic Church in the Netherlands in particular, underwent numerous and far-reaching changes. It is therefore important to have a sound appreciation of these changes in order to arrive at a proper interpretation of the findings as regards the occurrence and explanation of the sexual abuse. Placing the findings in the perspective of a given time in order to arrive at a balanced view of what took place should not, however, be taken to imply that a description of the socio-cultural and historic context legitimizes abuses.
In order to achieve a clear understanding of the workings of the Roman Catholic Church in the Netherlands, it is not enough to conduct archive research and to consult literature and publications, with all their limitations. Interviews with people who were directly involved are also necessary. Monsignor H.C.A. Ernst (Breda, 8 April 1917) is the oldest living bishop of the post-war era. He was ordained Bishop of Breda on 17 December 1967. His colleague, Monsignor J.W.M. Bluyssen (Nijmegen, 10 April 1926) was ordained auxiliary bishop in the diocese of ’s-Hertogenbosch on 27 December 1961. On 11 October 1966 he became the successor to Monsignor W.M. Bekkers. The Commission of Inquiry spoke with them and a handful of other figures of authority from that time. The Commission of Inquiry also spoke to the younger generations and the present generation of bishops and auxiliary bishops, higher superiors and vicars general.

The reference to the Roman Catholic Church in the Netherlands means that the Commission of Inquiry has limited its geographical area of investigation to the Netherlands. In so far as it was relevant to the investigation, the Commission of Inquiry gathered information and inspected reports of abuse from other countries, and from the islands of Aruba and Curaçao, both formerly part of the Netherlands Antilles. In the Netherlands, the investigation covers seven dioceses, the military ordinariate and religious priests, non-ordained male members of a religious order, nuns and sisters and lay ministers within a parish, diocese or religious order or congregation in the Netherlands.

1.2.2. Restrictions in relation to the inquiry’s sources

Between March 2010 and 1 December 2010, the Commission of Inquiry received 2026 reports. These reports were unsolicited in the sense that the persons who made them (hereafter/also referred to as ‘notifiers’) were entirely free to decide whether or not to contact the Commission of Inquiry and to decide what form their report should take. It is more accurate to refer to them as ‘reports and messages’, given that not all of the e-mails and letters contain reports relating to the sexual abuse of minors. Some relate to events that fall outside the scope of the inquiry. For the sake of brevity, the Commission of Inquiry will hereafter use the term ‘reports’. In Chapter 3, the Commission will deal in greater depth with the reports used for further analysis and research within the context of the inquiry.

Many notifiers limited themselves to a short account containing non-specific information, stating for example that they had been subject to serious sexual abuse over a relatively broadly defined period of time. In such cases, one can only guess at the nature, duration and frequency of the abuse. The circumstances in which the abuse took place are unclear. So too are other aspects, such as whether the notifier was the perpetrator’s only victim and whether the abuse was ever reported to the relevant authorities and/or the police.

Two examples of reports containing insufficient information are given below:

‘I was sexually abused in X when I was at boarding school [name of school].’

‘My father has now passed away but in the period 1940–50 he was in Y and we strongly suspect (for many different reasons) that he was abused during that time. Could you perhaps let me know how I can obtain more information about cases of abuse already known at this institution/boarding school and if there are any possibilities for getting in touch with classmates for example?’
Many of the reports that were subject to further investigation concern abuse that took place over forty years ago. This gives rise to other limiting factors. Not everyone feels the need to stir up painful memories and report them. It is also possible that — for whatever reason — people report an incident although they themselves were not direct victims of abuse. The Commission of Inquiry must therefore consider the possibility of distorted figures as a result of over-reporting and under-reporting. The human memory is not infallible, certainly not in relation to events that took place many years ago. By way of illustration, here is an example of such a report:

‘Two weeks ago I sent you an e-mail about my experience of sexual abuse within the Roman Catholic Church. Initially I believed that I had been abused by Brother A. Due to the fact that so much time has passed (it was around 42 years ago), I thought that he was in charge of the dormitory but that was in the last three years of my stay. In the first two years, Father B was in charge and he is the one who abused me. This happened during my first two years at the institute.

I am sorry that I initially gave you the wrong name, but this did happen 42 years ago.’

In the course of its archive research, the Commission of Inquiry found factual information that raises doubts about the reliability of the human memory. These cases involve seemingly precise and factually correct descriptions in reports and interviews with the Commission of Inquiry, parts of which have turned out not to be correct or have at least been called into question as a result of archive research. This is not to say that the abuse reported did not take place. The Commission of Inquiry simply wishes to point out how the unfortunate fallibility of the memory can sometimes stand in the way of reconstructing events that took place so long ago and the investigation of such events.

The fact that the word ‘perpetrator(s)’ is used repeatedly in this document cannot be interpreted as implying that the Commission of Inquiry regards these persons — insofar as they can be individually identified — as actually guilty of committing any criminal offence in the strict legal sense of the term. The Commission of Inquiry consistently adheres to the presumption of innocence and explicitly distinguishes between an offender, whose guilt regarding the criminal offence of sexually abusing a minor has been established in the strict legal sense of the word, and a perpetrator, whose guilt has not been established. This distinction is customary in investigations of sexual abuse and domestic violence as conducted by Movisie (the Netherlands Centre for Social Development) and by the Trimbos Institute, which conducts research into mental health, mental vitality and addiction. The Commission of Inquiry bases the plausibility of a certain incident on a consistent report of an incident that falls within the focus of the inquiry, seen in combination with or in the context of other investigative findings. For these reasons, the Commission of Inquiry has anonymized the names of those accused, in accordance with the convention in the Netherlands. Positions and names have only been used in cases where those accused held an office that involved representing their organization to the outside world, as their identity is already known. It cannot be stressed enough that the Commission of Inquiry did not carry out an investigation in the legal sense and therefore does not make any statements on the grounds of conclusive evidence about what did or did not take place and what is or is not true. It can only issue statements of a general nature.

The Commission of Inquiry has sought to take an open-minded and respectful attitude to those who reported sexual abuse. The Commission of Inquiry spoke to many victims but made its own decisions on whom it wished to speak to about issues of importance to the inquiry. If the Commission of
Inquiry had spoken to all those who reported sexual abuse, it would have been several years before the final report was published. For many reasons that would not have been responsible and it would certainly not have been in the interests of the victims of sexual abuse. Nor would it have led to different conclusions.

1.3 The approach to the inquiry

The Commission of Inquiry gives an account of its approach in Appendix A. In this introductory chapter, the Commission will limit itself to the following points.

1.3.1 Reports to the Commission of Inquiry

When it began its work, the Commission of Inquiry had over 800 reports at its disposal. In August 2010, the Commission of Inquiry asked the editors-in-chief of two national daily newspapers *NRC Handelsblad* and *de Volkskrant* and international broadcaster Radio Netherlands Worldwide to forward to the Commission of Inquiry those cases that had been reported to them. At that stage, reports that had been submitted to the pastorate at IKON (a broadcasting company serving seven church communities in the Netherlands) had already been made available to the Commission of Inquiry. The newspapers and Radio Netherlands Worldwide complied with this request. The Commission of Inquiry would like to take this opportunity to thank the editors-in-chief for their cooperation.

From many of the reports that reached the Commission of Inquiry, it can be concluded that the notifiers not only reported their case to the media, but also to *Hulp & Recht*. A similar overlap is apparent between the reports made to *Hulp & Recht* and those made to the Commission of Inquiry. Op 9 September 2010, all those who submitted a report to *Hulp & Recht* were asked to give permission for their reports to be forwarded to the Commission of Inquiry.

All of the reports were then entered into a database. Later unsolicited reports were also added to this repository. Until 1 December 2010, these reports were processed as part of the database. The reports received after this date were not processed for inclusion in the database, but were used for research purposes, for example in the archive research.

1.3.2 Literature survey

In the early stages of its work, the Commission of Inquiry gave priority to studying international inquiries into the sexual abuse of minors in the Roman Catholic Church. This study has been incorporated into the second part of the inquiry’s report.

1.3.3 Interviews

The Commission of Inquiry conducted over 100 interviews with victims, offenders and perpetrators, people who occupy or used to occupy a position of authority, experts and people who — in a particular capacity — are or were involved in the issues that are central to this inquiry. Reports were made of these interviews, which were then presented to the interviewees to be corrected and/or supplemented. Interviewees were given the opportunity to make statements in confidence. Due to
this confidentiality, the interview reports have not been published. Any quotations from these interview reports are made with the permission of those involved.

In addition to these interviews, the Commission of Inquiry held exploratory and informal interviews with a few dozen individuals. On 29 September and 1 October 2010, the Commission of Inquiry organized two national meetings for notifiers. At each of these two meetings, around 140 people were present.

The Commission of Inquiry spoke on one or more occasions with the following victim support groups: Groep Canisius College, Jongens van Don Rua, Groep Boonk, Groep Eikenburg, Groep Maastricht, Mea Culpa United. On 8 July 2011, the Commission of Inquiry spoke to the National Consultative Umbrella Organization on Sexual Abuse in the Church (Koepel Landelijk Overleg Kerkelijk Kindermisbruik; KLOKK). In addition, the Commission of Inquiry had informal contact by telephone and e-mail with notifiers, victims and those providing support to victims (family, partners, close friends, aid workers, counsellors). The Commission wishes to offer its sincerest thanks to all those who cooperated with its research and investigations.

1.3.4. Archive research

The Commission of Inquiry conducted extensive archive research. This research took in the archives of all dioceses, the Conference of Bishops, Hulp & Recht, religious orders, congregations of male religious and one congregation of female religious. This part of the inquiry was concerned with obtaining the qualitative data necessary to describe the nature of the sexual abuse under investigation, the setting in which it took place, the written words used to refer to sexual abuse in this setting, the knowledge of sexual abuse, the dissemination and exchange of this knowledge, and the structures of supervision, responsibility and sanction within which proceedings were or were not instituted and cases dealt with. Such data also supplemented and provided a check for other data, most notably reports made to the Commission of Inquiry and details relating to the reports that reached the Commission via Hulp & Recht. These reports were very important in determining the search strategies for examining the various separate ecclesiastical and religious archive collections. From there, the trail sometimes led to other archive institutions. Archive research was also carried out at the Catholic Documentation Centre (Katholiek Documentatie Centrum), the Willem Pompe Institute for Criminal Law and Criminology, the National Archives of the Netherlands, the Utrecht Archives (Utrechts Gemeentearchief) and other regional archives, the Public Prosecution Service (Openbaar Ministerie) and the National Library of the Netherlands (Koninklijke Bibliotheek).

A comprehensive account of the archive research is contained in Appendix A.

1.3.5. Survey

In June 2011, the Commission of Inquiry asked Dutch survey agency TNS NIPO to collect data among a representative sample of 34,234 Dutch citizens aged 40 or older. This age category is important with regard to the period that forms the focus of this inquiry. TNS NIPO submitted a screening questionnaire to an internet panel. The aim of the screening questionnaire was selection. The answers to these selection questions were used as a basis for determining which groups would be given a second, longer series of questions to answer.

The aim of the Commission of Inquiry in obtaining answers to this longer questionnaire was:
• to arrive at a well-founded estimate of the scale of the sexual abuse of minors by those to whose care they were entrusted within the Roman Catholic Church in the Netherlands from 1945;

• to determine whether there is a significant difference between the relative prevalence (i.e. occurrence) of the sexual abuse of minors in the Roman Catholic Church and in other groups;

• to gain an understanding of the nature, severity, consequences and handling of the sexual abuse of minors in the Roman Catholic Church in the Netherlands from 1945;

• to gain an understanding of the current mental health (and possible need for help) among persons who have been sexually abused in the Roman Catholic Church in the Netherlands.

In drawing up this part of the final report, the Commission of Inquiry solicited the advice of Professor J.H. (Jan) Smit and Dr A. (Adriaan) Hoogendoorn, both of whom work at VU University Medical Center (VUmc) in Amsterdam. The Commission of Inquiry separately approached Professor C.C.J.H. (Catrien) Bijleveld, Professor of Methods and Techniques of Criminology Research at VU University Amsterdam, and Professor P.G.M. (Peter) van der Heijden, Professor of Statistics in the Social Sciences at Utrecht University, and asked them to provide a second opinion on the research results. This second opinion and the response to it have been published on the Commission of Inquiry’s website. Professor Bijleveld also works as a senior researcher at the Netherlands Institute for the Study of Crime and Law Enforcement (NSCR) and is a member of the Samson Commission. Lastly, Professor L. (Leo) van Wissen, Director of the Netherlands Interdisciplinary Demographic Institute (NIDI), carried out a number of calculations on behalf of the Commission of Inquiry with a view to making a well-reasoned estimate of the scale and the nature of the sexual abuse of minors. The Commission of Inquiry extends its sincere thanks to them for their willingness to advise and offer their support to this inquiry.

1.3.6. Questionnaire for notifiers

The Commission of Inquiry decided to submit a questionnaire to 883 notifiers. In reporting sexual abuse, many notifiers describe only in general terms what happened to them. A structured questionnaire was seen as a way of bridging this information gap. Chapter 3 deals with this aspect of the inquiry in greater detail.

1.3.7. Data from Kaski

The Commission of Inquiry asked Kaski, a centre of expertise on religion and society at the Radboud University in Nijmegen, to collect data on the scale and the nature of the field of Catholic education. This involves data on the number of schools and Catholic schools in secondary education, categorized according to level of education; the number of pupils and the number of Catholic pupils in secondary education, categorized according to level of education; and the number of boarding schools, as well as the number of pupils according to level of education.\(^\text{15}\)

The Commission of Inquiry also asked Kaski to provide an overview of developments in the number of Catholics in the Netherlands in the period from 1945 to 2009, the number of parishes in the same period — divided into those run by secular and religious priests — and the number of religious and
secular priests working in each parish. Appendix B contains explanatory notes in the form of a
glossary. These include an explanation of the difference between religious and secular priests.

1.3.8. Essays

Given the complexity of the subject of the inquiry, the Commission of Inquiry decided to ask a
number of relevant experts to provide a deeper analysis of certain aspects in the form of essays.

The second part of the inquiry’s report, which has been published separately, contains twelve essays
written by experts, one of whom is a member of the Commission of Inquiry and two of whom are
members of the inquiry’s administrative team. These essays have been written at the request of the
Commission of Inquiry, but it is not necessarily the case that all twelve reflect the opinions of the
Commission of Inquiry. The Commission of Inquiry gave the authors free rein to write the essays from
their own perspective. In carrying out its inquiry, the Commission of Inquiry drew on the essays and
the expertise of the authors. This not only makes it possible for the reader to form a judgement
about the essays, but also about the extent to which the Commission of Inquiry utilized the material
presented to them by the experts.

1.3.9. Consultative group

The Commission of Inquiry was supported by a consultative group, which functioned as an expert
review commission. The group consisted of Professor Y. (Ybo) Buruma, Professor M.S. (Marc)
Groenhuijsen, Professor J.C. (James) Kennedy, Ms N.J. (Nelleke) Nicolai, Mr J. (Jaap) Smit and
Professor C.J.M. (Kees) Schuyt.

This consultative group was not formed with the intention of creating a wider support base. Those
who served as a member of the Commission of Inquiry’s consultative group did not in any way
commit themselves to the findings, conclusions and recommendations contained in this report. The
Commission of Inquiry reached its own conclusions and drew up the report of its inquiry according to
the independent methods requested and expected of it. The Commission of Inquiry valued the
contribution of the consultative group and thanks its members for their comments and suggestions.

1.3.10. Agreements made with the Public Prosecution Service

In March 2010, during the preparations for setting up the inquiry, Wim Deetman — as chairman of
the Commission — spoke on the telephone with the Minister of Justice at the time. In the course of
this conversation, he asked whether the Public Prosecution Service was planning to launch its own
investigation. As this turned out not to be the case, the Commission of Inquiry continued its
preparations for the inquiry.

Agreements were then made with the Public Prosecution Service regarding exchange of information
in cases involving a suspected criminal offence that was not barred by the statute of limitations. The
Public Prosecution Service would lead the investigation of criminal offences and initiate criminal
proceedings in cases where the Service believed it would be opportune to do so.

Last year, when the Commission of Inquiry began its work, the chairman Wim Deetman made the
following agreement with the Board of Procurators General, the national directorship of the Public
Prosecution Service: ‘If the Commission of Inquiry becomes aware of an offence that may be
punishable under law and that is not barred under the statute of limitations, the Commission of Inquiry will submit this offence to the Public Prosecution Service for assessment. The Commission of Inquiry will undertake such action if it has even the least suspicion that this might be the case. If the Public Prosecution Service deems the offence to be punishable, the Commission of Inquiry will inform the victim accordingly. The Public Prosecution Service will suggest that the victim report the offence to the police.’

The chairman of the Commission reached agreement with the Church authorities that in cases where a victim decided not to report an offence to the police, the Church authorities would nevertheless take their own appropriate measures against the individual who committed the sexual abuse.

In the course of its inquiry, the Commission of Inquiry passed on eleven reports to the Public Prosecution Service for assessment. In two cases the Public Prosecution Service advised the notifiers to contact the local police. In one case, the Public Prosecution Service contacted the notifier. In another case, the Public Prosecution Service decided to initiate an examination of the facts.

On 16 August 2011, the Commission of Inquiry announced that, on the basis of archive research, it had gathered information which it had forwarded to the Public Prosecution Service for assessment. This information concerned deaths at Sint Joseph in Heel, a former Roman Catholic psychiatric institution.

This information related to the deaths of dozens of minors in the years 1952, 1953 and 1954, and raised questions about the cause of death in these cases.

As chairman of the Commission, Wim Deetman informed the Board of Procurators General about this matter on 23 May 2011. On 31 May, the Commission of Inquiry handed over the relevant documents to the Board after providing a short explanation. The Public Prosecution Service then initiated an examination of the facts.

1.3.11. Recommendations and other publications relating to the final report

On 9 December 2010, the Commission of Inquiry answered two of the questions central to the inquiry in an interim report. The first question was whether the procedure used by Hulp & Recht was adequate and how the organization had performed up to that time. The second question was what would be of the greatest benefit to the victims of abuse at this stage and the nature of the role and responsibilities of the Roman Catholic Church in the Netherlands in this regard.17

One of the recommendations was to produce a more detailed response on the basis of the improvements suggested by the Commission of Inquiry and to present this response to the Commission of Inquiry by 1 July 2011. In accordance with the Commission of Inquiry’s recommendations, the Conference of Bishops and the Conference of Religious in the Netherlands appointed a coordinator to carry out this task: Mr R.J.G. Bandell. The Commission of Inquiry received the Bandell report it requested on 24 June 2011.18

On 8 November 2011, the Commission of Inquiry issued a response stating how its recommendations had been received by the commissioning bodies and how these recommendations had and would be carried out. This took the form of a second interim report.
On 20 June 2011, the Lindenbergh Commission’s report on compensation following the sexual abuse of minors was published. On 7 November 2011, the Conference of Bishops and the Conference of Religious in the Netherlands responded to this report, which was produced independently of the Commission of Inquiry.

1.4 The significance of the inquiry

1.4.1. ‘A major social problem’

‘Child abuse has always been with us and it takes many different forms. It is estimated that more than 100,000 children are abused in the Netherlands each year.’ These are the words of the Health Council of the Netherlands in an advisory report published in 2011. The Health Council describes such abuse as ‘a major social problem’. Its statements underline the significance of the present inquiry and a number of other recently completed or ongoing inquiries.

1.4.2. Samson Commission

Running simultaneously and largely parallel to this inquiry was the Samson Commission’s inquiry into the sexual abuse of children placed by the state in institutions and foster homes from 1945. This commission, chaired by Ms H.W. Samson-Geerlings, was established by the Minister of Justice and the Minister of Youth and Family at the time. It was installed on 10 August 2010. The Samson Commission was set up in response to the reports of the sexual abuse of children who had been placed in Catholic institutions by the Child Protection Agency in the 1950s–60s. Its inquiry focuses on the sexual abuse of minors who were placed in youth care by the state since 1945. Youth care includes juvenile institutions and foster homes.

The Samson Commission’s report is due to be published in the course of 2012. The Commission of Inquiry cooperated with the Samson Commission, held regular consultations and — with the permission of the notifiers in question — exchanged reports that had been submitted to one commission but that were also of possible importance to the other.

1.4.3. Gunning Commission

On 7 December 2010, a man was arrested in Amsterdam on suspicion of sexually abusing very young children. In response to an assignment by the Mayor of Amsterdam, the Gunning Commission’s inquiry focused on two questions: how could this have been allowed to happen and what lessons could be learned from it? The Gunning Commission’s report was published on 15 April 2011. The Gunning Commission’s researchers spoke to the Secretary of the Commission of Inquiry on 23 March 2011.

1.4.4. Health Council of the Netherlands

On 28 June 2011, the Health Council of the Netherlands published its report ‘Treating the effects of child abuse’. The Health Council defines child abuse as including ‘all types of physical and/or emotional abuse, sexual abuse, physical and emotional neglect, and commercial and other forms of exploitation resulting in actual or potential harm to the health, survival, development or dignity of the child, in the context of a relationship of responsibility, trust or power.’ In doing so it adopts the age limit of eighteen set by the World Health Organization.
In its report, the Health Council makes recommendations for the improvement of care and support services: intensive, multidisciplinary cooperation between caregivers and authorities at key moments in the provision of care and an integrated approach to the problems that affect an abused child and his or her immediate environment, or an adult who was abused as a child.

To improve the quality of care and support, the Health Council recommends better training for caregivers on the subject of child abuse.

1.4.4. Inquiry by Dr D.W. Steenhuis on the handling of abuse cases in the Roman Catholic Church

On 29 June 2011 the Minister of Security and Justice presented Parliament with the report of an inquiry from Dr D.W. Steenhuis on the way in which the Public Prosecution Service dealt with sex cases brought against Roman Catholic clergy between 1980 and 2010. With regard to that inquiry, the minister concluded in a letter to Parliament that ‘further investigation of the way in which the Public Prosecution Service approached and dealt with cases relating to abuse in the Roman Catholic Church will not result in new insights.’

1.4.5 National Rapporteur on Human Trafficking

On 12 October 2011, the National Rapporteur on Human Trafficking, Ms C.E. Dettmeijer-Vermeulen, presented her report on child pornography to the Minister of Security and Justice and the Minister of Health, Welfare and Sport. This report examines the issue of sexual abuse of minors recorded in photographs or moving images. The scale of such abuse is unknown, but it has been established that it is a growing problem. There is a need for measures to prevent, identify and register such abuse, and to investigate such cases and bring them to trial. This also applies to follow-up care, monitoring, care and support.

1.5 The main points regarding the set-up and focus of the inquiry

1.5.1. The central questions of the inquiry

The assignment given to the Commission of Inquiry was expressed in ten questions.

The first two questions concern the scale and the nature of the sexual abuse of minors in the Roman Catholic Church:

1. What are the details and circumstances of the sexual abuse of minors who were entrusted to the care of the Roman Catholic Church in the Netherlands in the period from 1945 to the present?

2. Does this represent a structural problem, a situation that differed according to time, place and institution, or a collection of unique individual crimes and instances of misconduct?

These questions are dealt with in Chapters 3 to 6 of the report.

With the aim of providing a thorough understanding of the developments within the Roman Catholic Church, Chapter 2 contains an overview of the relevant general social and cultural developments in the Netherlands, of the development in the organization and position of the Roman Catholic Church in the Netherlands, and the developments in society’s view of sexuality and sexual abuse.
3 Was there/is there evidence of a ‘culture of silence’ surrounding the sexual abuse of minors in the Roman Catholic Church in the Netherlands?

The third question concerns the culture of silence surrounding sexual abuse of minors in the Roman Catholic Church in the Netherlands. This is dealt with in Chapters 4, 5 and 6, where the administrative responsibility of bishops and higher superiors is addressed.

The fourth chapter also examines the seventh question:

7 How did the holders of administrative responsibilities deal with their responsibilities towards minors who were victims of abuse? What measures were taken with regard to those who were accused?

The fourth, fifth and sixth questions concern celibacy and the vow of chastity, the causes of the sexual abuse of minors and the applicable legal and policy frameworks. The Commission of Inquiry decided to explore these questions partly in Chapter 3 and in Chapter 4.

4 Is there a connection, and if so what kind of connection, between the sexual abstinence inherent in celibacy (secular and religious priests) and the vow of purity or chastity (for male and female members of a religious order or congregation) on the one hand and the sexual abuse of minors on the other hand?

5 Can other possible causes be identified? What are the risks of sexual abuse of minors in any other set of circumstances? What can be said about the opportunities for abuse, the risk of discovery and sanctions associated with the pastoral context and the context of reform schools and educational institutions, with a particular focus on the internal organization and the effects of 24-hour ‘closed institutions’ such as boarding schools.

6 What legal and policy frameworks, in terms of both Dutch law and canon law, are applicable to this issue and what developments have taken place in this regard?

The eighth and ninth questions concern the performance of Hulp & Recht and the care and support/help for victims. The Commission of Inquiry answered these questions separately at an earlier date. These answers are included in Chapter 7, in which the Commission of Inquiry reports on the psychological complaints it investigated.

8 Is the procedure followed by Hulp & Recht adequate and how has it functioned to date?

9 At present, what would most benefit the victims of abuse? What role can the Roman Catholic Church in the Netherlands play in this process and where do its responsibilities lie?

Chapter 8 contains findings and recommendations, partly with a view to preventing further abuse.

10 What lessons can be learned? What preventive measures should be taken to make sure that these abuses do not happen again?

1.5.2. Follow-up reports

In Chapter 8, the Commission of Inquiry makes suggestions as to the form and content of two possible follow-up reports. The proposal for the inquiry released on 7 May 2010 makes provision for
these two follow-up reports. On Tuesday 15 May 2012 at the latest, the chairman and members of
the Commission of Inquiry will receive a response from the Conference of Bishops and the
Conference of Religious in the Netherlands regarding the implementation of the proposals presented
to them. The Commission of Inquiry advises the commissioning bodies to make a public response to
this report as soon as possible after publication. This should not only be addressed to the
Commission of Inquiry but also to their own organizations and first and foremost to the victims. To
this end, the Commission of Inquiry has included a recommendation in Chapter 8.

On 15 December 2016 at the latest, the chairman and members of the Commission of Inquiry will
receive a second response. In their turn, the chairman and members of the Commission of Inquiry
will issue a public response.
2 IN A NUTSHELL: DEVELOPMENTS IN THE NETHERLANDS AND IN THE ROMAN CATHOLIC CHURCH IN THE NETHERLANDS: 1945-2010

2.1 Introduction

This enquiry spans a period of 65 years, starting in 1945. In the ten years following the end of the Second World War, Western Europe underwent a social, cultural, economic, and political shift. There was also a degree of internationalization in each of these areas.¹ In their book 1950. Welvaart in zwart-wit Schuyt and Taverne described the transformation of the Netherlands at that time as follows: ‘In earlier times, Dutch towns had been dominated by churches and truncated towers, and the rivers flowed slowly through the lowlands. After 1950, however, cityscapes were increasingly defined by factories, massive new office blocks, and high-rise flats. The tallest buildings in town were no longer the churches, but glass-clad structures housing modern insurance companies.’²

The Roman Catholic Church had long played a dominant role in the everyday life of many Dutch people. While Catholics were only a minority in the Netherlands, during the first half of the twentieth century they had an extensive Catholic educational system. They also had their own press, a Roman Catholic political party, and a strong trade union movement based on Roman Catholic principles.

What was it then that caused the church in the Netherlands, in this case the Roman Catholic Church, to ultimately withdraw into the background? What developments in society contributed to the changes in the organization and the position of the Roman Catholic Church?

This chapter outlines both the general developments in society and the changes undergone by the Roman Catholic Church. Given that this document makes absolutely no claim to be fully comprehensive, a brief description will have to suffice. The Commission of Inquiry has asked several experts to set out their views on the broader social developments in the form of an essay.³ This material has been used in this chapter.

2.2 Reconstruction, secularization and declericalization

After the occupation, the Netherlands picked itself up again. By 1950, national income had regained the level achieved in 1938. Aided by a large number of volunteers, priests and members of religious orders or congregations, the Roman Catholic section of the population was quickly able to restore the social infrastructure that it had developed prior to the Second World War. In that pre-war period, they had developed a robust organization in the areas of media, education, politics and trade unions. Around 1850, two newspapers were established on the principles of the Catholic faith. These were De Tijd and De Maasbode. On 1 October 1921, the Den Bosch-based de Volkskrant newspaper joined the Roman Catholic media empire, which was further expanded in 1926 by the addition of the Catholic Radio Broadcasting Organization (KRO).

In the field of education, an extensive and close-knit network of educational institutions (ranging from kindergartens to universities) was closely connected with the Roman Catholic Church. The Roman Catholic University of Nijmegen joined this network in 1923, as did the Roman Catholic School of Business at Tilburg in 1927. The majority of Catholic secondary school pupils attended Catholic secondary schools.⁴
In the political arena, the Roman Catholic State Party (RKSP) was replaced by the Catholic People’s Party (KVP) in 1946. This party was to be a permanent feature of ruling coalitions in the Netherlands from 1945 until the creation of the CDA in 1980. However, even this development did not mark the end of Catholic politicians’ involvement in Dutch politics. Following the Van Agt government, Mr R.F.M. Lubbers established a parliamentary record. He became the longest serving Dutch Prime Minister of all time. Since 1945, the Netherlands has had a total of fifteen prime ministers, seven of whom had a Roman Catholic background. They appointed and led a series of governments (which bore their names) for well over 30 years.

At the time of the 1947 census, the Netherlands had a total population of 9.6 million, of whom 3.7 million were Catholics (38.4%). This group of Catholics was characterized by a remarkably large degree of political consensus. In 1948, 88% of Catholic voters voted for the Catholic People’s Party (KVP), although it is worth noting that voting was compulsory in the Netherlands at that time. In 1952 this figure was 80%, and in 1956 it was 87%. In 2008, Borgman and Monteiro wrote that, until the mid-twentieth century, Dutch Catholics were regarded as the ‘bearers of a rigid morality, a highly disciplined religious practice, and a powerful doctrine.’ The authors believe that, in reality, the situation was rather less extreme. They also state that there ‘a great deal of energy [was] invested in developing and maintaining a strong network of Catholic-based organizations’. This network ‘spanned all areas of life, ranging from politics, through trades unions and pastoral councils, to leisure activities’.

This network was very tight-knit, especially in those places where being Catholic had all the traits of a monoculture. One example was Limburg, where over 90% of the population was Catholic. In 1955, 79% of all Catholics read a Catholic newspaper and 85% were members of the Catholic Radio Broadcasting Organization (KRO), 90% of Catholic workers were members of the Catholic Federation of Dutch Trade Unions (NKV). The church leadership wielded enormous power within these organizations. With some justification, Marinus Ruppert, former president of The National Federation of Christian Trade Unions in the Netherlands (CNV), pointed out that, in the 1950s, the ‘Catholic labour movement was effectively governed by the episcopate’.

The number of Catholics in the Netherlands tripled between 1855 and 1952, while there was a six fold increase in the number of priests, from 624 to 3695 per decade. In 1967, there were 13,500 priests in the Netherlands (4,000 secular clergy in seven dioceses and 9,400 religious clergy in 34 orders and congregations) and 40,000 brothers and sisters in 111 orders and congregations. This means that there was one priest (or member of a religious order or congregation) for every one hundred of the Roman Catholic faithful. This was an unprecedentedly large number, even in international terms. Bots (a Jesuit) gave these figures additional lustre by alluding to the percentage of Dutch missionary congregations ‘In 1939 Dutch Catholics represented less than 2% of the worldwide Catholic church, yet they supplied 11% of all missionary priests.’ Many of these missionary congregations originated in the largely Catholic south. These congregations often had more than ten thousand members in over one hundred countries. In his interview with the Commission of Inquiry, Monsignor F.J.M. Wiertz noted that ‘As a result of the establishment of these congregations, members of religious orders or congregations throughout the world are familiar with the names Maastricht and Steyl’.

But even as it blossomed, the Catholic church was losing an average of 10,000 members each year. The 1960 census showed that the number of registered Catholics had declined by 100,000. Between 1960 and 1970, the number of registered Catholics fell by a further 300,000. This development stems from ‘secularization’. It initially escaped notice due to the high birth rates (and relatively low mortality) in the years after the end of the Second World War. In the period from 1948 to 1952, the birth rate was 23.3 births per 1,000 residents of the Netherlands. In Europe, the Netherlands was second only to Portugal in this regard.
Call for unity

In the winter of 1944, the bishops tackled the restoration of their own Catholic organizations by means of a monitory (a pastoral letter of a mandatory nature) stating that restoration work must commence ‘immediately, without delay’. This letter was intended to prevent a breakdown of religious and social barriers. A ban Labour Party membership was waived at the insistence of Father J.G. Stokman, adviser to the bishops. A Franciscan, he took a strong interest in Catholic unity in the political arena.

In 1953, that call for unity received a boost from the joyous celebrations marking the centennial anniversary of the restoration of the episcopal hierarchy. That year, on Ascension Day (14 May), a ‘Mass of Thanksgiving’ was read in churches throughout the land, ‘if possible all at the same prearranged time’. On Saturday 16 May, the Archbishop of Mechelen (who was representing the Pope at the festivities) met with numerous representatives of the government, community groups, and of the Dutch episcopate. The next day, the faithful flocked to the stadium in Utrecht where they were addressed by Cardinal De Jong via a direct radio link. Eight ministers, representing the government, heard the Cardinal (who was in poor health at that time) call for unity among all Catholic believers. In his speech, Cardinal De Jong proclaimed that ‘What we have achieved in the past, particularly in the area of public life, we owe to the unity of our external actions’. He realized that, as emancipation progressed still further, that very unity would be increasingly at risk. That would jeopardize all that had been achieved. ‘Past efforts by Catholic-based organizations throughout the domain of public life have facilitated and fostered our emancipation. In the future they will still be needed [...] and just as important, not only for the flowering of piety among Catholics such as ourselves, but also [...] to make a positive contribution to the creation of a Christian society in the Netherlands. Therefore, dearly beloved faithful of the Netherlands, one remains one.’

He clearly felt the need to issue a call for unity and, by extension, to publicly call a halt to the outflow of so many Catholics. In addition to the more than ten thousand Catholics who abandoned their faith each year, many others - while adhering to their faith - opted for social activities in other sectors of society. Among them was Dr J.H.G. (Sjeng) Tans, a Dutch teacher at a Roman Catholic secondary school in Maastricht. He held various prominent positions in the Dutch Labour Party, and went on to become Party Chairman and a member of parliament. He is considered by many to be the founder of Maastricht University.

In 1954, the bishops issued an episcopal monitory. The initial impetus originated in the diocese of Roermond. The hard-line representatives were fully aware of the risks involved. Accordingly, they attempted to persuade a number of prominent Catholics to leave the Labour Party before the measures detailed in the monitory were unleashed against them. In October 1953, the coadjutor bishop of Roermond, Dr J.M.J.A. Hanssen, told J.H.G. Tans, a Dutch teacher at a Roman Catholic secondary school in Maastricht. He held various prominent positions in the Dutch Labour Party, and went on to become Party Chairman and a member of parliament. He is considered by many to be the founder of Maastricht University.

In 1954, large sections of Dutch society strongly rejected what was seen as an attack on the separation of church and state. Few of the Catholic voters at whom this measure was aimed were persuaded of its merits. The monitory had little or no impact on the appeal of the Dutch Labour Party for Catholic workers. This ‘political Catholicism’ gave an enormous boost to anti-
Papism in the Netherlands. In addition, the relationship between the Dutch Labour Party (PvdA) and the Catholic People’s Party (KVP) entered a period of decline. The period of reconstruction was exceedingly turbulent. Within a very short space of time, the Netherlands completed the transition to a modern nation.

Sexuality and birth control
People’s views on sexuality were also in a state of flux. In the 1930 Casti Connubii papal encyclical, the Roman Catholic Church took the position that all forms of birth control were to be condemned. In addition to what might be called ‘technical solutions’, this included practical measures such as periodic abstinence and coitus interruptus. Paul Luykx refers to a survey of Belgian Catholics (which included the region of Zeeuws-Vlaanderen) which showed that, during the 1930s, up to 70% of married couples adopted some form of contraceptive practice.

The Dutch Roman Catholic Church’s views on birth control had traditionally been very much in keeping with those of Dutch society as a whole, with the exception of a number of ‘left wing’, non-church circles. Even as recently as 1929, the New Malthusian League (NMB) was refused government approval as an association. Leaving aside the moral and legal acceptability of the association’s purpose (which was to provide information on ways of preventing pregnancy), Jan Donner, the Minister of Justice, ruled that that ‘the activities of an association such as this (...) pose a danger to public order and sound moral values’.

In 1950, the Centre for Political Education (CSV), the academic department of the Catholic People’s Party (KVP), published ‘Overheid en openbare zeden’. This report clearly confirmed that Catholic morality rejected contraception on the grounds that it conflicted with the natural order of things. This was quite aside from the economic considerations. The ‘periodic abstinence’ method was the only solution offered by the Roman Catholic Church to those who wanted to limit the size of their families. Catholic marriage agencies were set up to provide support and information. One such was the Catholic National Centre for Mental Health Care (KNBGG), which was established in April 1952.

At first, the church turned a blind eye to periodic abstinence. However, it was eventually officially authorized by the episcopate. Working with a group of 1,500 - mostly Catholic - couples, the Dutch physician J.N.J. Smulders developed a method of periodic abstinence described as ‘God’s greatest gift to the suffering humanity of this century.’ In this context, Paul Luykx makes reference to a study carried out in the Westelijke Mijnstreek region of the province of Limburg, from 1945 to 1960, in which nearly three-quarters of married couples used coitus interruptus or periodic abstinence. Although the 1954 monitory forbade membership of the Dutch Society for Sexual Reform (NVSH), 12% of this association’s members were Catholic. Membership offered confidential access to contraceptives.

Secularization and declericalization
After the Second World War, the Catholic population (according to the 1947 census) was 2% larger than it had been in the early 1930s. The 1930 census indicated that Catholics made up 36.4% of the population, while the 1947 figure was 38.4%.’ These figures show that the population increased from 2.9 million to 3.7 million. While the general population grew, in absolute terms, the birth rate among Catholics was relatively high.

This rise of the Catholics was a spectre for many in ‘Protestant’ Holland who feared a massive expansion of papalist power. This spectre was not entirely justified, as Catholic numbers were falling (as a result of secularization), especially in the major cities. There were many reasons for this. One factor was that many Catholics from the south migrated to the north in search of employment. In these more urban surroundings - of the ‘Protestant’ north - they were either unable or unwilling to maintain their Catholic character.
Another factor was that lay Catholics were becoming emancipated with regard to ecclesiastical authority. They no longer isolated themselves from their surroundings, and increasingly made their own choices, with less reference to the church, regardless of the episcopate’s views.  

There was increasingly intensive communication between different sections of the population, partly due to the advent of television in the 1950s. This gave rise to a world in which only those of staunch faith were able to stand firm.

The influence of the clergy declined, and the laity became more active within the church. The hierarchical structures within the Roman Catholic Church, which were sometimes seen as being authoritarian, began to feel restrictive, even to loyal Catholics. The beliefs and rituals of faith became more and more democratic. Tasks that were previously the sole preserve of the clergy were gradually shifting into the domain of the laity. Priestly and ecclesiastical authority in those areas was controversial. The laity, too, were quite capable of being ‘professional’. It should be noted here that, in many cases, Dutch priests had no academic training whatsoever, nor indeed were most of their teachers at the seminaries academically qualified. In terms of academic training, the laity soon began to surpass the clergy. The foundation of the Catholic University of Nijmegen (1923) and of the Roman Catholic School of Business at Tilburg (1927) began to bear fruit. The types of professionalization introduced by the vanguard of lay Catholics cast the previously self-evident “professionalism” of the clergy into the shade.

Despite the development of secularization and clericalization in the early 1950s, the Vatican maintained an image of Roman supremacy with encyclicals such as *Humani generis* (a firm rejection of such things as innovative trends in theology) and the proclamation of the dogma of the Assumption of the Virgin Mary, body and soul, by Pope Pius XII in 1950. In the Netherlands, the main focus was on the expansion of the Catholic People's Party’s (KVP) power and the ‘political’ interventions by the episcopate. As far as the Netherlands was concerned, the Vatican remained the Roman Catholic Church and vice versa.

**Concern for moral decline**

In the area of legislation on sexual offences, the first national Dutch Penal Code of 1886 applied two principles. Sexuality is a private matter, and any punishment should be restricted to the washing of dirty linen in public. Furthermore, the sexual abuse of minors is not a topic for the criminal legislature. In 1911, this liberal principle was abandoned, and legislation on sexual offences underwent a substantial change.

These legislative changes were the result of long-term developments. The issue at that time was not whether the State should intervene, but to what extent. In this regard, the church authorities made a strong appeal to Christian ethics. They based their argument on marriage and a good family life as the ideal ways of maintaining sexual propriety. Homosexual contacts with minors were criminalized, which reflected Catholic views at that time. The same applied to the seduction of minors of good character. It was important to protect minors of good character, especially girls, from forced sexual contact by men upon whom they were economically dependent, but where there was no legal relationship of authority.

In the pre-war years, Dutch society and the Roman Catholic Church were greatly concerned about moral decline, especially with regard to young people. Indeed, there did seem to be genuine reasons for their concern. Up until the 1950s there was a steady increase in the number of recorded sexual offences, particularly those involving indecent acts with minors and sexual abuse within relationships of dependency. The incidence of such offences among the Catholic population was consistently above average. In this connection, at the June 1952 AGM of the Central Catholic Association for Public Mental Health, the psychologist F.J.J. Buytendijk referred to the relatively high level of criminality (sexual offenses) in the ‘Roman Catholic’ provinces. His comments were based on a hitherto unpublished study by a colleague, the forensic psychiatrist F.M. Havermans, who published details of this work in 1953.
It should be noted that concerns about moral decline were not restricted to the Catholic community. In 1936, the scope of Article 249 of the Dutch Penal Code was expanded by the addition of the categories ‘step-parent’, ‘foster parent’ and ‘official’. In addition, the complaint requirement was dropped from the provision. In addition, this was no longer subject to the condition that sexual intercourse must have taken place. Other types of sexual contacts were also prohibited. Abuse resulting from a position of authority based on actual relationships was also brought within the scope of the provision.35

After the Second World War, Catholic circles too were concerned about ‘moral turpitude and licentiousness’. This prompted an urgent call for ‘spiritual renewal’ from the Dutch episcopate.36 There was still a clear reluctance to address issues related to sexuality. For many people, the sin of lust loomed large. At that time, there was a particular focus on young working class people, especially ‘factory girls’37 and women.38 People worried that there might be less fidelity within marriage, and that divorce rates would rise.39 Sexuality centred around marriage and its associated bourgeois morality.40

Due to its passionate nature, sexuality was ‘suspect’, while there was a taboo concerning its physical aspects. In 1952, the Ministry of Education, Arts and Sciences commissioned the Hoogveld Institute to investigate the issue of ‘social licentiousness’ among Catholics in the Netherlands. The institute’s researchers found that, particularly among the ‘unskilled’, the period ‘between childhood and marriage was, for many, an “empty time” in a social erotic sense’.41 The recommended remedy was sex education for ‘all young people leaving school to work in a factory or company’.

Sexuality was seen as a duty linked exclusively to the institution of marriage. Only after the Second Vatican Council was sexuality discussed in terms of ‘God’s announcement of joy’.42

According to Roman Catholic doctrine, homosexuality was a great evil. In 1950, the Catholic Educational Centre proposed (to no avail) that all sexual acts between adult men should be made punishable in the Netherlands (as they were in some other countries).43 The Roman Catholic Church also had to deal with homosexual contacts between candidate priests and members of religious orders or congregations. At the same time it also became clear that, in reform schools and educational institutions, minors were being sexually abused by priests and the members of religious orders or congregations. In effort to face up to these issues, figures of authority within the Roman Catholic Church established psychiatric and psychological treatment facilities.

2.3 The endless 1960s

Since the 1960s there has been a profound change in social views about the individual’s relationships with all forms of authority.44 The previously self-evident grip of religious and socio-political groups on the day-to-day life of their members disintegrated still further.45 The diminished authority of the churches and the process of secularization tended to reinforce one another. This happened right across the board. As a result, less than half of those who referred to themselves as ‘Catholic’ still voted for political parties that included this term in their name.46

The Second Vatican Council
Pope John XXIII took the view that it was time for a more constructive approach. He convened the Second Vatican Council (1962-1965), the theme of which was the position of the Roman Catholic Church in a changing society.47 The cardinals in Rome who were charged with preparing the worldwide council made a number of proposals. The various dioceses then had to respond. The Dutch bishops initiated a broad-based process of consultation among priests and the laity. They incorporated the results of this process into their response to the cardinals’
proposals. The Dutch urged that a more open approach be adopted, one centred on the key concepts of dialogue and greater democracy. However, this position was rejected by an influential group of cardinals. They favoured a more conservative theological line.

Nevertheless, those innovations that the Council did manage to push through had an impact in many areas. The decision to celebrate mass in people’s native tongue rather than in Latin was an enormous change for the Catholic faithful. Other innovations were that priests should stand closer to their congregations, with their faces towards them. In practice at least, the Eucharist underwent further democratization. Both the priests and the faithful were largely free to modify the proceedings as they saw fit.

The Pastoral Council and celibacy
Bishops in the Netherlands asked the Pastoral Council to tailor the practical implications of the Second Vatican Council’s decisions to the Dutch situation. Six ‘plenary meetings’ took place between 1968 and 1970, at ‘De Leeuwenhorst’, a former minor seminary at Noordwijkerhout. The Pastoral Council inspired widespread enthusiasm when it promised to give all of the faithful a voice in shaping the future.

However, issues such as celibacy generated a great deal of controversy. The majority of the Pastoral Council urged that married people be admitted to the priesthood. Neither the bishops nor the cardinal rejected this out of hand, nor - being fearful of adverse reactions from the world church - did they give it the thumbs up. In a press release, the Dutch bishops expressed the view ‘that it would be beneficial for their religious community if, in addition to a freely chosen celibate priesthood, the Latin Church were to admit married priests. This could be done by ordaining married people as priests and, in special cases, by restoring to the ministry priests who had left in order to marry.’

These events gave some observers the impression that they were dealing with a break-away collection of radicals. Nevertheless, during in this period, there was an expectation among the laity, some priests, and some members of religious orders or congregations that celibacy would lose its mandatory status within a few years. Indeed, a number of people entered the priesthood on the basis of this very expectation. In the course of interviews with the Commission of Inquiry, former bishops and others who held office at that time all unreservedly confirmed that there were good reasons to expect that the celibacy requirement would be rescinded. Moreover, they claimed that the anticipation of that instruction actually caused some priests to remain in their posts, while motivating others to join the priesthood.

This gave rise to some concern in Rome. The suspicions of the Curia (the papal government) and those close to the Pope were further aroused when they received complaints from conservative Catholics in the Netherlands. As a result, the Dutch episcopate (part of which had indeed favoured a review of this fundamental issue) felt compelled to completely reject the Pastoral Council’s conclusions. The reasons for maintaining a link between celibacy and the priesthood were ‘still in force today’. The way in which the episcopate had bowed its head to Rome, in particular, caused many of those on the Pastoral Council to feel that they had been left in the lurch.

The search for new avenues
The Vatican felt obliged to come to the rescue of a ‘silent majority’ of orthodox believers. One way of doing this was to appoint conservative bishops. The idea was that their influence would cause the Dutch episcopate, which was said to be steadfast in its indulgence, to change course.

The first of these was A.J. Simonis. The next papal appointment was J.B.M. Gijsen, who was made Bishop of Roermond in 1971. Shortly after taking office, Gijsen founded a ‘convict’ (residential accommodation for both seminarists and priests) in Roermond. He wanted this to develop into a major seminary, one in which all aspects of the training programme for the
priesthood would be brought together under the same roof, and under his supervision. This was his way of responding to the 1966 review of Catholic theology programmes. That review was intended to end the fragmentation of programmes for prospective clergy and members of religious orders or congregations. These were scattered across minor and major seminaries in the dioceses. Similarly, schools of philosophy and theology were spread across various congregations and orders. By the mid-1960s, this arrangement was no longer financially viable. One contributory factor was the obvious and drastic decline in the numbers of candidate priests. In the wake of this unavoidable, large-scale reorganization, academic training programmes for the priesthood were concentrated at Nijmegen (Faculty of Theology), Utrecht, Heerlen, Tilburg, and Amsterdam (Universities of Professional/Higher Education). During that period, many people left the priesthood and got married. This created a situation in which the teaching staff of some Universities of Professional/Higher Education included married ex-priests. In re-establishing Rolduc as a seminary, this was exactly what Joannes Gijsen was trying to prevent.

Ultimately, however, even Rolduc was unable to keep the outside world at bay. In a sense, opting for the priesthood (whether as a diocesan priest, or as a religious priest in a religious order or congregation) was a leap in the dark for the candidates concerned. None of them knew in advance whether or not they had what it took to lead that kind of life. They had to make that choice at a time of life that was dominated by uncertainty. The identity (intellectual, political, social, sexual) of these young people was not yet fixed, or at least had not yet fully crystallized. Once they had taken their vows, there was really only a way out: withdraw from the priesthood, leave everything behind, and start a new life.

During the 1960s, social developments compelled the Roman Catholic Church to create support facilities for those priests and members of religious orders or congregations who were struggling with all manner of problems. While mandatory celibacy was clearly an issue, many were unsure about how to conduct their ministry in the context of modern society. At that time, a number of priests and physicians drew up plans which led, in 1967, to the creation of the central advisory agency for priests and members of religious orders or congregations (Centraal Adviesbureau voor priesters en religieuzen; CAPER).

CAPER offered help and support to all those who made use of its services. No moral or spiritual conflict was avoided. In extreme cases, however, this assistance might address extremely practical issues associated with leaving the religious life. In the process of ‘healing, assisting, guiding, reconciling’, CAPER felt compelled to distance itself somewhat from official doctrine in areas such as ‘affective relationships’ in interpersonal interactions. It encountered all types of relationships that clashed with the vow of chastity within religious communities and beyond, both homosexual and heterosexual in nature. They could not turn a blind eye to this. In all good conscience, Bishop Gijsen of Roermond could no longer support CAPER, an organization that was funded partly by the diocese. He therefore withdrew his support.

Towards a more liberal sexual morality
The Roman Catholic Church’s civil authority suffered further erosion. That had repercussions for the priesthood. In the period up to 1963 there was a steady decrease in the number of ordinations (which totalled three hundred in that year). Following 1963, there was a period of drastic decline which, coupled with a marked increase in the number of retirements, led to an ‘alarming decline’ in the number of priests in the Netherlands. From 1966 onwards, the number of new ordinations was no longer sufficient to compensate for natural wastage. It also became clear that priests and the members of religious orders or congregations were struggling to adapt to their changed working conditions. They felt isolated and stressed. This was partly due to the loss of the laity, who - in times past - had assisted priests in the performance of their duties.
The debate about celibacy as a condition for members of the priesthood, which had been fuelled during the period of the Pastoral Council, reflected changing social perceptions of sexuality which were taking root at that time. The main reason for this was that sexuality was no longer inevitably associated with a risk of pregnancy and birth, thanks to the free availability of the birth control pill. Speaking on Brandpunt (a TV programme) in 1963, Bishop Bekkers of 's-Hertogenbosch indicated that Catholics were free to exercise their conscience when planning the size of their families. More generally, this was interpreted as a license to use the birth control pill.

While some believe that this marked a general ‘liberation’ of sexuality, this was not actually the case. This change was mostly limited to the upper class. In the rest of society, there was no radical change in sexual patterns. In general, however, there was more scope for sexual diversity. It was not so much about new forms of sexual expression. Rather than increasing, sexual diversity became more visible. There was nothing new about premarital sex but, thanks to the free availability of contraceptives, this no longer had detrimental consequences.

This more relaxed sexual morality led to increased tolerance for homosexuality. However, that did not apply to priests and members of religious orders or congregations. Indeed, in 1962, Pope John XXIII re-issued a renewed Crimen Sollicitationis, once again more or less in secrecy. This directive, an updated version of the original strictly confidential 1922 document, includes an instruction on how the church should deal with cases where priests or bishops of the Catholic Church are accused of having used the sacrament of Penance to make sexual advances to penitents. This might involve priests inviting penitents to perform sexual acts or the occurrence of dishonourable or shameful events in the setting of the confession. This instruction described as the ‘foulest crime’ (crimen pessimum), sexual acts with another individual of the same sex, young people, or animals. While the 1922 version had only been sent to the diocesan bishops, the 1962 version was intended for use both in cases against diocesan priests and against priests who are members of a religious community. However, this instruction was so secret that many bishops were unaware of its very existence.

In the run up to the 1970s, it became clear that the Vatican was not prepared to reconsider its views on celibacy. In the 1967 papal encyclical entitled Sacerdotalis Caelibatus, Pope Paul VI took a stand against the notion that celibacy is the cause of sexual aberrations in priests and the members of religious orders or congregations. Errors in the selection of priests and the members of religious orders or congregations was seen as the cause of sexual problems, not celibacy. Selection procedures needed to be tightened up. Problems resulting from celibacy or other requirements of the religious life had to be tackled by treatment (including psychiatric treatment), preferably “in house”.

The papal message was not universally well received. In 1968, the Vatican’s conservative course was confirmed in a second papal encyclical, entitled Humanae Vitae, setting out its position on birth control. The most eminent leaders within the Roman Catholic Church were unwilling to give up their traditional positions - Catholics were still not permitted to use birth control pills. Periodic abstinence was the only permitted method of birth control. In 1971, Pope Paul VI reaffirmed the previous line and took a stand against what he saw as the overly liberal outcomes of the Second Vatican Council. This was particularly aimed at what he regarded as an overly liberal sexual morality, as this would only lead to ‘ravaging eroticism’ and would undermine human love.

The end of the boarding school
Another development that merits consideration concerns changes in the educational system. The outlines of the Secondary Education Act (Mammoetwet) were drawn up in the 1950s by J.M.L.Th. Cals, the Minister for Education, Arts and Sciences, and his State Secretary Dr A. de Waal. This led to secondary schools being opened in numerous towns and cities. The quality of educational facilities improved rapidly during the 1950s, even in those regions with so few
Catholic secondary schools that parents had to use boarding schools (mainly in the southern provinces). This process started to undermine the viability of many boarding schools. Some tried to survive by focusing on young people in problem categories. Others moved fast to keep up with the changes, divested themselves of their boarding school facilities and transformed into ordinary mixed sex schools (i.e. no single sex schools).

In a 1964 report on the situation at the Hageveld boarding school, the superior of the seminary in 1964 noted that the boarding school had lost ‘much of its pedagogic value’. Between 1946 and 1955, about 40% of pupils at schools with boarding facilities were at schools which only had internal courses (including minor seminaries and juvenates). In 1946, there was a total of 217 boarding schools. At their peak, in 1960, there were 321 Catholic boarding schools. Ten years later this number had fallen to just 199, after which the end was soon in sight. KASKI (a centre of expertise on religion and society at the Radboud University in Nijmegen) estimates that by 1980 just 15 boarding schools remained.

2.4 Tolerance and control

In the mid-1970s, the changes of preceding decades crystallized out. The cohesion of the Roman Catholic community was greatly diminished. As shelter from the outside world was no longer necessary and being part of this block no longer helped to enhance upward mobility, it completely lost its momentum. All that remained was the faith itself. However, for many this was no longer a source of inspiration.

General recognition of the sexual abuse of minors

The end of the 1960s saw the start of what appeared to be the liberalization of sexuality. There was greater social tolerance for homosexuality. In this context, homosexual contact with minors was decriminalized in 1971. However, homosexuality was by no means generally accepted. There was still some suspicion with regard to homosexual contacts, especially the suspicion that this might lead to the moral corruption of minors.

At that time (in progressive circles at least), most people had a positive image of sexuality. Sex was perceived as liberation and was no longer necessarily linked to marriage or other types of relationship. Even in these circles, however, tolerance did not extend to paedosexuality. That remained more or less taboo, although - from a progressive viewpoint - attempts were made to remove paedosexuality from the realm of suspicion.

At the same time, the women’s movement was gaining ground in terms of its political clout. People were now able to indulge their desires by engaging in risk-free sex, a fact that enhanced the image of women’s sexual availability. The sexuality debate became dominated by issues of power, and was linked to male/female inequalities. The liberalization of sexual contacts was at odds with these new views.

According to Movisie (the Netherlands Centre for Social Development), 1982 marked the start of government intervention in the area of sexual violence. More specifically, this coincided with a policy preparation conference entitled “Sexual violence against women and girls” (Kijkduin Conference), which was held on 7 and 8 June of that year. Sexual violence against women and girls has been a public policy issue since 1984. The main focus has been on the development of methods for providing support.

The belated ‘discovery’ of the issue of the sexual abuse of minors results from the taboos that previously surrounded this topic. The Society for the Prevention of Child Abuse within the family (VSK) was established in 1982. This pressure group’s objective was to open up the issue for debate. At that time, the VSK focused mainly on cases of incest involving girls and women. A year later, the Association for Men Against Sexual Violence was founded. In this way, the
sexual abuse of minors was increasingly opened up for public debate. The realization that such abuse no longer could be denied or underestimated helped to launch victim-support schemes.

At the political level, there was concern about the impact of the liberalization of sexuality. In 1970, this led to the establishment of the Consultative Committee on the Revision of Legislation on Sexual Offences, better known as the Melai Committee. In 1980 the Committee submitted its final report on serious sexual offences, with special reference to the criminalization of sexual contacts with minors. The presentation of the final report was not warmly received. Many groups, such as social organizations, suspected that the proposals provided insufficient safeguards to protect minors against forced sexual contacts. The sexual abuse of minors was recognized as a social problem.

The Roman Catholic Church fails to stay engaged with social developments

Social attitudes towards sexuality also resonated throughout the Catholic community. In this connection, the Catholic Homosexual Pastoral Workers working group was established in 1980. Mainly outside episcopal circles, there was a focus on the personal, sexual problems of priests and the members of religious orders or congregations, in particular the problems associated with a possible homosexual orientation. Social views about penalization of the sexual abuse of minors were reflected in the Code of Canon Law, which was revised in 1983. One amendment to the 1917 Code of Canon Law involved the addition of the following passage. 'A cleric who has offended in other ways against the sixth commandment of the Decalogue, if the crime was committed by force, or by threats, or in public, or with a minor under the age of sixteen years, is to be punished with just penalties, not excluding removal from office as a priest if the case so warrants.'

Compared to other religious groups in the Netherlands, a relatively large proportion of Catholics became (consciously or otherwise) disillusioned with their church and that whole way of life. This was partly the result of internal clashes regarding the proper course for the church in modern society. The falling number of applications from individuals wishing to study for the priesthood and the increasing numbers of priests taking retirement prompted the church to involve the laity in spiritual counselling. As pastoral workers, the latter also came to play an increasingly influential role in the church.

By the mid-1970s, the definition of 'Catholic' had become totally unclear. A large group of concerned believers declared that they no longer wished to be known as 'Catholic'. Meanwhile, more and more 'Catholic' young people were meeting in places where the church had no authority. These included Taizé, in the charge of Prior Roger Schutz. A 'Youth Council' opened there in late August 1974, from which - it was said - other 'councils' would never be excluded. The Roman Catholic Church sent a few representatives to Taizé. However, the church's actions in this regard were to no avail, it was unable to persuade the young people in question to return to the fold.

In 1980, so concerned was the Vatican about the Roman Catholic Church in the Netherlands, that it called a special synod for the Dutch bishops. This Catholic concern was not prompted solely by progressive ideas about sexuality, it was also a response to the related influx of laypersons as pastoral workers. Rome clearly wanted church work to be reserved for priests who had been trained for the purpose, and who were subject to a celibacy requirement. Both the celibacy requirement and the issue of the extent to which the laity were participating in church work were discussed at the synod. In Rome, the Dutch bishops stressed that they were in favour of maintaining celibacy for priests.

In 1985, Pope John Paul II visited the Netherlands, a country which saw him as a conservative. The bishops were well aware that he would not receive a warm welcome, but the Pope's trip also included visits to Luxembourg and Belgium, so the Netherlands could hardly be left out. Several months prior to the papal visit, critical Catholics had joined forces to create the Papal
visit Initiatives Platform (PIP). The aim of this body was to counterbalance the bishops’ plan to avoid exposing the Pope to any hint of dissent. PIP staged a major event at The Hague on 8 May 1985, on the eve of the Pope’s visit. Under the motto ‘The other face of the church’, about 12,000 Catholics, including many members of the clergy (both secular and religious) flocked to the Malieveld. They were protesting against the church’s refusal to abolish celibacy and to consider admitting women to the priesthood.\footnote{After the Papal visit, PIP reinvented itself as the Eighth of May Movement (AMB), an informal organization that persisted until 2003.}

2.5 Sexual abuse brought out of the shadows

Since 1985, the sexual abuse of minors had become a fixed feature of the political agenda. Investigations revealed that a substantial number of women and girls had been victims of sexual abuse.\footnote{In response, the government implemented numerous policy measures.} During the subsequent years, there were several bouts of moral panic. On a few occasions this resulted from alleged sexual abuse, the truth of which has never been confirmed, at other times it involved clear-cut and extensive sexual abuse.\footnote{The common denominator was that these events always tended to generate a lot of publicity. This stoked the fires of the underlying social fear of the sexual abuse of minors. The fact that these problems needed to be tackled was evident.}

At the end of the 1980s, however, the government decided against a comprehensive review of the legislation on sexual offences as it doubted that there was sufficient social support for such a step.\footnote{This review finally took place in 1992. In particular, it afforded protection to minors by making unwanted sexual contact with them a criminal offence.} From that time on, efforts to provide protection against all forms of sexual abuse of minors featured prominently on national and international political agendas. This was reflected by treaties and - at European level - in European Union Directives and rulings of the European Court of Human Rights.\footnote{Increasing focus on sexual abuse within the Roman Catholic Church

The Roman Catholic Church became increasingly aware of the problem of sexual abuse within relationships of dependency. Bishops who, in the course of their pastoral work, were confronted with sexual violence (especially incest) in a domestic setting or in an everyday context, asked that this issue be raised. In the early 1990s, instructions on these matters were drawn up for pastoral care.}\footnote{The next step was recognition of the sexual abuse of female believers by pastoral workers. In 1992, an internal memo about sexual abuse in pastoral relationships was leaked, shortly followed by a memo from the episcopal Women and Justice Committee on the same topic.}

Progressive Catholic organizations took the lead. Accordingly, in 1993, at the instigation of the SNPR (Association of Religious Priests in the Netherlands), a memorandum was drawn up as a code of practice for superior generals, in cases where religious brothers are accused of sexual abuse.\footnote{This was followed, in 1995, by the establishment of the ecclesiastical organization Hulp & Recht. A procedure was drawn up for this organization on how to deal with complaints of sexual abuse.}\footnote{Progressive Catholic organizations took the lead. Accordingly, in 1993, at the instigation of the SNPR (Association of Religious Priests in the Netherlands), a memorandum was drawn up as a code of practice for superior generals, in cases where religious brothers are accused of sexual abuse. This was followed, in 1995, by the establishment of the ecclesiastical organization Hulp & Recht. A procedure was drawn up for this organization on how to deal with complaints of sexual abuse.}

Consideration was given to the canonical repercussions of sexual abuse, and the matter was raised on the occasion of a visit to Rome by the Dutch bishops. Discussions also took place on how to deal with the ‘problem of priests who neither want nor ask for dispensation, and yet are known to pursue gay or paedophile lifestyles.’ An existing instruction came to light in Rome that would allow ‘ex officio laicization’ (removal from office as a priest)\footnote{The penal consequences were also considered. Thus, in 1998, a memorandum was drawn up on the issue of whether the church was required to notify the secular authorities of sexual abuse by a priest or member of a religious order or congregation, even if there was no question of rape.}. The penal consequences were also considered. Thus, in 1998, a memorandum was drawn up on the issue of whether the church was required to notify the secular authorities of sexual abuse by a priest or member of a religious order or congregation, even if there was no question of rape.
The sexual abuse of minors in the Roman Catholic Church was first officially acknowledged by the Vatican in 2001. In July 2002, during the World Youth Days, Pope John Paul II himself commented on sexual abuse within the Roman Catholic Church. He urged young believers not to be discouraged by the mistakes of some individuals within the Roman Catholic Church.

In 2005, a protocol was adopted for vetting individuals for a history sexual abuse. This meant that, in future, a letter of indemnification would be required before a member of the clergy or a member of a religious order or congregation could be transferred. The superior general or bishop had to prepare a statement confirming that the individual in question had not, to their knowledge, been guilty of sexual abuse.

In October 2007, the procedure for complaints about sexual abuse was expanded to include all those performing paid or unpaid work within the Roman Catholic Church, and those victims of sexual abuse who are now deceased. Some years later, the statute of limitations that applied under canon law was expanded from ten to twenty years. Furthermore, with regard to complaints about sexual abuse within the Catholic Church, people with an intellectual disability and those with a mental disorder were placed on the same footing as minors.
3 NATURE AND EXTENT OF SEXUAL ABUSE OF MINORS IN THE ROMAN CATHOLIC CHURCH IN THE NETHERLANDS

3.1 Introduction

What was the nature and extent of sexual abuse in the Roman Catholic Church in the Netherlands during the period from 1945 to 2010? What forms did the abuse take? How often, and where, did the sexual abuse occur? How many victims were involved?

These questions are easier to raise than to answer. In the past, incidents of sexual abuse were not generally documented, and although some evidence can be found in the archives it is unlikely that details exist on all cases of abuse. Only information received by individuals with administrative responsibilities has been documented in an official archive. The Commission of Inquiry considers it highly probable that more incidents occurred than were in fact reported to these individuals and it remains open for debate whether all incidents have been fully documented. The Commission of Inquiry is therefore only able to provide an estimate based on the number of victims to date who have come forward to report incidents of sexual abuse within the Roman Catholic Church in the Netherlands.

A certain degree of caution should be exercised when interpreting the data. The human memory is not infallible, certainly not where it concerns events that took place a considerable number of years ago. Not everyone feels the need to stir up painful memories and to report them. There is also the possibility that some of the incidents were reported by individuals who were not the direct victims of the abuse. The Commission of Inquiry must therefore take into account that some of the figures may be distorted due to over-reporting or under-reporting.

The Commission of Inquiry is also faced with the question of how to define ‘sexual abuse’. The definitions given in the scientific literature vary considerably and do not necessarily correspond to those laid down in the Dutch Penal Code. When using these reports as a guideline, the Commission also needs to consider how those making the reports define the term. No one would dispute that rape constitutes sexual abuse, but would being kissed by a priest be termed as sexual abuse if it was an uncomfortable experience for the person involved? Or if someone reports being spied on while taking a shower? Those who adopt a broader definition of ‘sexual abuse’ will naturally view these forms of abuse in different terms than those who adopt a stricter definition. Before we can arrive at a reliable estimate of the extent of sexual abuse based on reports alone, we must therefore also conduct a study into what notifiers understand by the term ‘sexual abuse’. Not all cases will fall under the strict definition adopted by the Commission of Inquiry (see Chapter 1). The Commission of Inquiry has therefore approved the somewhat contrived definition ‘inappropriate behaviour towards minors’. This is the term used by the Commission of Inquiry; the notifiers generally talk in terms of ‘sexual abuse’.

A number of the issues referred to can be eliminated by consulting a range of different sources. In order to provide answers to the questions posed, the Commission of Inquiry therefore used:
• Information received from notifiers who submitted unsolicited reports directly to the Commission of Inquiry, or data from reports obtained by the Commission of Inquiry through other channels;

• Responses to an extensive questionnaire that the notifiers completed as part of a follow-up study;

• Interviews held with victims, perpetrators, offenders and experts;

• And the results of a survey conducted by TNS NIPO among a sample population of Dutch nationals aged forty or older. The questions in the survey related to inappropriate behaviour towards minors. A follow-up survey containing a more extensive questionnaire was then sent to a smaller, stratified sample of the population.

On some points, the Commission of Inquiry was able to corroborate its data by comparing it with statistics provided by KASKI (a centre of expertise on religion and society at the Radboud University in Nijmegen) and Statistics Netherlands. It also consulted information provided by the Netherlands Interdisciplinary Demographic Institute (NIDI) in The Hague.

By comparing data from a wide range of sources, the Commission of Inquiry has attempted to answer the questions posed in the opening of this chapter based on reasoned estimates. These estimates, and the considerations that played a significant role in reaching these estimates, are presented in this chapter. A detailed justification of this method and further details can be found in Appendix A.

3.2 Primary source: the reports

Between March 2010 and 1 December 2010, the Commission of Inquiry received 2026 reports. As explained in Chapter 1, it is more accurate to refer to them as ‘reports and messages’, given that not all of the e-mails and letters contain reports relating to the sexual abuse of minors. Some relate to events that fall outside the scope of the inquiry. For the sake of brevity, the Commission of Inquiry will hereafter use the term ‘reports’.

The Commission of Inquiry obtained the reports from a number of different sources. The majority (63.1%, 1279 reports) were received directly, often by e-mail, but also by post. Reports were also passed onto the Commission of Inquiry by Hulp & Recht, which at the time was the name of the organization that dealt with the issue of sexual abuse within the Roman Catholic Church (31.3%, 634 reports). These reports were passed on with the permission of the notifier, as were the four reports (0.2%) received from the Samson Commission. A further 109 reports were received from the Dutch newspapers NRC Handelsblad and De Volkskrant, and the radio and television stations Radio Netherlands Worldwide and Ikon (5.4%).

Not all these reports, however, fall within the ambit of the inquiry: 231 reports were disregarded (11.4% of the original 2026 reports), of which 137 did not relate to sexual abuse, 27 related to abuse that did not occur in the Netherlands, 45 related to instances of sexual abuse towards minors before 1945, and one related to sexual abuse towards an adult before 1945. There were also reports
concerning events within institutions that were not affiliated to the Roman Catholic Church (21 reports).

Of the original 2026 reports received, 1795 (88.6%) have been included in the inquiry. For a variety of reasons, only a proportion of these reports are actually suitable for further analysis. Below is a list of considerations that led to the omission of a number of reports from the section of the inquiry dealt with in this chapter.

Reports omitted from the inquiry

1. Insufficient information, no form of abuse, notifier not the victim

The Commission of Inquiry decided to omit any reports that did not provide sufficient information to enable it to determine whether the notifier fell within the definition of sexual abuse adopted by the Commission of Inquiry. It also omitted reports that related to pure physical and/or psychological violence rather than sexual abuse, and reports that were not submitted by the victims themselves but by relatives or close friends.

This also applied to reports that levelled complaints at *Hulp & Recht* but made no claims of sexual abuse, reports concerning abuse towards adults, and reports of positive experiences.

After having filtered the reports based on the above criteria, 598 reports were omitted from the inquiry, leaving 1197 (59.1%) of the original reports for closer investigation. A proportion of the 392 notifiers, whose initial reports provided inadequate information, were later asked to complete a questionnaire, which would enable the Commission of Inquiry to include their experiences in the inquiry.

Of the 1197 reports, 68.7% (822) were unsolicited reports made directly to the Commission of Inquiry, 26.6% (318) were submitted through *Hulp & Recht*, 4.4% (53) were passed on by the media sources listed above and 0.3% (4) came from the Samson Commission.

2. Reports submitted via *Hulp & Recht*: information often processed incorrectly

On closer examination of the 318 reports received through *Hulp & Recht*, a number of registration inaccuracies were found. The majority of the reports provided by *Hulp & Recht* date from the period when the organization was overwhelmed by a influx of reports and complaints and was struggling with administrative issues. This resulted in a number of inaccuracies, including errors in gender designation (for example, a female student at a boys' boarding school), and uncertainty about the name, location and institution. In an effort to prevent these inaccuracies obfuscating the inquiry, the Commission of Inquiry decided to omit the reports received from *Hulp & Recht* from the study discussed in this chapter. These reports were, however, used for the research conducted into the archives of the institutions and organizations named in the reports.

3. Reports received by the Samson Commission: by telephone

The vast majority of reports received by the Samson Commission were made to their telephone hotline. These reports therefore fall under a different category of registration to those received by
the Commission of Inquiry (the majority of which were by email). As a result, the four reports passed on to the Commission of Inquiry by the Samson Commission were disregarded in the analysis.

4. Reports received by the media: inadequate

A number of the reports received through the media were submitted anonymously or provided scant information. These reports were therefore used in the archive research but not for documenting the nature and extent of sexual abuse of minors in the Roman Catholic Church.

The inquiry into reported instances of sexual abuse is based on 774 reports

In an attempt to convey the nature of the sexual abuse of minors in the Roman Catholic Church, the Commission of Inquiry has for the aforementioned reasons restricted its inquiry to the 774 reports it received directly.

Results

The Commission of Inquiry began by summarizing the basic details of the reports, which included: the notifier’s gender; the notifier’s age at the time of the reported abuse; the nature of the sexual acts; the period during which the abuse took place and the circumstances; the frequency and duration of the abuse.

It should be noted that reports were unsolicited; each notifier recounted their story in their own way. The reports therefore did not follow a set structure and, as a result, often lacked sufficient data. In order to analyse the reports, the Commission of Inquiry encrypted the information using a data coding scheme.

First they assessed unsolicited reports of experiences of sexual abuse made to the Commission of Inquiry.

— What was the victim’s gender and age?

Of the 774 reports received, 635 (82%) were male and 128 (16.5%) were female.¹ The Commission of Inquiry was unable to determine the gender in 11 of the reports (1.5%).

How old were the notifiers when they first experienced the sexual abuse? 43.2% (334) of the reports lacked sufficient data – see chart 3.2.1. For an analysis of the ages that were given in the reports, see table 3.2.2.

Chart 3.2.1. Age at first abusive episode: known or unknown

AGE OF VICTIMS (N=774)

Unknown (N=334) 43.2%
Known (N=440) 56.8%

Chart 3.2.2. Age at first abusive episode: ages categorized

AGE WHEN THE ABUSE BEGAN (N=440)
Over half of the abuse reported (for which sufficient data is available) concerned 6 to 12 year olds, more than 80% concerned 6 to 14 year olds.

— Nature and severity of the reported abuse

What do the notifiers understand by the term sexual abuse? What form of sexual abuse was experienced? In order to answer these questions, all 774 reports were encrypted based on a number of characteristics. These characteristics provide an indication of the severity of the experiences, such as the nature, the frequency and the duration of the sexual acts. The severity can be classified under five categories, ranging from very mild to very severe.

**Table 3.2.3. Categorization of severity of reported abuse**

<table>
<thead>
<tr>
<th>LEVEL OF SEVERITY</th>
<th>CATEGORY</th>
<th>INCIDENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>very mild</td>
<td>ambiguous incidents</td>
</tr>
<tr>
<td>2</td>
<td>mild</td>
<td>single or few instances of fondling, voyeurism, exhibitionism</td>
</tr>
<tr>
<td>3</td>
<td>moderate</td>
<td>repeated or recurrent fondling</td>
</tr>
<tr>
<td>4</td>
<td>severe</td>
<td>extreme sexual acts, penetration, coercion</td>
</tr>
<tr>
<td>5</td>
<td>very severe</td>
<td>repeated or prolonged extreme sexual acts, penetration, coercion, physical force</td>
</tr>
</tbody>
</table>

The first category does not meet the strict definition adopted by the Commission of Inquiry. Consequently, any reports filed under this category have been omitted from the inquiry.

The following quotations have been extracted from reports received by the Commission of Inquiry to define the different categories:

**Level of severity 1 (very mild incidents: ambiguous reports)**

‘*During my early secondary school years, if you were caught plagiarising parts of the Bible, our Religious Education teacher would give us an alternative to the customary punishment exercise. I was told to come to his office and “sit on his lap”. I didn’t take him up on his offer and told my father about it, who reported it to the head of the school.*’
Level of severity 2 (mild incidents: single or few episodes of fondling, voyeurism, exhibitionism)

‘During my first year at the minor seminary, I was given private sexual education classes by one of the Fathers. To my surprise, I was told to pull down my trousers and show my penis. He held my genitals in his hand while he explained what the penis was for — a sort of tap to pee with which you weren’t allowed to touch at any other time. I found the whole affair rather strange. I never told anyone about it.’

Level of severity 3 (moderate: repeated or recurrent fondling)

‘The Father began calling me to his office. The first few times we just talked, but later on I had to sit on his lap while he stroked my leg. The stroking progressed to fondling and then to playing and fumbling with my penis. Luckily it didn’t happen on a daily basis but it was at least once or twice a week. Even though I didn’t like what he was doing, I didn’t dare tell anyone. Who would believe a 14-year-old kid over a Father?’

Level of severity 4 (severe: extreme sexual acts, penetration, coercion)

‘I was asked to do some odd-jobs for the new parish priest. For every job I was given a reward. This took a nasty turn when the parish priest started touching me. First it was just over my clothes but then he started rubbing my penis as well. This happened on several occasions, sometimes going as far as oral sex. I was totally shaken. These acts were performed repeatedly but I didn’t know how to put a stop to it.’

Level of severity 5 (very severe: repeated or prolonged extreme sexual acts, penetration, coercion, physical force)

‘When I reached the age of First Communion, it was the parish that was in charge of the proceedings. The parish priest thought that I could benefit from private lessons in the catechism, which took place once a week. Only I didn’t learn much about the catechism, since within half an hour his hands were down my trousers. I was forced to perform oral sex and on several occasions he would then penetrate me anally. This continued for several months until I took my First Communion. I never talked about it to anyone because the parish priest was someone to be respected — unlike me apparently.’

— The nature of the reported abuse

Which sexual acts were described in the reports received by the Commission of Inquiry? The following table gives a summary of the sexual acts and their frequency and duration. In cases where a single victim filed several reports, only the most extreme form of sexual abuse was included in the inquiry.

Table 3.2.4. Data on the nature and severity of reported sexual abuse as specified in the unsolicited reports made to the Commission of Inquiry (N=728 victims\(^3\), N=882 incidents\(^4\))

<table>
<thead>
<tr>
<th>CHARACTERISTICS</th>
<th>REPORTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victims:</td>
<td>Number %</td>
</tr>
<tr>
<td>Severity (nature of sexual acts):</td>
<td></td>
</tr>
</tbody>
</table>
- No form of penetration  393  84.9
- Some form of penetration  70  15.1

*Incidents:*
How often (frequency):
- Once  92  17.4
- Repeated  437  82.6

How long (duration):
- Less than a year  155  42.9
- More than a year  206  57.1

The reports submitted to the Commission of Inquiry varied greatly in terms of their nature and severity. The vast majority were clearly relevant and could not simply be dismissed. A third of the cases, however, lacked sufficient information on the nature of the abuse. As a rule of procedure, these notifiers were subsequently sent a questionnaire asking them to provide further information. This is discussed in greater detail under section 3.3.

— Period of reported abuse

The reported sexual abuse began between 1936 and 2002 and ended between 1945 and 2006. The cases of abuse that began in 1936 continued until after 1 January 1945 and have for this reason been included within the ambit of this inquiry. The most frequent reports were filed during the 1950s and 1960s and at the beginning of the 1970s (approximately 80%). The chart below shows the different periods of abuse.

**Chart 3.2.4**

PERIOD OF ABUSE (N=774)

<table>
<thead>
<tr>
<th>Period</th>
<th>Count (N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 1950</td>
<td>46</td>
</tr>
<tr>
<td>1950s</td>
<td>326</td>
</tr>
<tr>
<td>1960s</td>
<td>284</td>
</tr>
<tr>
<td>1970s</td>
<td>57</td>
</tr>
<tr>
<td>1980s and after</td>
<td>16</td>
</tr>
<tr>
<td>Unknown</td>
<td>45</td>
</tr>
</tbody>
</table>

— Where did the abuse occur?
The reports provided information on the circumstances of the reported abuse. The table below summarizes this data.

**Table 3.2.5. Data on where the sexual abuse took place, as specified in the unsolicited reports made directly to the Commission of Inquiry (N=728 victims, N=882 incidents)**

<table>
<thead>
<tr>
<th>SITUATION/CONTEXT:</th>
<th>NUMBER</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parish</td>
<td>106</td>
<td>14.7</td>
</tr>
<tr>
<td>Educational institution (internally and externally)</td>
<td>481</td>
<td>66.6</td>
</tr>
<tr>
<td>Non-educational institutions</td>
<td>82</td>
<td>11.4</td>
</tr>
<tr>
<td>Home</td>
<td>42</td>
<td>5.8</td>
</tr>
<tr>
<td>Several situations/contexts</td>
<td>11</td>
<td>1.5</td>
</tr>
</tbody>
</table>

3.3 The second source: follow-up study with questionnaire

The analysis so far has examined reports received by the Commission of Inquiry. These reports were unsolicited and as a result varied in comprehensiveness and detail. A considerable amount of information was missing. The Commission of Inquiry therefore conducted a follow-up study which consisted of a questionnaire sent out to each of the 774 notifiers. This questionnaire was also sent to 109 notifiers who in the first selection round had provided too little information on the abuse to be able to participate in the previous analysis.

Of the 883 notifiers who were sent the questionnaire, 599 (67.8%) returned a completed copy. On analysis, 94 notifiers described forms of abuse that did not meet the criteria of the inquiry. The findings below are based on the answers provided by the remaining 505 respondents. The table below presents the results of the questionnaire compared with the information extracted from the 774 previously analysed reports. A more detailed analysis of the findings from this section of the inquiry will be discussed later in Chapter 7. For the moment, we will focus on the aspects that provide further information on the nature and extent of the reported sexual abuse.

**Table 3.3.1. Summary of data on the nature and severity of the reported sexual abuse in the unsolicited reports made to the Commission of Inquiry (N=728 victims, N=882 incidents) and the follow-up study (N=505 victims, N=691 incidents)**

<table>
<thead>
<tr>
<th>CHARACTERISTICS</th>
<th>NOTIFIERS QUALITATIVE (REPORTS)</th>
<th>NOTIFIERS QUANTITATIVE (QUESTIONNAIRE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victims:</td>
<td>Number %</td>
<td>Number %</td>
</tr>
<tr>
<td>Gender of victim</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Male</td>
<td>609 84.9</td>
<td>424 84.0</td>
</tr>
<tr>
<td>- Female</td>
<td>108 15.1</td>
<td>81 16.0</td>
</tr>
</tbody>
</table>
Findings from the questionnaire showed that notifiers in at least four out of five cases reported repeated episodes of sexual abuse. A quarter of the notifiers reported experiencing some form of penetration during the abuse. Half of the notifiers reported episodes of abuse at an educational institution.

### 3.4 The third source: the survey
The reports of sexual abuse in the Roman Catholic Church in the Netherlands, which were submitted to the Commission of Inquiry through a variety of different channels, were unsolicited reports made by victims who were prepared to provide further details. They provided information on experiences of inappropriate behaviour towards minors in the Roman Catholic Church and gave a more comprehensive impression of what notifiers understand by the term 'sexual abuse'. However, the key question here is how representative is this impression?

In an effort to seek clarification, the Commission of Inquiry appointed the Dutch survey agency TNS NIPO to conduct an extensive representative sample survey of Dutch nationals aged 40 years and older. This group were given a short questionnaire to complete on their ‘youth experiences’ — a term chosen specifically to avoid any undue emphasis on sexual abuse, thereby preventing any bias in the responses. TNS NIPO has access to an online panel comprising 145,785 Dutch nationals from 60,412 households (figures from 1 August 2010). It is one of the largest panels in the Netherlands. The Commission of Inquiry asked TNS NIPO to approach only those members of the panel aged 40 years and older (34,234). The scope of this sample ensures a margin of error of 0.2%. The response rate was 85%. The age limit was chosen based on the assumption that — as was confirmed in the analysed reports — the vast majority of abuse in the Roman Catholic Church took place in the 1950s, 1960s and 1970s.

The results of the survey are summarized below. A detailed description of the strategy adopted can be found in the methodological justification in Appendix A.

Based on the results of the sample survey, the notifiers were divided into eight groups. Respondents were subsequently selected from five of these eight groups to complete a considerably more detailed questionnaire. This comprehensive questionnaire was — with the exception of a few details — the same as the questionnaire sent to those who had submitted unsolicited reports directly to the Commission of Inquiry.

The follow-up study also saw a high response rate (91%) with 2,482 of the survey respondents participating. The results from this phase of the research raised questions that required further investigation. In particular, inconsistencies were found between the respondents’ answers in the follow-up study and those they had given earlier in the survey. This is not uncommon. However, the percentage of respondents giving inconsistent answers was 33%, which is unusually high. A follow-up questionnaire was therefore sent to this group of respondents asking for clarification on the discrepancies found in their answers. Ninety per cent of the 836 respondents provided the Commission of Inquiry with the requested clarification. TNS NIPO adjusted the results of the survey accordingly to create a database as valid and reliable as feasibly possible given the circumstances.

The results of the above survey are discussed below, followed by the follow-up study. All the percentages presented below have been duly adjusted based on the results of the extensive research conducted following the discovery of inconsistencies. For a methodological justification and further details, please refer to Appendix A.

3.4.1. Survey
The Commission of Inquiry asked TNS NIPO to pose a set of questions to all members of its panel aged forty years and older. A choice of answers was given. The questions and answer choices are listed below:

Selection questions in the survey

1 Did you grow up in the Netherlands, or spend the majority of your childhood in the Netherlands, and were you raised religious? We are interested to hear how you grew up, not whether you still practice the same religion now.

Answer choices:

0 I did NOT grow up in the Netherlands/I did not spend the majority of my childhood in the Netherlands

0 I grew up in the Netherlands, or spent the majority of my childhood in the Netherlands, and was raised protestant (baptized)

0 I grew up in the Netherlands, or spent the majority of my childhood in the Netherlands, and was raised Roman Catholic (baptized)

0 I grew up in the Netherlands, or spent the majority of my childhood in the Netherlands, and was raised Jewish

0 I grew up in the Netherlands, or spent the majority of my childhood in the Netherlands, and was raised Muslim

0 I grew up in the Netherlands, or spent the majority of my childhood in the Netherlands, and was raised in a different faith

0 I grew up in the Netherlands, or spent the majority of my childhood in the Netherlands, and was not raised religious (atheist, agnostic, humanist)

0 Would rather not say

2. Did you spend any of your childhood or youth (under 18) in a children’s home, orphanage, boarding school or institution (day pupil or boarder) or a seminary in the Netherlands?

Answer choices:

0 Yes, in a children’s home

0 Yes, in an orphanage

0 Yes, at a boarding school

0 Yes, at a boarding institution (day pupil or boarder)

0 Yes, at a seminary

0 No, none of the above
0 Cannot remember

0 Would rather not say

3. Did any adults outside your family make unwanted sexual advances towards you before the age of eighteen? (i.e. were you touched in a sexual manner against your will, or were you forced to touch another in a sexual manner.)

Answer choices:

0 No, never

0 Once

0 Sometimes

0 Regularly

0 Often

0 Very often

0 Would rather not say

3.4.2. Results of the survey

In answer to the first question, 31.3% of the respondents stated that they were raised Roman Catholic in the Netherlands.

When asked if they had spent any of their childhood or youth (under 18) in a children’s home, orphanage, seminary, or boarding school or institution (day pupil or boarder) in the Netherlands (Question 2), 4.7% answered yes.

On combining the answers to Questions 1 and 2, the following conclusions were drawn:

- 2.9% of the respondents were raised Roman Catholic and spent their childhood, or a part thereof, in one of the aforementioned institutions;

- 1.8% of the respondents were not raised Roman Catholic but spent their childhood, or a part thereof, in one of the aforementioned institutions;

- 28.4% of the respondents were not raised Roman Catholic and did not spend their childhood, or a part thereof, in one of the aforementioned institutions;

- 66.9% of the respondents were not raised Roman Catholic and did not spend their childhood, or a part thereof, in one of the aforementioned institutions.

These results can be compared with the statistical data on the percentage of Catholics in the Netherlands and the proportion of Roman Catholic children who attended one of the aforementioned institutes available from Statistics Netherlands and KASKI. On examining the correspondence between the results and the statistical data, the Commission of Inquiry was able to
conclude that the survey conducted among the panel members provided sufficiently representative results.

In response to the third question (did any adult outside your family make unwanted sexual advances towards you before the age of eighteen?), 9.7% answered yes. This question refers to all forms of inappropriate behaviour towards minors by a non-family member.

How do these figures compare to the findings of other Dutch surveys? The 'Netherlands Mental Health Survey and Incidence Study' (NEMESIS) reported a 10% incident rate of sexual abuse under the age of 16 for females, and 4% for males (average 6.9%).

After combining the results from the two previous questions, the participants were divided into the following eight groups:

**Table 3.4.1. Estimate of the extent of unwanted sexual advances towards under-18 year olds by an adult non-family member, adjusted to achieve representative results for the entire population (40+) expressed as a percentage based on the calculations made by TNS NIPO**

| Group 1 | Raised Roman Catholic, in an institution, reports unwanted sexual advances | 0.6 |
| Group 2 | Raised Roman Catholic, in an institution, reports no unwanted sexual advances | 2.3 |
| Group 3 | Raised Roman Catholic, not in an institution, reports unwanted sexual advances | 3.3 |
| Group 4 | Raised Roman Catholic, not in an institution, reports no unwanted sexual advances | 25.1 |
| Group 5 | Not raised Roman Catholic but in an institution, reports unwanted sexual advances | 0.4 |
| Group 6 | Not raised Roman Catholic but in an institution, reports no unwanted sexual advances | 1.4 |
| Group 7 | Not raised Roman Catholic, nor in an institution, reports unwanted sexual advances | 5.4 |
| Group 8 | Not raised Roman Catholic, nor in an institution, reports no unwanted sexual advances | 61.5 |

N=34,234 Margin of error = 0.2%

A word of caution when analysing these figures. Firstly, it should again be emphasized that these percentages are based on answers pertaining to incidents that happened in the past and could lead to a distortion of the figures. The percentages of unwanted sexual advances cannot therefore be interpreted as the number of actual occurrences of abuse. There may be instances here of both over-reporting and under-reporting.

Secondly, it should be pointed out that ‘unwanted sexual advances before the age of eighteen by an adult non-family member’ can refer to extremely varied experiences, from fondling over or under the clothes to repeated instances of rape. The survey makes no differentiation between these experiences. The follow-up study, which will be discussed later, on the other hand does.

Thirdly, as illustrated by the inconsistencies between these answers and those given by the same respondents to similar questions in the follow-up study, survey results should be treated with some caution. Factors that need to be taken into consideration are the way in which questions are
formulated and the careless approach of some respondents towards the questionnaire. On the other hand, we can conclude that the sample survey covered a wide-range of respondents and that TNS NIPO ensured that the participating panel met the requirements for guaranteeing a representative response. As previously mentioned, the answers to the first and second questions were compared with other available data and confirmed the results of the survey.

Bearing these points in mind, two conclusions can be drawn from the survey.

**Interim conclusion 1:** one in ten Dutch adults aged forty and above (9.7%) has experienced unwanted sexual advances before the age of eighteen by an adult non-family member.

First let us conclude that a substantial proportion of the Dutch population aged forty and above claims to have been subjected to unwanted sexual advances by an adult non-family member before turning eighteen. According to the survey, this affected almost one in ten Dutch adults (9.7%) aged over forty. Although this percentage is higher among the population group that was raised Roman Catholic than among those who were not (12.4% and 8.4% respectively), we cannot conclude that this difference is directly related to inappropriate behaviour towards minors that was allegedly committed by individuals working within the Roman Catholic Church. A number of other factors (e.g. social-economic status and cultural differences), which the Commission of Inquiry did not examine, may have played an equally important role.

The conclusion is that episodes of unwanted sexual advances before the age of eighteen by adult non-family members is a widely occurring social phenomenon that is not limited to the Roman Catholic Church.

The probability of a member of one of these groups having being confronted with unwanted sexual advances before they reached the age of eighteen by an adult non-family member can also be calculated based on the survey results. The percentage share within each of the different groups was calculated based on those who reported having experienced unwanted sexual advances by a non-family member. Table 3.4.2. summarizes these percentage shares.

**Table 3.4.2. Percentage shares of experiences of unwanted sexual advances before the age of eighteen by an adult non-family member in the group (N=34,234)**

<table>
<thead>
<tr>
<th>Group and relative group size as a %</th>
<th>Reported prevalence of unwanted sexual advances</th>
<th>Percentage share in group with experience of unwanted sexual advances</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Raised Roman Catholic, attended an institution (2.9)</td>
<td>0.6</td>
<td>21</td>
</tr>
<tr>
<td>3 Raised Roman Catholic, did not attend an institution (28.4)</td>
<td>3.3</td>
<td>12</td>
</tr>
<tr>
<td>5 Not raised Roman Catholic, but did attend an institution (1.8)</td>
<td>0.4</td>
<td>22</td>
</tr>
<tr>
<td>7 Not raised Roman Catholic, and did not attend an institution (66.9)</td>
<td>5.4</td>
<td>8</td>
</tr>
<tr>
<td>Total (100)</td>
<td>9.7</td>
<td>9.7</td>
</tr>
</tbody>
</table>
This table shows that those who spent a part of their childhood in one of the aforementioned institutions were significantly more likely to report unwanted sexual advances occurring before the age of eighteen by an adult non-family member than those who did not attend one of these institutions. The difference for both Roman Catholic and non-Roman Catholic institutions is a little more than double the national average of 9.7%; 21% and 22% respectively. The probability that a child who spent part of his childhood in one of these institutions was confronted with inappropriate sexual behaviour is therefore two times greater than the already high national average. This is true for the Roman Catholic institutions as well as for the non-Roman Catholic institutions.

Interim conclusion 2: Children who spent part of their childhood in an institution were twice as likely to experience unwanted sexual advances (21% and 22% respectively) than the national average (9.7%).

However, three points merit consideration here.

Firstly, the survey focused on unwanted sexual advances towards children before the age of eighteen by an adult non-family member. We, therefore, cannot conclude that the sexual abuse was perpetrated exclusively by individuals working within these institutions. The unwanted sexual advances reported may have been committed by someone employed at one of these institutions or elsewhere within the Roman Catholic Church, but may equally have been committed by a non-family member unaffiliated to an institution. Further research is therefore required into the proportion of individuals working in the Roman Catholic Church. This is discussed in section 3.4.3.

The second point that ought to be made is that children who attended one of these institutions often spent several years living outside the family home. This is not to say that sexual abuse did not also occur within families. However, this inquiry did not include instances of abuse by family members and therefore no comparison can be made.

The third point to make is that, during the relevant period, non-Roman Catholic institutions served predominantly as a substitute family home for younger children. Among the Roman-Catholic institutions were also schools and boarding schools for primary and secondary education.

3.4.3. Follow-up study

The Commission of Inquiry asked TNS NIPO to conduct further research among five of the eight groups from the survey (see table 3.4.1.). The five groups selected had all reported experiences of unwanted sexual advances before the age of eighteen by an adult non-family member (in table 3.4.1. the groups 1, 3, 5 and 7). For monitoring purposes, the follow-up study also included the group that was not raised Roman Catholic, that did not attend one of the listed institutions, and that had no experience of unwanted sexual advances (in table 3.4.1. group 8). Prior to this, the Commission of Inquiry selected a number of respondents from each of the five groups to complete a questionnaire similar to that discussed in section 3.3. which was sent to those who had submitted unsolicited reports to the Commission of Inquiry. A total of 2,482 respondents completed this questionnaire. For the particulars, please see Appendix A.

When comparing the answers given in the questionnaire with those given by the same respondents in the previous larger sample survey, a number of inconsistencies came to light. For example, a
number of respondents who had claimed to have spent time in an institution, now claimed to the contrary, and vice versa. Likewise, some respondents who had previously reported experiencing unwanted sexual advances before the age of eighteen by a non-family member now reported not to have, and vice versa. The percentage of inconsistent responses for these questions was so high (33%) that further research was felt necessary. TNS NIPO contacted these respondents for further clarification. The response rate was once again high (90%). Both the results of the survey and those of the follow-up study were adjusted based on the responses. For more details, please refer to Appendix A. The figures reported here are the adjusted figures and those calculated by TNS NIPO.

The follow-up study also asked for information about the perpetrators of the abuse. This provided the Commission of Inquiry with an indication of the extent to which individuals working within the Roman Catholic Church were involved in the reported abuse. The percentages are presented in table 3.4.3.

Table 3.4.3. Incidents of unwanted sexual advances before the age of eighteen by a non-family member, and reports in the follow-up study of sexual abuse by a perpetrator working within the Roman Catholic Church. (N=2,483)

Groups as listed in table 3.4.1.

Reports: ‘unwanted sexual advances before the age of 18 by a non-family member’ as a %

Reports: ‘perpetrator working within the Roman Catholic Church’ as a %

<table>
<thead>
<tr>
<th>Groups</th>
<th>Reports: ‘unwanted sexual advances before the age of 18 by a non-family member’</th>
<th>Reports: ‘perpetrator working within the Roman Catholic Church’</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Raised Roman Catholic, institution, reports abuse (2.9%)</td>
<td>0.6</td>
<td>0.2</td>
</tr>
<tr>
<td>3 Raised Roman Catholic, not in an institution, reports abuse (28.4%)</td>
<td>3.3</td>
<td>0.3</td>
</tr>
<tr>
<td>5 Not raised Roman Catholic, institution, reports abuse (1.8%)</td>
<td>0.4</td>
<td>&lt;0.1*</td>
</tr>
<tr>
<td>7 Not raised Roman Catholic, nor in an institution, reports abuse (66.9%)</td>
<td>5.4</td>
<td>0.1</td>
</tr>
<tr>
<td>Total reports of abuse (100%)</td>
<td>9.7</td>
<td>0.6</td>
</tr>
</tbody>
</table>

* < means: less than

This table shows that 0.6% of the total number of people questioned in the survey reported experiences of sexual abuse before the age of eighteen by a perpetrator working within the Roman Catholic Church. Not only those with a Roman Catholic upbringing were affected but also a small group (0.1%) that was not raised Roman Catholic.

A few points should to be made with regards to the percentages given. Those contained in the second column (‘reports unwanted sexual advances before the age of eighteen by a non-family member’) have already been discussed. When interpreting the third column (‘reports that perpetrator was working within the Roman Catholic Church’), we need to consider the fact that young children would not always be able to identify which of the adults they came into contact with were working within the Roman Catholic Church in a formal capacity, and which were employed on a voluntary basis. The Commission of Inquiry, therefore, expects there to be a higher margin of error
and has chosen to represent the percentage of victims of sexual abuse by a perpetrator working within the Roman Catholic Church in terms of ‘likely to be higher than 0.3% and lower than 0.9%’.\textsuperscript{9}

The percentage of ‘perpetrators working within the Roman Catholic Church’ given by respondents who were not raised Roman Catholic warrants further clarification. The image of a strictly partitioned Dutch society based on the different politico-denominational segments (‘pillars’) portrayed during the period prior to the seventies does not entirely correspond to the reality. A proportion of non-Catholic children did in fact attend Catholic schools:

‘The percentage of Catholic students that attended Catholic schools in the fifties was extremely high: in nursery and primary education it reached almost 100%, while in secondary education the percentage was somewhat lower, especially at technical colleges. According to Van Kemenade (1968), the percentage of children in Catholic secondary education in 1951 was 69.6% for boys and 85.7% for girls. In 1960, these figures had risen to 78.6% for boys and 89.4% for girls.’\textsuperscript{10}

These children also came into contact with individuals working within the Roman Catholic Church in other contexts (e.g. the scouts and sports clubs).

Taking into account these observations, a number of interim conclusions can be drawn.

**Interim conclusion 3: One in a hundred (0.9%) to one in three hundred (0.3%) Dutch people aged forty and older experienced unwanted sexual advances before the age of eighteen by a perpetrator working within the Roman Catholic Church.**

Where nearly one in ten Dutch forty-year-olds and older (9.7%) reported having experienced unwanted sexual advances before the age of eighteen by an adult non-family member, between one in a hundred (0.9%) and one in three hundred (0.3%) identified the perpetrator as someone who worked within the Roman Catholic Church. In other words: between one in ten and one in thirty Dutch citizens who had experienced unwanted sexual advances before the age of eighteen by an adult non-family member reports that these advances were made by a perpetrator working within the Roman Catholic Church. The vast majority of inappropriate incidents and experiences thus occurred outside the context of the Roman Catholic Church. Here again it should be noted that abuse by family members and peers was disregarded for the purposes of this inquiry. However, based on these findings, we can conclude that inappropriate behaviour towards minors did occur within the Roman Catholic Church in the past. This is also corroborated by archive research (see Chapter 4). However, we should not lose sight of the fact that this is part of a much broader social phenomenon with a higher prevalence rate (9.7%). The sexual abuse of minors by individuals working within the Roman Catholic Church shows a significantly lower prevalence rate at somewhere between 0.3% and 0.9%

It has already been established that those who spent part of their childhood in a children’s home, orphanage, seminary, or boarding school or institution (day pupil or boarder) were at a significantly higher risk of being subjected to unwanted sexual advances before the age of eighteen by an adult non-family member. This conclusion also applies when examining the probability of minors being subjected to unwanted sexual advances by someone working within the Roman Catholic Church. Approximately one third of incidents of inappropriate behaviour towards minors reported by those
raised Roman Catholic and by those who spent part of their childhood in a youth institution referred
to perpetrators working within the Roman Catholic Church. Although these figures should be treated
with caution, we may conclude that a child who was raised Roman Catholic and who spent part of his
childhood in one of the aforementioned institutions is six times more likely to have been subjected to
unwanted sexual advances by someone working within the Roman Catholic Church (within the
institution or the parish) than a minor who did not attend one of these institutions.

**Interim conclusion 4: Inadequate supervision appears to have been a specific problem in Catholic
boarding schools and boarding institutions, children's homes, seminaries and orphanages.**

Although the sexual abuse of minors is clearly a broad social problem and one that is certainly not
limited to the Roman Catholic Church, the above data confirms that a specific problem did exist in
Roman Catholic children's homes, orphanages, seminaries, and boarding schools and boarding
institutions. The probability of a minor being subjected to unwanted sexual advances was for
children in those institutions significantly higher than for those who did not spend part of their
childhood in one of these institutions. The probability of the perpetrator working within the Roman
Catholic Church was also greater in these cases. Where the perpetrators were acting in loco parentis,
the conclusion must be drawn that the relevant authorities failed in their supervisory role.

The survey and subsequent follow-up study were conducted among a representative sample of the
Dutch population aged forty years or older. The reported percentages therefore relate to what is
being reported now about events that took place in the past. In order to calculate how many people
were subjected to inappropriate behaviour as a minor in the past, we must of course take into
account the fact that a number of the victims are now deceased or unable to take part in the inquiry
due to other physical limitations, and that some may have moved abroad while others have
immigrated to the Netherlands.

Based on the information at the Commission of Inquiry’s disposal, the Netherlands Interdisciplinary
Demographic Institute (NIDI) was asked to make an extrapolation from the survey group that
reported abuse at the hands of someone working within the Roman Catholic Church (0.6%), and from
the survey group that reported having attended one of the institutions listed in the second question
in the survey (0.2%).

The NIDI began by determining the size of the population at risk. On the basis of which, the number
of people raised Roman Catholic who spent part of their childhood in one of the aforementioned
institutions and who reported being subjected to abuse before the age of eighteen during the period
between 1945 and 1981 by a perpetrator working within the Roman Catholic Church is estimated at
17,000. Bearing in mind the reservations noted above, this figure should be taken as a rough
estimate.

**Interim conclusion 5: The suspected number of minors who were victims of sexual abuse in the
Roman Catholic Church and who spent part of their childhood in one of the aforementioned
institutions is somewhere between 10,000 and 20,000.**

The Commission of Inquiry chose this margin due to the uncertainties inherent in conducting this
type of inquiry. It should also be noted that these figures relate to sexual abuse in the broad sense of
the term, which covers mild, moderate, but also severe forms of inappropriate behaviour towards
minors. The findings of the follow-up study discussed below show that the number of cases of severe sexual abuse (penetration) is a fraction of the total. Based on this data, the number of victims of severe forms of sexual abuse, who spent part of their childhood in an institution during the period under inquiry, is estimated at around one thousand.

As already stated, the figures quoted relate to abuse that was reported by persons who were raised Roman Catholic and spent part of their childhood in one of the aforementioned institutions. However, we cannot automatically assume that the abuse occurred in one of these institutions or at the hands of staff working at one of the institutions. The abuse could have taken place outside these institutions, for example by someone working in the parish.

Reports of abuse by a perpetrator working within the Roman Catholic Church were also submitted by individuals who were raised Roman Catholic but did not attend one of the institutions, and by individuals who were not raised Roman Catholic.

The statistical data backing up this claim, however, is less reliable than the aforementioned. Thus, any calculation of the number of victims in this category should be treated with more than the usual caution.

Interim conclusion 6: Taking all reported forms of abuse from mild to severe cases into account, the total number of cases of sexual abuse by perpetrators working within the Roman Catholic Church is estimated at several tens of thousands. When focusing exclusively on severe forms of sexual abuse (penetration), the total number is roughly several thousand.

The Commission of Inquiry notes that these figures should not be regarded as a valid estimate of the number of perpetrators of sexual abuse working within the Roman Catholic Church. Both the archive research and the international literature reveal that some of the perpetrators committed sexual abuse against multiple victims. The average number of victims per perpetrator is still unknown. The only way of calculating the number of perpetrators working within the Roman Catholic Church would be to divide the total number of victims by the average number of victims per perpetrator. As this factor remains unknown, the Commission of Inquiry has refrained from pronouncing any judgement on the number of perpetrators of sexual abuse that are or were working within the Roman Catholic Church during the period of inquiry.

3.5  Comparison of the survey data and reports

As mentioned earlier, the same questionnaire was used for the follow-up study as was used for those who initially submitted reports to the Commission of Inquiry. This provided the Commission of Inquiry with an indication of the representativeness of the reports. Consequently, both these sources should be viewed with the same level of caution as prescribed above.

<table>
<thead>
<tr>
<th>Table 3.5.1. Data on the nature and severity of reported sexual abuse in the questionnaire conducted among the notifiers (N=728 notifiers qualitative, N=882 incidents, N=505 notifiers quantitative, N=691 incidents)\textsuperscript{11} and survey (N=173 respondents, N=228 incidents)\textsuperscript{12}</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHARACTERISTICS</td>
</tr>
<tr>
<td>QUALITATIVE</td>
</tr>
</tbody>
</table>
### Victims:

<table>
<thead>
<tr>
<th>Victim’s gender:</th>
<th>REPORTS</th>
<th>QUESTIONNAIRE</th>
<th>QUESTIONNAIRE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number %</td>
<td>Number %</td>
<td>Number %</td>
</tr>
<tr>
<td>Male</td>
<td>609</td>
<td>424</td>
<td>134</td>
</tr>
<tr>
<td>Female</td>
<td>108</td>
<td>81</td>
<td>39</td>
</tr>
</tbody>
</table>

### Severity (nature of sexual acts):

<table>
<thead>
<tr>
<th>Nature of sexual acts</th>
<th>REPORTS</th>
<th>QUESTIONNAIRE</th>
<th>QUESTIONNAIRE</th>
</tr>
</thead>
<tbody>
<tr>
<td>No form of penetration</td>
<td>393</td>
<td>389</td>
<td>160</td>
</tr>
<tr>
<td>Some form of penetration</td>
<td>70</td>
<td>116</td>
<td>13</td>
</tr>
</tbody>
</table>

### Incidents:

#### How often (frequency):

<table>
<thead>
<tr>
<th>Frequency</th>
<th>REPORTS</th>
<th>QUESTIONNAIRE</th>
<th>QUESTIONNAIRE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Once</td>
<td>92</td>
<td>115</td>
<td>79</td>
</tr>
<tr>
<td>Repeated</td>
<td>437</td>
<td>573</td>
<td>142</td>
</tr>
</tbody>
</table>

#### How long (duration):

<table>
<thead>
<tr>
<th>Duration</th>
<th>REPORTS</th>
<th>QUESTIONNAIRE</th>
<th>QUESTIONNAIRE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than a year</td>
<td>155</td>
<td>254</td>
<td>95</td>
</tr>
<tr>
<td>More than a year</td>
<td>206</td>
<td>322</td>
<td>54</td>
</tr>
</tbody>
</table>

### Situation/context:

<table>
<thead>
<tr>
<th>Setting</th>
<th>REPORTS</th>
<th>QUESTIONNAIRE</th>
<th>QUESTIONNAIRE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parish</td>
<td>106</td>
<td>113</td>
<td>43</td>
</tr>
<tr>
<td>Educational institution</td>
<td>481</td>
<td>338</td>
<td>95</td>
</tr>
<tr>
<td>(internal/external)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-educational institution</td>
<td>82</td>
<td>32</td>
<td>21</td>
</tr>
<tr>
<td>At home</td>
<td>42</td>
<td>74</td>
<td>21</td>
</tr>
<tr>
<td>Other situation/context</td>
<td>-</td>
<td>108</td>
<td>30</td>
</tr>
<tr>
<td>Several situations/contexts</td>
<td>11</td>
<td>108</td>
<td>30</td>
</tr>
</tbody>
</table>

A comparison between the two different groups of victims (notifiers and survey respondents) shows that the experiences of inappropriate sexual behaviour towards minors reported by the notifiers were more severe in nature. These reports tended to cite instances of recurring sexual abuse, of abuse that continued for longer periods, and of abuse involving the most serious of sexual acts. The notifiers also cited significantly more instances of abuse in an educational setting, while abuse in parishes and in settings other than educational (e.g. children's homes, orphanages, etc.) was
significantly more prevalent among the survey group. These last two forms of sexual abuse in the Roman Catholic Church appear to be underrepresented in the group of notifiers. The prevalence of abuse in an educational setting reflected in these reports could have something to do with the media attention this type of abuse received.

**Interim conclusion 7: The image of sexual abuse in the Roman Catholic Church has been distorted by the media.**

The image of sexual abuse of minors within the Catholic Church portrayed by the media is largely consistent with the reports. This is not surprising considering that the media coverage has been largely shaped by those willing to tell journalists about their experiences. Echoes of this media attention would seem to resonate in the reports received by the Commission of Inquiry. Seen against the backdrop of the survey results, however, this picture should be construed as atypical in some important areas. The image that the sexual abuse of minors is primarily the domain of the Roman Catholic Church is incorrect. Nor can it be confirmed that the existence of such abuse within the Roman Catholic Church is almost exclusively restricted to its educational institutions. What can be confirmed is that a specific problem did exist within the educational institutions. Indeed, a substantial proportion of the abuse reported by the notifiers and survey respondents relates to these institutions. Moreover, as previously concluded by the Commission of Inquiry, the probability that a child was abused at one of these institutions is substantially higher.

### 3.6 The balance: the first conclusions

At the end of this chapter, the Commission of Inquiry reflects on the interim conclusions drawn hitherto. Based on the findings of the inquiry, the Commission of Inquiry is able to arrive at a reasoned estimate of the number of instances of inappropriate behaviour towards minors, the nature of this behaviour, and the number of victims involved. However, given the low percentages and the wide-ranging reservations regarding the data, great caution must be exercised.

In short, the conclusion is that the seriousness of sexual abuse of minors in the Roman Catholic Church cannot be denied, and that it is not an isolated phenomenon. One in ten Dutch adults aged forty or older experienced unwanted sexual advances before the age of eighteen by an adult non-family member. The percentage of victims is higher among those raised in the Roman Catholic faith than those raised in accordance with other traditions (12.4% and 8.4% respectively). However, we cannot conclude that this difference is ascribed to abuses perpetrated by individuals working within the Roman Catholic Church. Numerous other factors which were not examined (such as socio-economic factors and cultural differences) undoubtedly influence the interpretation of the figures. Cases of inappropriate behaviour towards minors involving a perpetrator working within the Roman Catholic Church nevertheless remains a fraction of the total percentage of sexual abuse reported.

The prevalence of sexual abuse in the Netherlands involving a perpetrator working within the Roman Catholic Church during the period of inquiry is estimated between 0.3% and 0.9%. Of the hundred Dutch citizens who reported being subjected to unwanted sexual advances before the age of eighteen by an adult non-family member, three to nine of them reported that the perpetrator worked within the Roman Catholic Church. We are therefore looking at several tens of thousands of victims, with an estimated several thousand of them having suffered severe forms of sexual abuse.
The majority of the sexual abuse incidents reported occurred during the 1950s and 1960s and in the majority of cases related to children between the ages of six and fourteen years.

Although the sexual abuse of minors is clearly a broad social problem that is not limited to the Roman Catholic Church alone, we may conclude that a specific problem has existed in the past in Roman Catholic children’s homes, orphanages, seminaries, boarding schools and boarding institutions. Key failures were inadequate supervision and the lack of action taken by the authorities. With the utmost caution, and based on the percentage scale estimation provided by TNS NIPO, the Commission of Inquiry puts the number of sexually abused minors during the period between 1945 and 1981 at somewhere between 10,000 and 20,000. The vast majority of cases — more than 90% — involved mild to moderate forms of abuse. Roughly half the cases reported instances of repeated abuse over a period of longer than a year. Significantly more severe forms of abuse involving penetration occurred in an estimated one thousand cases during the period between 1945 and 1981.

Finally, the Commission of Inquiry concludes that the image of sexual abuse portrayed by the media was distorted. This is perhaps not so surprising given that it was based on candid and forthcoming reports submitted to the media by victims. The findings of the inquiry, however, would indicate that on a number of important points the image created by these reports did not correspond with the image reflected in a survey conducted among a representative sample of the Dutch population (over the age of forty).
4 ABUSE AS A GOVERNANCE ISSUE

4.1 The structure of the Dutch Church

To outsiders, and even to many Catholics, it is far from clear how the Church functions organizationally. Its hierarchy, in particular, is a source of misunderstandings and misconceptions which hinder proper evaluation of individual Church officials’ actions, or failure to act. This confusion extends to perceptions of the response by Dutch churchmen to such issues as the sexual abuse of minors. To better understand how those responsible — bishops and other senior clergy — in the Netherlands have approached this theme, it is first necessary to explain the governance structure of the country’s ecclesiastical province and the specific roles within it.

4.1.1 Diocesan structures

The powers and responsibilities of a bishop, as the senior dignitary and teacher in his diocese, fall into two categories: sacramental and pastoral.¹

Every bishop has full sacramental powers, meaning that he is entitled to administer all the sacraments: Baptism, Confirmation, Holy Eucharist, Penance (confession), Anointing of the Sick, Matrimony and Holy Orders (the ordination of deacons, priests and bishops). Upon his appointment, the bishop chooses a coat of arms and a motto. A distinction is drawn between diocesan and titular bishops, the latter presiding in name only over defunct dioceses. Many of these are in such regions as North Africa and the Middle East, but there are also some in Europe.

A diocesan bishop is the senior ecclesiastical legislator, judge, teacher, pastor and administrator within his jurisdiction. Under Canon Law he is entitled both to issue ordinances and to grant dispensations from them. In his judicial role he rules on disputes and procedural matters. As an administrator he is responsible both for compliance with the rules of the Church and for the work and welfare of his subordinates. In principle, every aspect of ecclesiastical life within the diocese, all the priests and deacons “incardinated” to it and all local Church organizations, property and possessions are subject to his episcopal jurisdiction. Within every diocese, however, there are so-called “exempt” organizations and individuals not subject to the bishop’s authority; instead, they are accountable to the head of a religious order or congregation, directly to the Holy See or even to another diocese.

Those who are active on behalf of the Church in a diocese, a parish or as, say, a teacher at a Catholic school, but are not part of the diocesan hierarchy, fall into an administrative grey area. Formally, they are the bishop’s responsibility; in practice, though, they have often been able to escape his jurisdiction. According to Bishop Frans Wiertz, for example, in his Roermond diocese there has long been a “distance... between the diocese on the one hand and the orders and congregations on the other”. This exemplifies the grey area: “Problems have not been shared. The orders [and congregations] have their own structures and their own powers.” In this situation, he says, the authority of the bishop does not necessarily carry much weight. “There are congregations with more than 10,000 members spread over more than a hundred countries. Religious people all over the world know Maastricht and Steyl [near Venlo] because of the communities based there. There were missionary congregations and those devoted to other matters, such as education and medical care. And there were also congregations that wanted to concentrate upon pastoral care. [The bishop] was not happy with that, because in those days there were enough priests. Later, though, the suburbs and new towns were left for the congregations to look after.”² This general picture is confirmed by other bishops and coadjutors.³ As will be revealed in the subsequent subsections, however, the
actual situation they describe is at odds with the letter of canon law in terms of the rights and responsibilities it gives bishops in respect of the members of religious orders, both ordained and unordained.

4.1.2 Order and congregation structures

The Commission of Inquiry has conducted archive research into diocesan priests and members of religious orders and congregations about whom reports of sexual abuse have been made. In order to properly analyse those reports in terms of the applicable managerial powers and responsibilities, a knowledge is required of the formal governance structures of the institute concerned, including the duties incumbent upon its officers. In describing those structures, the Commission draws a distinction between religious orders, clerical congregations, lay congregations of pontifical right and lay congregations of diocesan right. In each case, the description is based upon the criteria established for that particular type of community in canon law and is followed by representative examples.

Canon law, as established in the 1917 Codex Iuris Canonici (hereafter: the Codex), clarifies what being “a religious” (a member of a religious institute) entails. They uphold the monastic community, which has four characteristics. The first of these is a stable form of living, making it an enduring community. The second is its communal nature, meaning that the religious must live as a community. The third is the foundation of that communal life, the three so-called evangelical counsels which shape the member’s dedication to God: obedience, poverty and chastity. And the fourth is the act of profession, a ritual whereby their religious consecration is confirmed by means of a voluntary public affirmation that they have embraced the counsels and will live by them.

The Commission of Inquiry has investigated members of religious orders, clerical congregations and lay congregations of both pontifical and diocesan right. An order is a monastic institution whose members, known as “regulars”, have taken solemn vows. It can only be established by the Pope and always falls under papal authority. In practice, this means that its internal laws as laid down in its rules and constitutions, and amendments to them, must be approved by the Holy See. This power is exercised through the Vatican’s Congregation for Institutes of Consecrated Life and Societies of Apostolic Life. Well-known orders active in the Netherlands include the Augustinians, the Benedictines, the Carmelites, the Dominicans, the Franciscans and – with their governance structure discussed below by way of an example – the Jesuits.

Most clerical congregations are also international communities and, like religious orders, exist of pontifical right. Another thing they have in common with the orders is that most of their members are ordained. But both types also include lay or coadjutor brothers who have not taken holy orders; traditionally, they were admitted to the community to perform domestic and organizational duties. One difference lies in the nomenclature applied to adherents: the term “religious” is reserved for members of an order, with those of clerical congregations being referred to as “religious priests”. However, this distinction has somewhat faded over time.

Lay congregations have no priests as members. They are divided into two categories, those of pontifical right and those of diocesan right. The former have been adopted by the Holy See, whilst the latter have not. The main practical upshot of this difference is the degree of authority exercisable over them by the bishop in whose diocese their members live and work. Both types are usually established by a local prelate, but only those of diocesan right are fully subject to his jurisdiction. Once pontifical right is applied, his powers become far more limited. This can be relevant if the congregation wishes to expand beyond the boundaries of a diocese – an ambition provided for under pontifical right – or expands the domains it is active in.
Relationships between the Church and religious brothers (or sisters) are governed by the doctrine of papal supremacy: the Pope exercises full and universal power over them all, regardless of the nature of the community they belong to. Under their oath of allegiance, they are answerable to the pontiff. The Codex of 1917 clarifies the canonical hierarchy of clergy, religious and laity, the latter being the body of the faithful. Religious take precedence over laity, clerical congregations over lay ones, orders over congregations and congregations of pontifical right over those of diocesan right. Diocesan priests, also known as secular clergy, outrank both laity and religious.

As examples, below are descriptions of the governance structures – internal administrative, supervision and control systems – of four of the communities investigated by the inquiry into sexual abuse within the Roman Catholic Church in the Netherlands.

4.1.2.1 An order: the Jesuits

The official name of this order, founded in the sixteenth century, is the Society of Jesus (Societas Jesu). Thanks to its international character, high intellectual level and wide range of ecclesiastical and social activities, the Jesuits quickly became one of the most important religious organizations within the Catholic Church. By the mid-eighteenth century there were more than 20,000 members. Although its suppression between 1773 and 1814 stifled growth, global membership was 15,000 in 1900 and rose to about 30,000 between 1950 and 1970. Since then numbers have been declining. In 1980 they had fallen to 27,000, and by the end of 2008 there were just 18,500 adherents worldwide. At present, there are just over a hundred Jesuits in the Netherlands.

The Society of Jesus is a strictly hierarchical institution. It is headed by a superior general, nicknamed the “Black Pope”, who is elected by the general conference of members. Unlike other orders, the Jesuits appoint their leader for life. The superior general is supported by a number of regional “assistants”, who govern geographical territories which in turn are subdivided into provinces. The superior general designates all provincial superiors (also known simply as “Provincials”), who then – subject to approval from Rome – appoint their own “Consultors” (councillors) and the superiors, rectors and governors of individual Jesuit houses. In this respect the Society’s procedures differ from those of most other Catholic orders, where officers at all levels are nominated locally or provincially, then confirmed by the higher superior.

In this hierarchical structure, Jesuit provincials are required to refer back to Rome on a wide range of matters. There are comparable obligations within the provinces, with the rectors of individual houses expected to report regularly to their provincial superior. But there is also a parallel system of direct annual reports from the houses to the Curia Generalis (the “house of the superior general”), which need not be seen by the provincial authorities. In 1950s and ‘60s the Provincial would receive anonymized Excerpta summarizing any critical notes contained in those submissions, but this practice was subsequently discontinued. The combination of reports and correspondence allows the Curia to maintain a firm grip on the Society’s global organization, whilst a system of general and provincial inspections – known as “visitations” – provides for regular supplementary control.

A Jesuit provincial governing council consists of the provincial himself, the “Socius” or executive secretary and four Consultors. Local communities are headed by a superior and colleges by a rector, assisted by their own consultors. In December 1965, the Dutch provincial governance structure underwent a minor reorganization. A ‘staff’ was formed, which now included the Provincial and the Socius, together with two newly appointed ‘coordinators’: one responsible for pastoral affairs and the other for educational activities, including the schools and colleges. These administrators convened on a regular basis, and were responsible for preparing for the formal Consults and for the implementation of policy. In 1967, two further coordinators were appointed. One was to oversee the retreats while the other was in charge of the brothers as a sort of ‘personnel manager’. This latter
appointment was short-lived. One of the most important duties of the staff as a whole was to assign brothers to the various institutions.\textsuperscript{7}

\textbf{4.1.2.2 A clerical congregation: the Salesians of Don Bosco}

This congregation, officially abbreviated to SDB since 1945, was founded in Turin in 1859 for “the apostolate of youth”: raising and educating young people – mainly young men, and mainly from the industrial and agricultural proletariat.\textsuperscript{8} By 1888 the organization had almost 800 members in ten countries, led by a Rector Major. In 1928 there were about 10,000 Salesians, and by 1967 no fewer than 21,500. In the late 1960s and early ’70s, however, the congregation suffered a severe internal crisis and lost about a fifth of its adherents. This turmoil was caused by the community growing too fast, combined with divisions over its direction in the wake of the innovations which emerged from the Second Vatican Council. In 1977 the Rector Major announced that, in essence, the SDB had been restored to health.

The congregation’s organizational structure is set out in its constitution, as amended in 1923 to bring it into line with the new \textit{Codex}. As per Vatican policy, this brought orders and congregations into the hierarchy of the mother Church as far as possible. For individual communities, that meant a more hierarchical and centralized form of organization.\textsuperscript{9} In the case of the Salesians, power was concentrated in the hands of the Rector Major and his advisory general council. Under them came provincial “inspectors”, with their own councils. Individual houses were led by local directors, appointed for three years at a time, also with advisory councils. The congregation’s constitution and rules were revised again in the early 1970s, following the Second Vatican Council, this time to make it less hierarchical and centralized.

\textbf{4.1.2.3 A lay congregation of pontifical right: the Brothers of Charity}

One example of a lay congregation of pontifical right is the Brothers of Charity (Broeders van Liefde), founded in 1807 by the Canon of Ghent, Father Peter Joseph Triest. Like other institutes of this kind investigated by the Commission of Inquiry, it has a stringently hierarchical structure.\textsuperscript{10} Their constitutions are approved by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life in Rome.

The Brothers of Charity is an international religious community governed by a Superior General and a general council. These were originally based in Ghent, but are now in Rome. Elected for a period of twelve years,\textsuperscript{11} the Superior General is ultimately responsible for all the organization’s activities, in particular the governance of its regions and individual houses. Since his is a papal congregation, he must report to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life once every five years.\textsuperscript{12} The Superior General has two inspector assistants, who visit congregational institutions on a regular basis and report back on their compliance with the constitution.\textsuperscript{13}

The general council has four members in addition to the Superior General. Its tasks include appointing regional superiors and local directors and the deployment of professed brothers (those who have taken vows).\textsuperscript{14} A provincial superior is regarded as deputizing for the Superior General in his particular territory. In the Netherlands this position is known officially as Superior of the Region of St Mary, which was separated from Belgium in 1934. The superior is responsible for all the communities and institutions in his region, assisted by four consultors forming a regional council. Each congregational facility has its own director, supported by two consultors. The provincial superior is expected to visit every community and institution within his area at least once a year and report back to the Superior General. The principal focus of these reports is the spiritual condition of the brothers. This means that there is both central and regional control of moral discipline amongst members on an annual basis.
Independent of this internal system, moreover, local bishops are required to inspect any institutions operated by lay congregations of pontifical right within their dioceses, either in person or through appointed representatives. Again, the principal subject of these inspections is moral discipline. This obligation, specified in the Codex of 1917 (Canon 512), endows the bishop with a direct role in the governance and moral supervision of all local religious communities. There are also specific provisions: the person making the inspection on behalf of the bishop is entitled and required to speak with individual brothers. Until 1959 the local prelate was also the channel through which any applications for dispensation from the solemn vows were submitted to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life in Rome. Certainly in the 1950s, the dossiers compiled in respect of these applications – basically, requests by brothers to leave their congregations – were sometimes quite candid and hence, for the bishop, a good source of information about goings-on in the communities within his diocese.

4.1.2.4 A lay congregation of diocesan right: the Brothers of Utrecht

The Congregation of the Brothers of Our Lady of the Sacred Heart (congregatie der fraters van Onze Lieve Vrouw van het Heilige Hart), better known as the Brothers of Utrecht, is a lay congregation of diocesan right. This meant that, until 2004, it fell under the authority of the Archbishop of Utrecht. When the congregation moved its base to Indonesia, his powers over it were transferred to the Bishop of Malang.

The congregation was founded on 13 August 1873 by Andreas Ignatius Schaepman, Archbishop of Utrecht, with a view to developing Catholic primary education, which at that time was facing difficulties, mainly of financial nature. Appointing religious brothers as teachers would help solve that problem, not only because they were much cheaper than lay personnel but also because they would eventually be able to fund the establishment of new schools. The new congregation dedicated itself to the upbringing and education of boys, especially the poor, through day schools, residential institutions and youth work. At first its activities were concentrated within the Utrecht archdiocese, but it began missionary work in eastern Java in 1928 and in Kenya in 1958. Between 1945 and 1965 its membership fluctuated around the 350 mark, including about 250 teachers, but from the late 1960s that number fell sharply due to resignations and deaths, with the number of novices failing to offset the decline. By 1980 there were 200 members in the Netherlands, and in 2011 just 45, with an average age of well over 60.

As a lay congregation of diocesan right, the Brothers of Utrecht were answerable to the Archbishop of Utrecht. As well as being responsible for their general supervision, he possessed a number of specific powers, such as dispensation from the solemn vows. The organization was originally headed by an ordained superior general, but Schaepman’s successor as archbishop, Petrus Matthias Snickers (1816-1895), allowed its members to elect one of their own number as superior, making it an entirely lay organization.

The governing provincial council was made up of this brother superior and four assistants, all elected by the enfranchised members of the order for a period of six years. The results of the vote had to be confirmed by the archbishop. At the local level, each individual institution had its own director, assisted by a number of brothers consultor. Again, these were elected positions. The organization had no system of formal inspection, but there were strict reporting requirements: once every six months, each local director had to submit a detailed report about his community.

From 1948 onwards, the brothers organized chapters: meetings at which the elected officers defined the organization’s policy for the coming six years. The brother superior was appointed at so-called electoral chapters. These changes were the result of a process which had begun during the war, with
the necessary constitutional and regulatory amendments finally being provisionally approved by the archbishop in 1952. Until 1994 the congregation had a single governing body, but in that year the chapter voted to create three equal provinces – the Netherlands, Indonesia and Kenya – under an executive committee. That was based in the Netherlands until 2004, when it moved to Indonesia.

4.2 Diocesan management cultures

The Commission of Inquiry has looked not only at how ecclesiastical authorities in the Netherlands have exercised their executive responsibilities, but also at the underlying internal management cultures. How have senior Church officials perceived their responsibilities and how have they translated them into practical organizational structures and authority relationships, both formal and informal? And what factors influenced those management cultures between 1945 and 2010?

As far as the Roman Catholic Church in the Netherlands is concerned, there is no one straightforward answer to any of these questions. The first reason for this is that the seven Dutch dioceses have always enjoyed a substantial degree of autonomy, and hence self-governance. This is closely associated with the central role played by the episcopate within the Church hierarchy; the bishops are regarded as successors of the apostles and so, like them, possess wide-ranging executive as well as sacramental powers. But such episcopal autonomy comes at a price, namely the ability to tackle problems collectively. As the Bishop of Haarlem, Monsignor Dr J.M. Punt, put it, “They [the bishops] see no need to share their problems, and there are many of them, of all kinds.”

Secondly, the situation as previously described has changed since the 1970s. The extent of direct involvement by and influence from the Roman Curia – “the Pope”, “the Vatican” or “Rome” in everyday language – in the affairs of the Dutch ecclesiastical province has increased substantially. This can be seen most especially in the number of curatorial inspections and working visits by papal representatives undertaken in the Netherlands, as well as the bishops’ quinquennial visits “ad limina apostolorum” to Rome to report on the state of the Dutch church. Although it must also be pointed that the last such journey was made in 2004.

As far as Commission of Inquiry can determine from archive research and interviews with the relevant authorities, the sexual abuse of minors has never been addressed during these visits. International guidelines issued by the Holy See apply to all provinces and dioceses. They include, for example, the so-called “motu proprio” (apostolic letter) Sacramentorum sanctitatis tutela (The safeguarding of the sanctity of the Sacraments) of 30 April 2001. This explicitly makes the sexual abuse of minors, whether with or without actual physical contact, punishable under canon law. It also defines a minor as anyone aged under eighteen and, for the first in the history of codified ecclesiastical law, sets a term of prescription: ten years after the victim reaches the age of eighteen. Moreover, that limit may be overturned by the Congregation for the Doctrine of the Faith, the dicastery (department) of the Roman Curia to which cases of abuse are referred after initial investigation within the local diocese has established that proceedings against a member of the clergy should be pursued. The Archdiocese of Utrecht recently initiated a case against two of its priests, and has indeed handed over the investigation reports to the Congregation for the Doctrine of the Faith. The Commission of Inquiry has established that, as far as the Dutch bishops are concerned, the issuance of the guidelines mentioned has not resulted in any heightened consideration for the sexual abuse of minors by their own clergy and religious brothers.

4.2.1 Leadership

Many people believe that the Archbishop of Utrecht is the head of the Roman Catholic Church in the Netherlands. In fact, though, he is no more than a “first amongst equals”. He does usually, but not always, chair the Dutch Conference of Bishops, which in principle meets monthly to consider matters
affecting all the country’s dioceses. But there is no obligation on the part of a bishop to implement that body’s decisions in the area under his authority. As this indicates, there is only a very limited degree of central management within the Dutch Church. And the same also applies to every other ecclesiastical province around the world. The result is a fragmented management structure, with bishops always able to parry outside interference by invoking their own absolute responsibility for what goes on in their diocese. Neither the Conference of Bishops nor the Archbishop of Utrecht can force or require a prelate to do anything within his own jurisdiction. He is and always has been sovereign there, answerable only to the highest authority of all: the Holy See.

Both the position of the bishops in their own dioceses and the system of mutual interaction and joint policymaking facilitated by the Conference of Bishops have undergone considerable change since the 1970s. At that point, a decade of modernization within the Church had given rise to high expectations that leadership and organizational innovations would be implemented at the diocesan and provincial levels. The Dutch bishops responded to this wind of change with relative unanimity, profiling themselves as “cautious renewers” convinced that the Church and the Catholic faith needed to modernize but also careful to take into account many different interests in marking out the path they would follow. In the 1960s “dialogue” became their watchword when it came to policy and governance. In so doing they tried make room for the laity to play a greater role in determining the direction of the Church, not just priests and prelates. This they did in the belief that a bishop could – should even – attune the policy and governance of his diocese to what was needed or wanted there.

Autonomy and dialogue formed the basis of the modernizations advocated by the Dutch bishops during the Second Vatican Council (1962-1965), and which they attempted to put into practice at their own Pastoral Council in Noordwijkerhout (1968-1970). But their urge to mobilize their executive powers on behalf of a policy that focused upon the needs of the faithful in their dioceses went totally against what Rome had in mind. After all, it might lead the Netherlands – or certain of its dioceses – to deviate from standards set and endorsed by the Pope. The answer to the Dutch desire for innovation, then, was central control from the Vatican. A control rooted in the notion that Roman Catholicism is a universal faith founded on sacred, absolute principles which cannot be adapted to local circumstances.

That was what the majority of Dutch bishops and believers wanted, though, as the Pastoral Council revealed. It openly discussed thorny topics which had been kept firmly off the agenda at the Second Vatican Council, like celibacy and women priests. Because of that, Noordwijkerhout attracted worldwide attention. The Dutch Catholics were depicted as a rebellious and awkward, no longer prepared to be treated like helpless children by the mother church. In response, from 1970 the Roman Curia tried to bring the province back into line by appointing new bishops loyal to the Vatican line of central control based upon universal principles. In its view, the situation here had become nothing short of alarming. In the words of the Apostolic Nuncio in The Hague, Archbishop Edward Idris Cassidy, who witnessed the divisions in Dutch Catholicism at first hand between 1984 and 1988, “I had the impression of a healthy church that had self-destructed, committed ‘suicide’.”

4.2.2 Bishops and their senior officials

The appointments of Ad Simonis as Bishop of Rotterdam in 1970 and Jo Gijsen as Bishop of Roermond in 1972 marked the end of lay participation in the affairs of those dioceses. Simonis had a conservative reputation as a curate, and in ordaining him to the episcopate Pope Paul VI went directly against the advice of senior diocesan officials. He did exactly the same with Gijsen, too, who was totally unknown in Roermond. Similar subsequent appointments caused tensions and polarization within the Conference of Bishops. The new men refused to back the course embarked
upon in the late 1960s, towards modernization, democratization and sharing responsibility for the
faith community with ordinary, unordained believers.\textsuperscript{24}

This reversal is most clearly apparent in the efforts made by the new bishops to prevent laymen with
theological qualifications being appointed to pastoral positions in their domain. Whilst these people
were able to work alongside priests as fully-fledged pastors in some dioceses, in others that was
made increasingly difficult or even impossible.\textsuperscript{25} Conflicts around their appointment and functioning
sometimes became so heated that they undermined the loyalty felt by ordinary Catholics towards
their bishops. Ties which had remained very strong through the Second Vatican Council and the
Pastoral Council now started to show cracks. In many parishes, and on the governing bodies of
Catholic institutions like hospitals and schools, people became convinced that the bishops had to be
kept at a distance whenever possible.

The increasing use of unordained pastoral workers was a direct result of the sharp rise in the number
of priests leaving the Church between 1965 and 1975. After the papal encyclicals \textit{Sacerdotalis
caelibatus} (Of the celibate priesthood, 1967) and \textit{Humanae vitae} (Of human life, 1968), a substantial
section of the clergy gave up all hope of real fundamental modernization and stepped down. The first
of these doctrinal declarations confirmed the law of priestly celibacy: only men who renounced
sexual love could accept God’s vocation. The second forbade Catholics from using any form of
artificial birth control.

The impending shortage of priests had been causing the Dutch bishops concern since the first half of
the 1950s.\textsuperscript{26} In 1955 a sociographical study prepared by Father J.J. Dellepoort for his doctorate at the
Catholic University of Nijmegen painted a sombre picture.\textsuperscript{27} And the situation was only exacerbated
by the exodus of 1965-1975, which was most acute in the Netherlands and the United States. On
average, almost 2\% of all Dutch clerics left the Church each year during this decade, with about
1.5\% of diocesan and 3\% of religious priests renouncing their vows. In 1974 Catholic research institute
Kaski reported that this clerical depletion – by now almost 2400 secular and religious clergymen had
gone – was having disastrous consequences for pastoral provision in the Netherlands.\textsuperscript{28}

Hardly any new candidates were applying for the priesthood. To fill the growing gaps in pastoral care
services, the Dutch bishops’ first port of call was the religious priests. Although they performed this
new task under episcopal supervision, in deploying them the bishops had to take into account the
sensitivities of their own order or congregation, reaching some form of understanding with its
superiors. Although employed by the diocese on a “mission” under episcopal responsibility, then,
they were not part of the diocesan hierarchy. The Commission of Inquiry has found that it was
unclear who – bishop or superior – exercised final authority over these clerics in particular situations
and whether that affected the management culture within the Roman Catholic Church in the
Netherlands during the latter decades of the twentieth century.

Religious priests from orders like the Franciscans, Jesuits, Dominicans, Augustinians and Carmelites
have traditionally played a prominent role in parochial pastoral care in the Netherlands. Postwar
reconstruction and population growth substantially increased the number of parishes in the country.
But because there were insufficient secular priests to lead them all, between 1956 and 1966 the
bishops allocated about half of these new parishes to religious orders and congregations.\textsuperscript{29} This only
helped to maintain long-standing differences between secular and religious clergy; their mutual
competition and disdain, despite their dependence upon one another, became a permanent feature
of the overall culture of the Dutch Church during this period. From the second half of the 1960s
onwards, with the closure of their own seminaries and the relinquishing of Catholic secondary
schools, more religious priests were free to take up parish positions. Indeed, so great did their
numbers become that sociologists of religion have described the Dutch ecclesia as a “church of
friars”. Between 1975 and 2000, about 40 per cent of priests were religious. Due to ageing, however,
their share of basic pastoral work has been declining steadily since 1990; in 2000 it was just 33 per cent. More diocesan than religious priests have been ordained since the 1990s, whilst the number of religious leaving the Church was higher until 1996.\textsuperscript{10}

The shortage of priests, and particularly a dearth of their “own” diocesan clergy, prompted the new bishops appointed in 1970s to reverse the decision, taken barely ten years earlier, to close the diocesan seminaries. As a result, their courses had merged with those offered by the orders and congregations. This change was also intended to improve quality, since priests would henceforth be trained either at universities or on open academic courses with a university affiliation. Another consequence was that it opened up Catholic theological education to women and to men who had no intention of entering the priesthood. The nature of the updated courses and the composition of the student body would, so it was thought, produce a new kind of priest: one able to practise his vocation at the heart of the modern world and in communion with it. But in a radically different social and ecclesiastical climate, the new theological faculties and colleges attracted few prospective priests. Rather than clergymen, their main product was highly educated pastoral workers. For the recently appointed Bishop Gijsen, that was reason enough to inaugurate a new seminary at the former Rolduc Abbey in Kerkrade with the backing of the Vatican. Its sole purpose was to prepare young men for ordination in a closed environment. The other bishops followed suit over the next few years, opening similar institutes at which internal training could be combined with selected courses from university programmes in Catholic theology.

The episcopal appointments of the early 1970s also brought an end to the tradition that, as a matter of course, bishops had a fairly thorough knowledge of their own staff. The Commission of Inquiry has established that the individual dioceses varied somewhat in this respect, but also that the situation changed within particular dioceses over time. This is down to at least two factors: the precise interpretation of the prelate’s duties and the division of particular tasks between him and his vicars. Some examples should clarify this.

Archbishop Bernardus Alfrink was, as coadjutor, de facto leader of the Archdiocese of Utrecht from 1951 and its official head from 1955, when he succeeded Cardinal Jan de Jong. Alfrink regarded himself primarily as an ecclesiastical administrator, and made sure he was reported to on a weekly basis. He also maintained good contacts with the archdiocese’s major and minor seminaries, as a result of which he knew his priests well.\textsuperscript{31} Traces of how he built up this base of knowledge and what he did with it are few and far between in the archives, a reflection of the improvisational working style within the small and secretive uppermost echelon of the archdiocese at the time. This is typified by a story related to the Commission about Alfrink’s approach to his personal correspondence: letters on matters he was at loss to deal with were literally swept under the carpet in his office, only to be retrieved once the urgency of the issue had dissipated – and in many cases after the problem had resolved itself.\textsuperscript{32}

Alfrink’s successor, Cardinal Johannes Willebrands, found himself not only in charge of the archdiocese and presiding over the Conference of Bishops, but also filling an important position in the Roman Curia. This meant that his Vicar-General, Dr A.J. Vermeulen, was effectively left in charge of the archdiocesan organization: “According to Monsignor Vermeulen, broadly speaking what it came down to was that the work of the cardinals was in Rome. If something was going on in Utrecht, that was usually left to the Vicar-General to deal with.”\textsuperscript{33} This situation was perpetuated with the arrival of Archbishop Simonis, an outsider who barely knew any of the priests under his jurisdiction. In his own words, Simonis was “a strange character”.\textsuperscript{34} He, too, left most of the day-to-day affairs of Utrecht in the hands of his vicar-generals so that he could concentrate upon his role as chairman of the Conference of Bishops and his duties in Rome as superintendent of two congregations of the Curia. His former Vicar-General, Dr P.A.G. Rentinck, has confirmed this: “That he [Rentinck] was
responsible for implementation and that he always carried out what had been decided together with the Cardinal [Simonis].

For successive bishops of Roermond – Guillaume Lemmens (1932-1958), Antonius Hansen (1958) and Petrus Moors (1958-1970) – the Vicar-General acted as the day-to-day administrator of the diocese. The holder of that position generally stayed on after the enthronement of a new bishop. Here again, there were both direct and indirect lines to the diocesan seminary. Frans Feron, for example, the Vicar-General between 1942 and 1958, also spent 25 years as President of the Roermond Seminary and so knew all the priests he and his bishop had to deal with.

Coming up to date, currently the Bishop of Roermond, his Coadjutor and his Vicar-General divide up their tasks as follows.

“Monsignor Wiertz [the bishop] states that there is a division of duties between the Bishop and the Vicar-General. In fact, he has two Vicar-Generals, one of whom is the Coadjutor. Functions are divided in such a way that together they perform all the duties of episcopal office; this has a pastoral and an executive side. For him, bishopdom is a touchstone of authenticity and integrity within the entire faith community. The Bishop concentrates upon the pastoral side: the listening, in some sense the ‘softer’ side. The Vicar-General takes on the ‘harder’ tasks: discipline, the legal matters. This also depends upon the characters of the people concerned. Under his predecessors, things were sometimes the other way round. Monsignor Schnakers [the Vicar-General] primarily undertakes the administrative side of the Bishop’s work. Naturally, the Bishop himself retains ultimate responsibility for it.”

Since the 1980s the Curia has appointed bishops from outside the diocese. Simonis is an example of that. This practice has become more common over the years, not least because of a general shortage of suitable candidates – from Rome’s point of view – within individual jurisdictions. The Commission believes that this affects their internal management culture, since the bishop in question knows few, if any, of the priests under his authority from his seminary days or previous positions. Consequently, he lacks the network – formal or informal – needed to share knowledge and information about his own clergy. Moreover, external appointments are a signal that Rome could find no suitable local candidate, which at the very least implies a certain hesitancy concerning incumbent senior officers of the diocese. And this, too, may impede the exchange of information between the Bishop, his staff and other diocesan officials. All in all, then, it is the Commission’s opinion that Vatican appointments policy in respect of bishops has hindered executive relationships within dioceses and the free flow of information and intelligence concerning their clergy.

4.3 Orders’ and congregations’ management cultures

Orders and congregations also have multiple management layers, which should hold one another in equilibrium through the principle of subsidiarity: nothing is decided or arranged at a higher level when it could be done at a lower one. Most of these institutions have an international governing council which coordinates the global community and usually has a name incorporating the word “general” or something similar. Below this are national organizations, often called “provinces”, and under them individual “houses”, monasteries and the like, each with its own executive body.

4.3.1 Elected officers

The officers of orders and congregations are not and never have been appointed from above, but rather are elected by their peers, the brothers or sisters. Apart from that, member participation in the government of their institution is limited to the election – usually indirect – of provincial and general chapters: meetings at which the organization’s provincial or general superior is chosen. All
this is done in accordance with very specific rules, as set out in the constitution of the community in question. This defines both active and passive voting rights, both of which are tied to age of profession and, in the case of orders and clerical congregations, ordination; novices, young and as yet unordained brothers and so-called lay brothers or coadjutors are systematically disenfranchised. This highlights an important characteristic of such institutes: their strict internal hierarchy and the differences maintained between members in terms of status, instruction and duties.

The appointments of elected officers must be ratified by the superior. In international orders and congregations, clerical and lay, that is the superior general; for lay congregations of diocesan right it is the superintending bishop.

The management culture of these organizations, regardless of type, is shaped by the fact that the elected officers are charged with their administration. As a rule, though, they are chosen on grounds wider than what are generally accepted as “administrative abilities” or any formal prerequisites in that respect. Moreover, their qualities are interpreted in a manner specific to the particular community. Members sometimes choose a person in they hope will hold the institute together, sometimes they need a figure capable of putting its financial house in order and sometimes the task in hand is overseeing the controlled extinction of the community in the Netherlands: disposing of property and transferring ongoing projects to separate legal entities, partially or completely independent of the mother institute, arranging care for its often very elderly members. In other words, the demands made by the members of their leaders have always been very much a factor of the times and of the situation in which the community finds itself.

4.3.2 From hierarchical leadership to personal focus

Relationships between superiors and the houses and brothers or sisters under them remained strictly hierarchical until the mid-1960s. Provincial governing bodies were in charge of staffing matters, and generally appointed people entirely as they saw fit. It may well be that they sought the advice of house superiors or other members involved in training newcomers, but – except in the case of the Jesuits – virtually no traces of such decision-making processes survive. In the second half of the 1960s, however, this top-down approach made way for a system in which individual brothers were first given a greater say in where they would be working and what they would do, and later often allowed to make their own suggestions. This more personal policy seriously affected the internal management culture of orders and congregations at a time when these communities were already struggling with a serious exodus of members, in many cases the “best” amongst them (that, at least, was the impression gained by those who stayed on). The leavers clearly included a substantial proportion of those best able to take on the weightier administrative duties.

The new personal focus brought with it a different form of responsibility, one for which not all religious community leaders were equipped or suited. It also meant acquiring the ability, based upon a vision of the institute’s future, to set limits on member input and being prepared to hold firm when vision and the input clashed. The problem was that the vision failed to crystallize until at least the late 1980s. On top of that, it needs be remembered that the leaders were very much part of the same community as those they were leading. As fellow brothers, everyone was expected to display fraternal love and forbearance – a principle that did not always sit easily with the way in which leaders were expected to balance personal and general interests within the community. This was down side of the democratization of institutional governance. Although the majority of members supported the process, many hesitated when it actually came to assuming administrative responsibility.

4.3.3 Tensions between the Netherlands and Rome
These tensions had their origins in two related developments, which are discussed briefly here because they are relevant to the management culture of orders and congregations in the Netherlands and to the nature of their communications, both internally between their various national and international governance structures and externally with the Dutch bishops. The first of these developments has been mentioned already: the polarization within the Dutch Church, which was at its height between 1970 and 1985. The religious were very much participants in this phenomenon, as became most apparent around the time of Pope John Paul II’s controversial 1985 visit to the Netherlands. The country had about 25,000 religious brothers and sisters at the time, a substantial and prominent section of whom were committed to what they regarded as a “credible” church. For them that was not a clerical institution led by priests, but one with no hierarchical differences between the clergy, the religious and the laity – all dedicated to peace, justice and solidarity with the marginalized in society. The Eighth of May Movement (Acht Mei Beweging), which embodied this ideal, was largely financed and run by religious. The second and directly related development was the rejection, from the late 1960s onwards, by many brothers and sisters of their customary role in the Church as its faithful, tradition-bound spiritual servants. During the Second Vatican Council, they had been explicitly pushed forward as the ideal vehicles for ecclesiastical and spiritual modernization. But in subsequent years they had received few, if any, answers to the key questions that raised, especially about religious identity and duties. What did happen, though, was that – both individually and collectively – they became considerably more critical towards the Church’s local authority figures: the bishops. This trend had only been exacerbated by the appointment of more conservative prelates since 1970.

4.3.4 Interim conclusions

The Commission of Inquiry has concluded that the governance structure of the Dutch Church is fragmented. That structure is based upon autonomy as an administrative principle, applied at the diocesan level. The bishops alone are responsible for policy within their own jurisdictions, independently of one another, and are answerable solely and directly to the Holy See as the universal governing body of the Church. The principle of autonomy also applies to religious orders and congregations.

The Commission further notes that these communities’ autonomy in respect of the bishops varies. The degree of episcopal authority over lay congregations of diocesan right is substantial, but the bishop has virtually no say over orders. Moreover, the provisions of canon law governing
relationships between a prelate and institutes active within his jurisdiction are not reflected in the actual state of affairs – what powers they are able to exercise – as described by several of the bishops in their evidence to the Commission. Their accounts of administrative practice more or less tally with the Commission’s own findings from its archive research, as reported in this chapter.

4.4 Church responses to sexual abuse

In the light of the media-fuelled accusations of a “cover-up” or a “culture of silence”, one of the issues addressed by the Commission of Inquiry is the extent to which sexual abuse was acknowledged within the Church. This also raised the question of how it described and discussed the phenomenon, both directly and indirectly. In this regard, the Commission has identified a number of separate phases during the period under investigation, 1945-2010.

The first of these lasted from the late 1940s to the late 1950s and was characterized by a generally increased awareness of the sexual abuse of minors. This sensibility extended into administrative circles, where Church leaders were confronted with cases of priests and religious who had committed acts of abuse. The response developed took the perpetrator as its starting point. Ecclesiastical officials had to admit that they lacked sufficient expertise in this field, so they sought the advice of medical professionals, especially psychiatrists. The approach to such perpetrators during this period was bound up with wider concern for the care and treatment of priests and religious affected by psychological issues in general, including problems of sexual nature.

The second phase, in the 1960s, coincided with the Dutch Church’s engagement with ecclesiastical modernization, when a majority of members favoured the abolition of compulsory celibacy for priests. This position also explains the increased influence of experts in mental healthcare. Back in the late 1950s, some of them had already identified celibacy as a potential risk to the psychological health of the clergy. The Vatican, however, consistently and fiercely resisted any interference by these specialists with its priesthood. In the Netherlands, this attitude to matters of the psyche increased circumspection about the issue of psychological problems affecting clergymen and religious. That was reflected in a shift in the greater individualization of therapy for this group, on the one hand towards the specially created Central advisory agency for priests and members of religious orders or congregations (Centraal Adviesbureau Priesters en Religieuzen, CAPER) and on the other towards independent psychologists and psychiatrists.

The third phase, the 1970s and ‘80s, was dominated by the effects of the mass exodus of 1968-1975. The celibacy debate ended in 1970 with the Vatican ruling that the status quo would be maintained. For those troubled psychologically by this or other issues, the Church had set up CAPER (from 1990 the Pastoral Advisory Foundation/Stichting Pastoraal Advies, SPA) to provide help. Its staff regularly came into contact with perpetrators of child sexual abuse but, because their actions were classified and dealt with as individual personal transgressions, the work of this organization did not give rise to any form of policy concern for the matter even though Church leaders were aware that treatment for it was being provided.

The fourth phase, which began in the 1990s, is characterized by the definitive emergence of executive and policy awareness of sexual abuse within pastoral relationships. At the first the main focus was the abuse of adults, but that of children soon followed. This was in large part due to a number of high-profile cases in the United States, which also prompted an interest in the subject in the Netherlands.

4.4.1 1945-1960: increased awareness

4.4.1.1 Principal findings
From archive research, the Commission of Inquiry has established that, until about the mid-1950s, transgressive behaviour by priests and religious was discussed somewhat more openly than it was thereafter. That openness concerns behavioural regulation and normalization, as well as the discussion of cases of aberrant conduct. Most of these are found in correspondence between Church leaders. The research findings indicate the existence of a connection between specific cases and explicit regulatory measures; often, a known instance of abuse prompts a tightening of the rules, or a reminder of them. This applies particularly within the educational domain. There, the Commission has found that the correlation extends beyond maintained Catholic schools to education as whole, especially at the primary level.

The Commission believes that it is incorrect to assert that a “culture of silence” prevailed at management level within individual dioceses, orders and congregations during this period. If anything, the findings point in the opposite direction: all these institutes made serious attempts internally to tackle sexual miscreance by Catholic incumbents and other Church representatives in the Netherlands.

The Commission further notes that a whole series of new behavioural rules designed to regulate members’ moral conduct was imposed upon the orders and congregations between the late 1940s and the mid-1950s. In part, these continued a trend which had begun long before the Second World War, when the first codices on such matters were compiled. Their reiteration now can be seen as a response to wartime events. For the members of religious communities, the Nazi occupation of the Netherlands represented a traumatic watershed. Orders and congregations had to put up with far-reaching outside interference in their affairs and daily life. Large monasteries and other buildings were wholly or partially requisitioned by the German authorities. For the religious and their superiors, then, 1940-1945 was a period of physical upheaval and juggling to fit people and property into what little accommodation was still available. Added to that in the final years of the conflict was the struggle to feed all those hungry mouths. Many institutes found solace in the daily rhythm of community life, their members doing their best to live as if a war was not raging around them. In practice, though, that proved next to impossible; the Catholic orders and congregations were by no means exempt from the cost of the conflagration in both human lives and material damage.

When peace came, all these losses had to be come to terms with. In the second half of the 1940s, material and – above all – mental recovery became the priority. Spiritual purity had taken a knock; internal fragmentation and tough living conditions had weakened the very foundation of religious community life: observance of the evangelical counsels. Restoring that purity became an absolute necessity.

Fortunately for most orders and congregations, there was a firm basis for this effort in the form of the regulations they had been compiling for themselves since the second half of the nineteenth century.

4.4.1.2 Before the war

The Commission of Inquiry has not conducted any systematic research into the pre-war situation because that falls outside its terms of reference. However, several sources from that period have been consulted on a random basis. Based upon these, the Commission has decided to permit itself a number of observations. For example, it is clear from the sources that sexual abuse of minors by priests and religious was known about before the war. It is also evident that certain of the themes highlighted in the new post-war regulations can be traced back to that period. And it is important, too, to note that abuse appears to have been encountered on a regular basis even then, especially in educational and pastoral care situations.
The oldest sources found in this respect, dating from 1855 and 1873, are regulations on association with children for the so-called Brothers of Maastricht (the Congregation of the Brothers of the Immaculate Conception of the Blessed Virgin Mary). The same subject is touched upon, with reference to an older constitution, in an 1894 circular to the Brothers of Tilburg (Congregation of the Brothers of Our Lady, Mother of Mercy). This is the oldest in a series of such letters from the Superior General to survive; the latest dates from the 1950s. In it the then head of the institute, Father M.F. de Beer, warns of the “danger menacing the spirit of purity”, especially in those who come into contact with children: the brother schoolmasters and housemasters. \(^{41}\)

The substance of the 1894 circular is echoed in that of a later one, from 1917. This makes it clear that, at least within the Tilburg congregation, specific instances of abuse were referred to quite explicitly. Father Radulphus, the Superior General, was prompted to write this latest communication by “yet another deeply distressing event... a fact that should not have been possible in a religious congregation whose members have pledged themselves by oath to perpetual chastity; namely, an offence against morals”. \(^{42}\)

That there was obviously a more serious underlying problem can be inferred from Radulphus’ reference to “the many regrettable cases of the past 25 years”. Much the same is indicated in another circular from the following year, 1918, in which the Superior General regrets to inform a brother headmaster that “once again a professed brother (Brother xx) has had to leave the Congregation for the same reason; that which, alas, has caused the fall of so many”. \(^{42}\)

The research into other congregations has revealed that a number of them tightened up their regulations during the 1920s.

Strikingly, the victim is often totally absent in sources from this and later periods; the concern arising out of an incident extends only as far as the perpetrator and the potential damage to the congregation or its reputation. A 1917 textbook for novice Brothers of Maastricht warns of association with children as one of the dangers menacing purity, but addresses only the harm it can cause a brother. \(^{43}\) Such focus upon the fate of the religious was probably the rule rather than the exception, so it is remarkable that Radulphus, in the circular mentioned above, stresses to his fellow brothers in Tilburg that what is at stake is “not only our own salvation, but also that of the child entrusted to us”. He continues...

“We have been called to serve alongside the Holy Angel as guardians. How honourable and meritorious that task is, you alone know. Let us consider, then, how scandalously that delinquent religious betrays his calling who instead acts as a seducer of innocence and brings ruin upon himself and his victim.”\(^{44}\)

Communications of this kind are almost always accompanied by entreaties to observe the existing rules, customs and regulations. These must not become a dead letter. But such exhortations have to be repeated regularly, often in the wake of yet another painful incident. And sometimes they are part of a wider series of measures and actions taken in response to particular cases. This can be gleaned, for example, from a 1934 circular from Father Tharcisio, the then superior general of the Brothers of Tilburg, to a brother headmaster, containing the “most distressing tidings” that the chapter had been forced act with immediate effect against two brothers at Huize de la Salle, a home for boys with learning difficulties. The judicial authorities had begun an investigation into the two men, one of whom was now in custody. \(^{45}\) In response, both had been expelled from the congregation. The circular reminds the brother headmaster once again of new guidelines which had entered into force earlier the same year, “useful suggestions concerning contact with children, for
the benefit of the Brothers of Huize de la Salle”, as well as the evidently pre-existing regulations for the congregations residential homes.46

These examples reveal that the educational congregations always underlined that sexual transgressions with young pupils were absolutely unacceptable. They were morally abhorrent, endangered the salvation of the perpetrator and entailed another, even greater risk. It is quite apparent in the second of the Tilburg circulars cited above, from 1917, what really worried the ecclesiastical authorities every time a case of sexual abuse reared its head: the fear of scandal or damage to their reputation. Superior General Radulphus called upon his fellow brothers to consider not just the consequences for the “seducer of innocence”, but also what the further repercussions of “that vexation” might be: “Hell rejoices and the malevolent world, ever eager for scandal, preferably at monasteries, rejoices with it.”47

This worry also had a very pragmatic side: a poor reputation could easily lead to a decline in pupil numbers.

The reference to public scandal reflects a reality of the interwar years. Although the Commission has not investigated this phenomenon systematically, it would like to outline some cases by way of example. In the late 1920s the journalist D.J. Broekhuizen privately published a number of pamphlets attacking Roman Catholic education. These are in fact a litany of excesses and abuses of all kinds, including acts of homosexuality. Broekhuizen also denounced the attitude of the judicial authorities.48 His tracts were reprinted several times.

The most prominent offensive against sexual abuse by the Catholic clergy, however, came in the late 1930s. In 1936 and ‘37 the so-called “immorality trials” (Sittlichkeitsprozesse) were staged in Nazi Germany. In a series of prosecutions, a total of 170 brothers were convicted of various offences. Of those charged, 108 were still active in the Church and the other 62 had already left it; 150 of the cases concerned congregations in the Rhineland. One sister was also found guilty. Of the 64 priests prosecuted, nine were acquitted and twelve had their cases dismissed. This outcome indicates that the judicial system considered its judgments in a manner different from the arresting Gestapo “special units” (Sonderkommando).49

The Sittlichkeitsprozesse were an attempt by the Nazis to subjugate the Catholic Church in Germany. They received extensive press coverage in the Netherlands, much of it highlighting the fact that these were show trials. But whilst they did undoubtedly serve a political purpose, it is reasonable to assume that there were actual incidences of abuse behind some of the cases.

With this in mind, at least one Dutch congregation was seriously worried that similar prosecutions would follow in the Netherlands after the German occupation. The sources revealing this also contain an indirect reference to cases of abuse before the war. Shortly before the invasion, the chapter of the Brothers of St Louis (the Congregation of the Brothers of Saint Aloysius Gonzaga) in Oudenbosch ordered the destruction of a number of documents, including minutes from the archive. “This was done for fear of their possible use by the occupying power at immorality trials, as had already been held in Germany.”50

But it was not only events in Germany which drew Dutch attention to sex scandals involving the Church during the 1930s. Much closer to home, there was the so-called Oss affair. This was sparked by the decision by the Catholic Minister of Justice, Carel Goseling, to withdraw a brigade of gendarmes from the town of Oss, where it had been successfully investigating mayoral corruption and two priests allegedly involved in a sex scandal. That caused a national outcry, with the Dutch Nazi party (Nationaal-Socialistische Beweging, NSB) playing a pivotal role. M. Rost van Tonningen,
editor of the party newspaper Het Nationale Dagblad, used the affair as the pretext to launch a propaganda campaign targeting the Catholic clergy.\textsuperscript{51}

The Commission of Inquiry notes that sensitive documents related to the Oss affair appear to have been destroyed, possibly for the same reasons that worried the Brothers of St Louis. A written statement has been received from the historian H.J.A.M. Theloosen, including an account he compiled in the early 1990s after a discussion with the then archivist of the Diocese of Den Bosch, J. Peijnenburg. Theloosen says he was told that documents related to immoral acts by priests in Oss had been destroyed by the then bishop, Monsignor A.F. Diepen – who died in 1943 – and his secretary.\textsuperscript{52}

The Commission has also found that “vice” in general, even when no Catholic priests or brothers were involved, received extensive press coverage in the late 1930s. In 1936, for example, Auditor-General Leopold Ries was implicated in a widely reported indecency case in The Hague.\textsuperscript{53} Shortly thereafter, in 1938 and ’39, a major scandal in the Dutch East Indies led to a round-up of homosexuals. Some of them, including senior civil servants, were accused of assaulting minors.\textsuperscript{54}

Taken together, these examples confirm that public awareness of the sexual abuse of minors was widespread before the Second World War. This, combined with the sources cited earlier, leads the Commission of Inquiry to conclude that the phenomenon did not escape the notice of ecclesiastical and religious leaders.

4.4.1.3 The post-war years: regulating and ordering moral conduct

The constitutional regulations and guidelines governing moral conduct within religious communities were widely reiterated throughout the world in the wake of the Second World War, in the form of new explanatory documents or summaries of the applicable rules and mores. These were worded in terms clearer than the exalted, inflated and now rather old-fashioned language previously used to describe the obligation of chastity and celibacy. In fact, they were more explicit than the veiled phraseology in which matters of morality and sexuality were generally couched at the time, and not just in Catholic circles.\textsuperscript{55}

There must be no room whatsoever for any misunderstanding of the constitutional regulations and guidelines. That was the gist of a “secret instruction” issued by the superior general of the Jesuits in 1948 to those directly in charge of his society’s 29,000 members worldwide. This document does not address the abuse of minors – its main topic is the importance of selecting candidates for the order carefully. Jesuit constitutions were fairly reticent on criteria related to sexuality within that process, but the instruction’s underlying message was that what rules there were could not be applied strictly enough. Nobody with any sort of moral stain on their character should make it through the selection, however sincere he was in his desire to reform. And anyone who did survive the initial process but breached the rule of chastity during his novitiate or internal training must be expelled from the order forthwith.\textsuperscript{56}

In more or less the same vein are the notes compiled by the Salesian Provincial of the Netherlands, A. Bortoluzzi, in 1949. These schematize what should be done, according to the current regulations, in the event of a transgression – in particular, a discovery or confession of unchastity “cum victima” (with a victim) by a brother. Bortoluzzi classed such incidents into three categories, in which the status of the offender within the congregation could make a significant difference. Where the offender had yet to take his final vows, and the incident was known only to the victim, the director, the catechist or the provincial, he should be transferred to another house so that the victim is also made aware of the seriousness of the offence. If the incident had become public knowledge, the only possible course of action would be immediate expulsion from the congregation. If the offender had
taken his final vows, he should be expelled and his laicization *ad seculum* requested. In the case of a priest who caused a (public) scandal, canon law demanded that he should first be admonished. If there was any recurrence of his actions, three warnings would be issued at intervals. If this did not have the desired effect, a tribunal would be convened and the offender tried under canon law. If found guilty, he would be expelled from the congregation.57

The new Rector Major of the Salesians, Renato Ziggiotti, visited the Netherlands in March 1954. In a speech to the assembled Dutch superiors, he said, “Should relationships that are not proper exist between confreres and boys, then one must be implacable. Immediate transfer, possibly. Should terrible things have happened, then one must say without hesitation that they are to remove themselves. No more can we can regard them as religious, so be gone with them. Everything must, of course, be written to the inspector immediately.”58

Later that same year, Ziggiotti sent a circular in a much the same spirit to all provincial superiors – which suggests, at the very least, that the problem was an international one. In this document he emphatically demanded the greatest stringency in the selection of aspirants, in admissions to the novitiate and in final acceptance to full membership of the congregation. Anyone exhibiting any sign of having acted contrary to the virtue of chastity must be rejected, because “every weakness on the part of the responsible superiors could have fatal consequences for our congregation”.59

Similar noises had already been heard within other congregations. The Franciscans, for example, had implemented a new system to weed out unsuitable candidates in 1950. Writing to his provincial about this, the rector of a missionary college wrote, “Those who, warnings notwithstanding, continue to display character faults undesirable for monastic life for some time after their adolescent years, and who are apparently unable or unwilling to correct those faults, are advised to leave. Confessors, the pater spiritualis and myself look out especially to make sure that boys who have long-standing difficulties with the sextum [the sixth commandment] no longer continue in the direction of monastic life and priesthood.”60

In true educational congregations like the Brothers of Utrecht, formal guidelines on purity and chastity focused explicitly upon contacts with members of the opposite sex.61 This can be seen from a questionnaire that members of that institute were expected to complete twice a year in the mid-1950s, which enabled their superior to keep his finger on the pulse. Were the brothers living according to the three vows they had taken: obedience, chastity and poverty? Under the heading “purity” were eleven questions, most concerning relations with women.62 The completed forms have not survived, but in any case what it is important is that the brothers were required to answer for their conduct. That those with issues in this respect were not taken entirely seriously, though, is apparent from the additional note, “The number of nervous patients, or what pass for them.” With a view to maintaining order and discipline, that number was supposed to fall. The discussion about admissions and expulsions policy, which some felt should be stricter, was conducted in that light. Homosexuality was raised explicitly in this respect, it being viewed as a trait not recommended in monastic life. But the brothers were not unanimous in this respect, and it was acknowledged that the superior might find it difficult to determine whether a man was homosexual: “His judgement is not infallible; he can be mistaken.”63 The topic of psychologically weaker brothers arises once more in a “Report concerning the mind and religious discipline” covering the period 1954-1960, and yet again in 1963;64 they were seen both as a burden on the community and as less than conducive to good order and religious spirit. From these documents, it is increasingly clear that the main problem at hand was relations between brothers and boys – a point which was addressed explicitly in practical codes of conduct from the mid-1950s onwards, particularly for those brothers working in education. Everything seems to point to this attention being the product of an issue actually faced to a serious extent by many educational congregations.
4.4.1.4 Regulating teacher-pupil relations in educational congregations

The codes just mentioned indicate that it was obvious to senior officers of the communities in question that they were vulnerable to inappropriate sexual behaviour in the working environment.\textsuperscript{65} There is no explicit mention of the fact that religious teachers and other personnel might be attracted to boys in their care, but such concrete guidelines do nonetheless reflect a concern about that vulnerability, first and foremost as it affected members of the congregation itself. They were expected to avoid situations that might easily allow such conduct, and not to create situations in which it could be provoked. The nature of the measures imposed shows that the religious officers considered that the primary responsibility for preventing such behaviour in the educational environment rested with the brothers concerned.

It was impressed upon the Brothers of Utrecht in the late 1940s that they were supposed to be friendly and happy, always displaying a combination of spiritual love and religious earnest.\textsuperscript{66} With the honour and good name of the congregation at stake, brothers working in education were required to keep their distance from the pupils entrusted to them. That, at any rate, is the tenor of the guidelines issued to them in about 1950: “One must never forget that all familiarity weakens true respect in the child, that an absence of dignity so easily undermines esteem for the religious condition, damaging its influence over the pupils; in short, it injures their upbringing.”\textsuperscript{67}

More explicit are the instructions concerning improper relationships between boys, and the brothers’ responsibility to prevent them. An example of these is found in the brochure \textit{Over het opvoeden van knappen en jongelingen in scholen en opvoedingsgestichten} (On the upbringing of boys and youths in schools and residential homes), issued by the Brothers of Utrecht for internal use in about 1950.\textsuperscript{68} Its intended audience was novices and aspirants preparing for their future educational duties, and in all likelihood it was used in their in-house training to that end.

It was most particularly in boys aged 13-15, described as “prepubescent”, that the unknown author perceived dangers in the area of “sexual deviancy”. In the first instance he is referring, albeit with great circumspection (“a bad habit”), to masturbation. But secondly, and a little more directly, “there may be those who wish to commit evil with others”. Thirdly, there are boys who talk to one another about matters sexual, or share “dubious” jokes. In all cases the headmaster must be informed when a brother identifies such behaviour.

In the adolescent 15-18 age group, the author notes the great need for friendship and cautions the brothers not to assume too hastily that anything untoward is going on.\textsuperscript{69} But he draws a clear boundary at close friendships between older and younger boys, especially if there are secret contacts between them. These are absolutely unacceptable. If brothers do notice inappropriate relationships between pupils, or any form of undesirable sexual behaviour, they must advise the miscreants to seek absolution from their confessor.\textsuperscript{70}

Another example showing that religious authorities were well aware of the dangers of inappropriate behaviour is the \textit{Directorium} published by the Brothers of Maastricht in 1947. This includes an elaboration of Article 80 of the congregational constitution, which instructed members to be extremely cautious in their association with children and to avoid any form of intimacy. The basic rule was that a brother should never be alone with a single child, with “alone” defined very broadly. A brother must not be alone with a child in a classroom; children should not come into school on their afternoon off; children should not be detained at school unnecessarily, except with the permission of the superior; and children should not receive private tuition from brothers. There were restrictions in the classroom, too: a brother must never seat a child at his own desk or lectern, and “even if other children are present, never sit next to a child on his bench”. Physical contact was definitely forbidden: “Do not hold a child by the hand, caress him or in any manner show affection,
and do not play or lark about or be familiar with him.” These instructions were repeated word for word in the next *Directorium*, dating from 1955.\(^{71}\)

The regulations issued by the Brothers of Tilburg in 1949 are along much the same lines: keep your distance, even in the classroom, and avoid being alone with a child there. Should a youngster require extra attention, the brother must always make sure that at least one other pupil is also present. And external control had to be possible. According to the regulations, the constitution of the congregation required “that the door to the parlour, as well as the doors in the brothers’ houses, be fitted with clear glass windows. It is a duty, therefore, to ensure that this be so if at all possible.” In addition, the regulations instructed that, where classrooms were separated by doors with clear glass windows, users must hang “no sheets or other things that obstruct the view in and out.”\(^{72}\)

In 1952 the Brothers of Utrecht produced a new edition of their *Wettige Gebruiken* (Lawful practices),\(^{73}\) a translation for members’ day-to-day life and work of the community’s doctrinal and existential obligations. As was usual, this manual bore the approval of a senior church authority, in this case Archbishop-Coadjutor Bernardus Alfrink. It contained a whole series of new rules not found in the two previous versions, from before the war, but now apparently considered rather more important. These provided detailed instructions on interaction with underage pupils, concentrating upon descriptions of the kind of situations brothers should not find themselves in.

The Utrecht guidelines read like a well-informed risk analysis of weak points in the general organization of all education, where an increased state of vigilance was needed. Two types of situation stand out: those involving physical contact, such as sports, games and medical care or treatment, and those in which brothers are alone with pupils. Unnecessary touching should be avoided, as should other close contact. There was no need to enter boys’ bedrooms, and physical or medical assistance had to be left to those qualified to provide it. Horseplay in the playground was totally forbidden. Brothers should not assist pupils to dress and undress during school medical inspections, and especially in the case of vulnerable children they should avoid any hint “of a freedom unbefitting a religious”. Also prohibited was any form of sex education. Brothers who discovered that pupils were engaged in improper conduct had to report their findings to the superior. The guidelines explicitly warned that failure to do so, and instead conducting a private investigation, had caused many a brother problems in the past.

Private tuition and school walks with pupils required from prior permission from the superior, who had to ensure that supervision was provided. In all their dealings with pupils, the brothers were expected to show self-control and to cultivate a manly demeanour through which “they shall preserve themselves from all the improper abnormalities so easily permitted by nature”.

As their final provision shows, the *Wettige Gebruiken* must not become a dead letter: they were to be read in full once a month – not a task to be taken lightly, given that they filled 37 pages. It is impossible to ascertain whether this instruction was actually followed, but its very existence makes it clear that the guidelines were there to be observed.

The publication of these “lawful practices”, so detailed on certain important points, coincided with a period of problems for Brothers of Utrecht, caused by indiscretions on the part of some of its members. Four of them were forced to leave in 1952 and 1953, according to correspondence between the Superior General, Brother Albertus, and the Bishop of Utrecht. One was a brother who had erred four times in recent years “by committing impure acts with minors”; the latest case involved an underage girl “who is also not entirely normal mentally”. It was unclear whether her family knew what had happened, and Albertus was afraid that the congregation might be seriously prejudiced if they were to find out more and also discover that the brother responsible was still a member. The chapter therefore asked the bishop to release him from his religious vows when –
undoubtedly under pressure – he applied to leave. A similar course of action was followed in the other cases, including one in which an angry father had complained about a brother molesting his young son.

This series of known incidents does not continue into subsequent years. Nonetheless, the reports “concerning the mind and religious discipline” from 1954-1963 display a consistent anxiety about the issue which appears to reflect specific cases of which the Utrecht congregation’s leaders were aware. In 1954, for example, we read, “Too many times has the matter of outward purity and modesty had to be raised after complaints on the part of parents or priests.” And six years later, in 1960, “It has again occurred several times that brothers have committed improprieties towards pupils, although this has happened less often than previously.” Despite members’ greater freedom of movement – possibly a reflection of the changes which were beginning to appear in wider society – “in general they have behaved well in this respect and have been aware of their responsibility”. Evidently, the number of incidents was falling, since the 1963 report once more states “It has again occurred a few times that brothers have committed improprieties towards pupils”, but also repeats the comment that this was happening less often than before.

4.4.1.5 Sexual abuse: a wider problem?

Subjective observations with quantitative overtones, as provided by the Brothers of Utrecht, are few and far between in the archives of the other orders and congregations investigated. One of the rare exceptions is the Brothers of Maastricht, whose superior general calculated in 1964 that there had been a total of eighty cases of sexual misconduct during his six-year term of office. These included unauthorized relationships between brothers and other adults as well as incidents involving minors, three of which had led to prosecutions.

From the sources available, it is impossible to tell whether there was an increase in the number of cases during this period – the material is simply unsuitable for such hard quantification. The subjective data, however, such as the evidence of a series of forced departures from the Brothers of Utrecht in quick succession in 1952 and 1953, may well indicate that. More solid information can be derived from the records gathered by Statistics Netherlands (Centraal Bureau voor de Statistiek, CBS), which include crime figures in general and, more specifically, details of sexual offences. The published crime statistics for 1948-1949, for example, show a growing problem. According to the accompanying report, “Concerning the movement in figures for sexual offences, there is not much good to be said. Quite the contrary, in fact: virtually all the figures are less favourable once again, and most substantially exceed those of previous years.”

Subjective sources seem to confirm this picture. Take, for instance, a March 1949 interview with A.P. Kneepkens, the Deputy Public Prosecutor for Utrecht, published in the regional newspaper Utrechts Nieuwsblad. Asked to broadly compare crime rates in his district with those in the rest of the country, he answered that he was unable to do so except to state that “the number of sexual offences is shockingly high here, especially cases of indecency with small children”.

Kneepkens does not say who is responsible for this high incidence of sexual abuse, but other sources point emphatically to one particular category of offender in the 1950s: schoolmasters. The problem was most visible amongst them, it seems.

One of the most interesting references in this respect again comes from a circular issued by the Superior General of the Brothers of Tilburg, Petrus Canisius, this one dating from June 1954. The first striking thing about it is that the local superior to whom it is addressed is instructed to read it out “preferably in chapel and on the day of seclusion” – an explicit indication that the message is
intended to be heard by the entire community gathered together, underlining the necessity that all apprise themselves of its contents.

The circular itself is devoted exclusively to the risks priests and religious run by engaging in immoral acts with minors. Not only do they bring eternal misfortune upon themselves, but they also cause “those entrusted to their care to depart the good path”. Another interesting point about this document, compared with similar texts produced by the Brothers of Tilburg and other orders and congregations during this period, is that it does not confine itself to the standard references to the extensive internal corpus of “constitutions, Directorium, lawful practices and school regulations concerning the dangers attached to our charitable works”. Instead, and for the first time, it mentions the criminal sanctions associated with the sexual abuse of minors: “The worldly government, too, has established measures to protect its young citizens against older ones, however saddening that may sound.”

The superior general goes on to issue an even more explicit warning, again with reference to secular law. “In general it starts with unnecessary touches, with strokes of the head and of limbs not covered by clothing. When this is done gratuitously and out of sensual affection, one is sure and certain to go on to touch parts that are generally covered. Even were this to be confined to the thigh, one would already be open to prosecution under the Dutch civil legislation...”

Within this broader context, he then implicitly invokes the moral pretentions of Roman Catholicism. “It is sad to have to report that such failings occur even in the ranks of the Catholic laity; and yes, even amongst our religious.” Apparently, though, they were unable to escape what the superior general saw as a phenomenon of the times. According to him, immoral acts with children had “in recent years... [become] more frequent than they previously were”. Of particular interest here is the evidence he cites for this claim: “Again and again, the publications of the Department of Education, Arts and Science give the names of so-called masters who have lost their authority to teach because they have committed what the law calls ‘indecent assault of a minor’.”

As Petrus Canisius saw it, all this had its roots in the spirit of the age – although he did not explain any further what he meant by that. Both youngsters and those entrusted with their care were affected by “a lack of modesty in matters of clothing, some children made overaffectionate due to too weak and feeble an upbringing at home, the absence of religious piety, laxity of will, self-indulgence and the rejection of punishment and mortification, pride and an obstinacy that scorns wise stipulations and instructions”. Returning again to the wider context, he now recounted that he knew that at the end of each meeting “in a certain teaching circle” – possibly a reference to a school governing body – the chairman warned, “Men, be careful in your dealings with children and do not bring a lifetime of unhappiness upon yourself.”

4.4.1.6 Political concern about sexual abuse in education

Petrus Canisius’ comment that there was a wider problem of sexual abuse in education prompted the Commission of Inquiry to investigate this matter further. The ministerial publications to which he refers are the bulletins sent to all Dutch schools every time a teacher was stripped of his right to teach as the result of a criminal conviction for sexual misconduct with a pupil. Under the Primary Education Act (Lager Onderwijswet) of 1921, this permanent banning power was delegated to the executive of the province in which the crime was committed and was independent of the courts’ ability to order a convicted offender not to practise a particular profession, such as teaching, for a set period of years as a part of his sentence. The provincial sanction was a public interest measure, designed to prevent the care of children being entrusted to persons who had demonstrated they were unfit for it. When a teacher was convicted of the sexual abuse of a pupil or another minor, the inspector of schools or the mayor and executive of the district in which his school was situated could
apply to the provincial executive for withdrawal of his right to teach. This would then apply throughout the country. The Minister of Education was also empowered to impose such a ban, which did sometimes happen when the local authorities failed to act. If the provincial executive rejected an application, there was a right of appeal to the Crown. Conversely, the teacher or his school could also appeal against a ban. The Commission of Inquiry has established that educational congregations did try to persuade provincial executives not to impose such a measure on a member in a number of cases, or lobbied the minister for its withdrawal.

From 1950 onwards, there was increasing concern in the Department of Education, Arts and Science about the number of teachers being banned due to sexual offences involving minors. This was accompanied by dissatisfaction with the workings of the current arrangement. In 1950 the minister informed the country’s inspectors of education that he had little confidence in the local authorities’ determination to pursue bans because they were more interested in avoiding negative publicity for their own schools. Especially in the wake of a conviction under Article 249 of the Criminal Code (indecent assault of a minor entrusted to the care, schooling or guardianship of the offender), therefore, it was the inspectors who should take the lead, forwarding a copy of their application to the minister.

Later, the departmental concern resulted in a new initiative by the then Minister of State for Education in premier Willem Drees’ so-called “Roman-Red” coalition, Dr A. de Waal of the Catholic People’s Party (Katholieke Volkspartij, KVP). In April 1956 she invited a trio of experts to her home in Utrecht to discuss the problem of sexual abuse in schools with herself and several of her civil servants. The three were forensic psychiatrist Dr P.A.H. Baan, professor of psychology F.J.J. Buylendijk and professor of criminal law W.P.J. Pompe. De Waal and her team were particularly interested in general guidelines for use at the appeal stage of criminal proceedings. The experts suggested that a study be conducted by the criminologist G. Th. Kempe, under their guidance, into the extent to which recidivism could be prevented and whether or not teaching bans should always be permanent. On the latter point, the interests of children and their parents had to remain paramount.

In his letter formally proposing the study, Pompe made a number of observations about the phenomenon of sexual abuse in education. It was his impression that those cases which reached the courts and subsequently resulted in a teaching ban imposed by the provincial executive represented only the tip of the iceberg. There were, he pointed out, serious problems associated with the burden of proof, as a result of which “only a very limited proportion of the total number of these crimes leads to a conviction”. That applied to all offences to some extent, of course, but particularly so to this one. According to Pompe, its nature was such that it “remained undiscovered, if not as a rule, then at least in very many cases”. He continued:

“Out of a misplaced desire to save the honour of the school, upon the discovery of such a crime the education authorities concerned [the local mayor and his executive] will feel inclined not to report it, but instead merely to remove the delinquent so that he can quietly apply for a new position elsewhere. This tendency is encouraged by the harsh consequences facing the delinquent upon conviction. That harshness lies not so much in the sentence of the court as in the lasting withdrawal of his ability to teach, whereby the social existence of the schoolmaster, if not destroyed, is at least severely damaged.”

Kempe’s study would go on to reveal the extent of the visible portion of the problem. He investigated how provincial executives had used their powers to impose teaching bans since the war. Under the amended Primary Education Act of 1948, this was a discretionary power invokable at the instigation of the local mayor or an inspector of schools. Kempe compiled dossiers on all 135 cases resulting in a ban between 1947 and 1956, including the associated criminal proceedings. Thanks to these records,
the Commission of Inquiry has been able to identify a number of prosecutions of Catholic brothers about whom very little information could be found in congregational archives. Moreover, Kempe quantifies the comment made in the Tilburg circular about the large number of ministerial notifications of teaching bans.

Most importantly, this study also reveals that twelve of the 135 teachers banned were members of Catholic religious orders or congregations. Furthermore, Kempe provides a breakdown of all the subjects by religious affiliation.

<table>
<thead>
<tr>
<th>DENOMINATION</th>
<th>NUMBER</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roman Catholic</td>
<td>58</td>
<td>43</td>
</tr>
<tr>
<td>Protestant</td>
<td>60</td>
<td>44</td>
</tr>
<tr>
<td>Dutch Reformed</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>Presbyterian</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Remonstrant</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Christian Reformed</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Lutheran</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Baptist</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>No religion</td>
<td>17</td>
<td>13</td>
</tr>
</tbody>
</table>

The above figures are in fact very much in line with the religious make-up of the Netherlands at the time. Catholic teachers are slightly overrepresented at 43 per cent, since only slightly less than 40 per cent of the population as a whole was Catholic. But it cannot be said that members of religious institutes feature disproportionately in the statistics; the twelve cases in the study account for about 20 per cent of all banned Catholic teachers, and brothers did indeed make up a fifth of the total teaching workforce in Catholic school education at all levels during this period.\(^{32}\)

4.4.1.7 Teacher-pupil relations: Kempe’s recommendations

Kempe’s report was published in 1963. In it he called for the establishment of a committee of experts to take over responsibility for the withdrawal of teaching rights from the provinces, and also urged that it be made possible to impose temporary bans. These recommendations were never adopted, however, and it was not until 1974 that provincial executives lost their discretionary powers in this respect. Since then a conviction under Article 259 of the Civil Code has resulted in an automatic teaching ban.

The preventive measures proposed by Kempe have been of great importance to the Commission of Inquiry in reaching its findings, since it has reasoned that they reflect opinions widely held at the time concerning what constituted acceptable and unacceptable or risky behaviour around children. Indeed, Kempe explicitly endorses a policy memorandum written for De Waal on preventing the sexual abuse of minors by teaching personnel. Kempe himself lists seven types of absolutely inappropriate behaviour in the educational context:

- Direct sexual advances.
- Any physical approach that might easily lead to contact of a sexual nature.
- Specifically, “horseplay” with children.
- Giving sex education.
- Sitting next to children at their desks.
- Keeping children behind in the classroom on their own.
- Corporal punishment, especially striking the buttocks, bare or covered (Kempe opposes physically chastising children in any way).  

The Commission of Inquiry notes that this list largely coincides with the guidelines issued by educational congregations, several examples of which have already been discussed in this chapter. Indirectly, its validity is also confirmed by those convicted of sexual offences against minors, many of whom stated in their defence that they had overstepped the boundaries whilst engaged in horseplay, physical chastisement or the discussion of matters sexual.

4.4.1.8 Increasing concern from bishops and superiors

To the above descriptions of the greater attention paid by a number of educational congregations to the risk of exposing pupils to sexual abuse could easily be added similar examples from other religious congregations that worked with children as part of their mission. The focus of this section, however, is whether that heightened concern was also reflected in the upper echelons of the church, amongst bishops and superior generals, both individually and collectively in the form of, respectively, the Conference of Bishops and the Secretariat – later the Cooperative Association – of Religious Priests in the Netherlands (Secretariaat/Stichting Samenwerking Nederlandse Priester Religieuzen, SNPR).

Anyone reading though the minutes of the bishops’ meetings between 1945 and the present day – as the Commission of Inquiry has done – cannot but conclude that the issue of sexual abuse was never either an agenda point or a topic for “any other business” until the 1990s. What is evident, though, is that bishops and superior generals alike were forced to deal with priests who found themselves in various kinds of trouble from at least as early as the 1950s. The terminology used suggests that sexual misconduct was one of the problems they faced, with the solution being sought in attempts to keep the offender under control by discreetly organizing help for them. This could not always be kept within the confines of the Church, so ecclesiastical and congregational leaders sometimes had to seek the professional assistance of outside experts capable of providing their services with the greatest of discretion. This process had begun before the Second World War, but for a brief period in the 1950s it accelerated sharply.

4.4.1.9 The Bless report of 1953  

In the late summer of 1953 the Bishop of Roermond, Monsignor Guillaume Lemmens, asked Father H.J.F.M. Bless (1903-1974) to review the care and treatment being provided to priests with mental and psychological disorders at Roman Catholic psychiatric institutions. This followed complaints from several patients at Sint Servatius, a clinic in Venray. Bless was an established authority on “psychopathologia pastoralis”, or pastoral psychiatry: he had been rector of the Voorburg psychiatric clinic in Vught since 1930 and taught the subject at the Haaren Major Seminary. A revised edition of his bulky 1934 textbook, *Pastoraal psychiatrie*, had been published in 1945, and the work had also been translated into French and Spanish. His fame had thus spread well beyond the borders of the Netherlands.

Bless was known as a leading advocate of the modernization of mental healthcare for the Dutch Catholic community. In 1951 the bishops had appointed him spiritual adviser to the Association of Roman Catholic Institutions for the Insane and Mentally Disabled (Vereniging van Rooms-Katholieke Gestichten en Inrichtingen voor Krankzinnigen en Zwakzinnigen). In the 1930s he had addressed the Association of Roman Catholic Physicians Employed in Mental Institutions on “the responsibility of sexual psychopaths”, and he had also published on that topic in the Catholic medical journal *R.K.*
Artsenblad. During the same period he argued vigorously in favour of the psychiatric assessment of candidates for the priesthood.  

Bless submitted his report on 18 December 1953, and Lemmens presented it to his fellow bishops early in the new year. Although in no way intended to do so, following the intervention of the officials at the ecclesiastical court in the archdioceses of Utrecht, J.A. Geerdinck, it would subsequently play a role in a debate within the Church concerning “psychopaths”, whom Bless defined as those priests who had misbehaved sexually to such an extent that, in practice, they could no longer retain their office.

Because of that debate, the Commission of Inquiry has further investigated both the report and the decision-making informed by it. The decisions in question were taken in 1954 and 1955 by the Dutch Conference of Bishops and the brand new umbrella organization for the superior generals of about thirty orders and clerical congregations in the Netherlands. Moreover, representatives from these two bodies consulted one another on the subject in hand.

Correspondence, reports of meetings and confidential circulars document how they considered what were known as “aberrant” priests and religious. This was just one of the categories addressed by Bless in his report. Based upon his description, the Commission has concluded that he was referring to a very small number of individuals but that, despite this, the archdiocese of Utrecht considered them a serious problem at the time. Moreover, from the sources mentioned the Commission has been able to establish what requirements and expectations the Church leaders formulated as regards the role of psychiatrists treating them.

According to Bless, 34 priests a year were examined, detained or treated at the seven Roman Catholic psychiatric institutions he investigated in the Netherlands. He divided this group into three categories: neurotics or “mild nervous” patients, who benefited from temporary admission; and two kinds of chronic or “institutional” patients, the geriatric and the psychiatric. The “psychopaths” fell into the latter group. Fifteen or so of the annual intake were of the “mild” kind, for whom more suitable clinical facilities really needed to be found; the remainder counted as chronic, although no further enumeration of this category is provided. This means that the exact number of “psychopaths” is not given, and the report actually contains very little information about them at all, as Geerdinck noted to his disappointment: “And I thought that the bishops were most concerned about them: what do we do with these unfortunates?” Bless says nothing more about them, except to state that they should be kept apart so as to prevent them influencing one another. Officialis Geerdinck advised Archbishop-Coadjutor Alfrink that the bishops should together seek “a possibility for the accommodation of those priests whose behaviour necessitates strict control, to the extent that they can no longer hold office, preferably at an established psychiatric institution; in the first place so that a certain pretence can be maintained that the priests in question are ‘greatly stressed’, that they are ‘psychopaths’ [in the medical sense], and additionally because most cases are indeed pathological in nature.”

4.4.1.10 “Religiosi aberrantes”

On 11 May 1954 the SNPR issued a circular to its member superior generals on the psychiatric treatment of priests. This topic had been discussed at the organization’s general meeting the previous October, and the circular reported that the bishops had also considered it at their most recent gathering. In its summary of those deliberations, the SNPR links “overstressed confreres” with “sexual and other aberrations”, explaining that, “Discussed were the difficulties of priests who, due to sexual and other aberrations, cannot retain their office”.
According to the circular, the bishops went on to talk about “concentration at a psychiatric institution situated close to a monastery, because separate spiritual re-education is deemed desirable for these priests”. A second point they considered was “the choice of a psychiatrist who can prescribe the correct occupational therapy”.

This document further shows that Geerdinck, suspecting that the superior generals were wrestling with the same problem as the bishops, was to investigate whether they could find a joint solution. The secretary of the SNPR, Father Keulemans of the Carmelites, then spelt out the issue for the provincials and vice-provincials: did they have “priest patients (= psychopaths) who cannot be maintained due to sexual aberrations” and “is that also a problem for the abbots”? If they needed policy guidance in this respect, they could refer back to the outcome of a discussion at the autumn meeting of 1953: “It was deemed necessary that there be a suitable psychiatrist, who also knew something of monastic life, and a treatment that takes account of the priest’s dignity, even though he has perhaps suffered a lapse”.

The consultations on this matter at the next general meeting of the SNPR, in June 1954, are also relevant in evaluating executive action by those with direct responsibility. On the one hand the superiors sought strenuously to avoid stigmatizing priests who might be diagnosed as “psychopaths”. On the other, they ruled that attempts at treatment within their own communities would not bring about a cure. And curing the problem was the principal aim of the process. If concentrating this group at an institution in their own country could have a stigmatizing effect, then one alternative – moving them abroad – had its own drawbacks: those “who had come before the courts would then fall beyond the reach of the judicial authorities, and so could not be forced to spend their period of reform in an institution.” As of 1954, that was not what the provincials wanted.

Because it was unclear what the bishops – represented by Geerdinck – really wanted, the general meeting of the SNPR decided to solicit the advice of two ordained psychologists from within own ranks: the Jesuit Paul Ellerbeck (1908-1987) and the Franciscan Wilbert Stoop (1914-1994). They submitted their “report on ‘religiosi aberrantes’ by the advisory committee for psychiatric and other difficulties” on 3 December 1954. Both men certainly knew of such cases from the own practice, but they did not allow themselves to be tempted into any statement about either the size of the group concerned or the variety of psychiatric conditions involved. In a conversation with Keulemans, Ellerbeck had reiterated that these were cases of the utmost delicacy, which demanded treatment based upon professional expertise and conducted with the greatest of love and respect for the subject’s priesthood.

Ellerbeck and Stoop advocated adoption of the so-called “Secours Sacerdotale” model, which had been tried out successfully in France. This centred on a circle of priests, laymen, ecclesiastical and secular lawyers, trusted doctors and social workers under the responsibility of the diocesan vicar-general or the president of a seminary, who together cared for and treated “aberrant” priests. Forming a multidisciplinary support group, the basis of their strategy was the exchange of information, mutual assistance and prayer for the patient.

4.4.1.11 Differentiation in diagnosis and treatment

Drawing upon information obtained from various sources, on 22 January 1955 Geerdinck submitted a concrete proposal to the bishops. This shows that the consultations by several different bodies had at least resulted in a stricter distinction now being drawn between “psychopath” priests and the much larger group with milder, often temporary psychiatric conditions. For the former, the most problematic category, Geerdinck recommended the establishment of a facility to examine them and advise on their treatment and placement at a suitable institution. His preferred location, he wrote, was the St Willibrordusstichting, a Catholic psychiatric hospital in Heiloo, although why this was is
stated neither here nor at any point in the subsequent decision-making process. A number of reasons can be surmised, however. Since the late 1940s, medical director Dr J.P. de Smet had been building a multidisciplinary team which included non-clinical personnel. And Heiloo stood apart from other such establishments in the differentiation and specialization of the treatment provided. Moreover, the Ministry of Justice referred some criminally insane patients there.

This latter group received treatment designed to enable their return to society. Since 1930 they had been housed in a special block, the Pauluspaviljoen, which by the 1950s could accommodate fifty of the 560 men committed to secure hospitals by the Dutch courts in an average year. Of that number, about 250 were Catholic. Most of those sent to Heiloo were sexual delinquents under 30 years of age. In 1951 De Smet calculated that their average stay at his hospital was 12-18 months and estimated that only about 15 per cent reoffended after release. In other words, Heiloo had a very built up a good name at just the time when Church leaders were deciding what to do with sexual miscreants in their own ranks.

Alfrink took up Geerdinck’s suggestion and passed it on to his fellow bishops in a letter dated 26 January 1955. Their response was generally positive, as revealed by the attached replies from the Ordinaries of Roermond, Den Bosch, Breda and Haarlem. However, Monsignor Lemmens of Roermond pointed out that the priests concerned did retain a certain freedom of choice in this matter, just as every diocese must uphold its own autonomy in setting policy. On 12 April 1955 Alfrink, on behalf of all the bishops, officially thanked Geerdinck for his efforts. The prelates were agreeable to his proposals, wrote the archbishop, although they retained the right to decide whether or not to make use of Heiloo in specific cases. Alfrink also took this opportunity to underline once again that “the utmost discretion [must characterize] the working method of this team”. Autonomy and discretion seem to be recurring watchwords when it comes to dealing with “priest patients who cannot be maintained due to sexual aberrations”.

For the SNPR, meanwhile, establishing a separate facility was no longer an option because the limited size of the patient group did not justify the costs involved. Despite Geerdinck’s recommendation to the contrary, then, no distinction was drawn between those diagnosed as “psychopaths” and other cases. The term “psychiatric patient” as used by the congregations and orders could thus cover a whole range of mental conditions. There was therefore general support for the idea of subjecting every “aberrant” religious brother to a thorough examination, preferably at Heiloo, with its large and expert staff. The expense of such an exercise, which was expected to last some six weeks, was vindicated by the quality of the advice received. In general, that would “work out cheaper than just hiding away the patient here or there for a certain time”. The cost of the assessment was payable by the subject’s religious community or diocese. The advice issued by Heiloo formed the basis for further treatment, for which another five or six host institutions had to be found – although transfer to them would not be needed in cases where Heiloo recommended castration. Superiors should stay in regular contact with those who were confined. And “for cases that are only potential [no actual misdemeanour has occurred] it is advisable that there exist a number of centres at which a team (doctors, psychologists, lawyers) can serve in a cautionary and advisory capacity”. In this respect, says SNPR secretary Keulemans, bishops and provincials should work together.

4.4.1.12 The relationship between sexual misconduct and religion

As already noted in passing, Bishop Lemmens of Roermond commissioned the Bless Report following complaints from priests receiving treatment at Sint Servatius, a psychiatric institution founded at Venray in 1905. Since 1944 its medical director had been Dr F.M. Havermans (1907-1984), who was a lawyer as well as a psychiatrist. In the same year, 1953, he revived a debate which had first raged amongst lawyers, criminologists and moral theologians before the Second World War: the relationship between criminality and religion. The catalyst was his new book, Over criminaliteit
onder katholieken (On criminality amongst Catholics). In this work he referred to an address delivered by Frits Buytendijk, Professor of Psychology at Utrecht, at the annual meeting of the Catholic Central Association for Public Mental Health (Katholieke Centrale Vereniging voor Geestelijk Volksgezondheid, KCV) on 5 June 1952. This occasion also saw the establishment, with episcopal approval, of the new Catholic National Centre for Mental Health Care (Katholiek Nationaal Bureau voor Geestelijke Gezondheidszorg, KNBGG), which would go on to play a key role in developing psychiatric services for priests and members of religious institutes in the 1960s.

To back his call for better mental healthcare for Catholics, Buytendijk highlighted the relatively high crime rate within this faith community. It is a salient detail that he derived his figures from previous publications by Havermans. The speech made the newspapers, where it provoked indignant headlines. And his claims were given an added emotional charge by the suggestion that there might be a causal relationship between the way young Catholics were raised by their parents, priests and religious schoolteachers and their general moral outlook. In other words, their inadequate upbringing resulted in mental immaturity and thus increased their propensity to commit crime.

Havermans had indeed proposed this as one possible explanation, couching it in such phrases as “mental deficiency amongst the Catholics” and “psycho-infantilism”. He drew a direct link between that “deficiency” and clerical dominance and control over the Catholic community and its culture. In support of his claim of a link with criminality, he could draw upon more than a thousand offender reports he had compiled as a forensic expert for the judicial authorities in the province of Limburg, most of them on subjects who were – or at least called themselves – Catholic. In setting out his argument, he stressed that the Catholics, with Limburgers foremost amongst them, were overrepresented amongst offenders in general and sexual miscreants in particular. First of all, the incidence of sex crimes was higher in Limburg and Noord-Brabant – the Netherlands’ two predominantly Catholic provinces – than in the rest of the country. Secondly, Catholics accounted for 50 per cent of the national crime figures whereas they made up only about 38 per cent of the Dutch population.

Havermans’ work is relevant in two respects to an evaluation of the influence of medically trained psychiatrists over ecclesiastical leaders’ response to and handling of sexual abuse by representatives of the Roman Catholic Church. In 1951 he had published a work for a general readership about his experiences in forensic psychiatry. In this he asserted that judges were generally dependent upon psychiatrists for their assessment of neuroses and psychopathies, and also to determine the nature, extent and duration of the supervision needed by offenders with these disorders. As such, he was describing what had become standard practice within the Dutch justice system. But this fact is also significant in assessing how Church leaders acted; from the archive research it is apparent that they, too, depended upon psychiatric expertise when priests or religious brothers for whom they were responsible were found to have sexually abused minors. If the case led to a prosecution, then psychiatrists again played a key role. During the investigation phase they advised the examining magistrate, and their evaluation of a suspect’s mental state was taken into account by the prosecution in formulating its sentencing demand. What the research has also revealed, though, is that all concerned in such cases – the examining magistrate, the public prosecutor, the probation service and the consultant psychiatrist – actually involved the relevant ecclesiastical and religious superiors in the process, and entrusted them with a role in the execution of sentences or decisions not to pursue a case.

4.4.1.13 Tripartite consultations: the CM1 case

In this section the Commission of Inquiry will illustrate how the above process worked in practice by describing one specific case in detail. The consultative mechanism was tripartite in nature, with the public prosecution service and judiciary on one side, church officials opposite them and psychiatrists...
acting in an advisory capacity. Arrangements of this kind were quite usual in the prosecution of sexual offences in the Netherlands at the time, with the psychiatrists generally playing a facilitating role by proposing treatment and rehabilitation programmes for the offender. In other words, this is not a form of solution devised specifically because of the perpetrator’s status as a Catholic priest or religious brother – which is not to say that this group, like other highly educated and socially privileged members of society, may not have benefited from a certain degree of class justice in the Netherlands of the post-war years. To make any definitive statement on this point, however, will require further research.

The case in question concerns a Lazarist (Congregation of the Mission) father, identified only as CM1, and takes place in the early 1950s.

The subject was working in Bergen op Zoom as a military chaplain to soldiers of the Royal Dutch East Indies Army (Koninklijk Nederlandsch Indisch Leger, KNIL) who had recently been repatriated from the newly independent Indonesia. He was also active in a number of civilian parishes in the provinces of Zeeland and Noord-Brabant. In the early summer of 1952 an incident occurred which made him persona non grata in several of the Zeeland communities. What exactly had happened is difficult to determine from the very veiled descriptions available: there were suddenly frictions between CM1 and the local priests. We also find a reference to “the known incident of this week”, which CM1 regretted so much that he was unable to write to his provincial superior about it himself. Judicial documents reveal that he was suspected of an offence under Article 248b of the Criminal Code: indecent assault of a minor, specifically a person of the same sex in the 16-21 age category.

Without waiting to hear from CM1, the decisive provincial had already asked neuropsychiatrist Dr G. Janssens of Den Bosch to begin a psychiatric investigation without further delay and to report the findings to him at home within the next few days.

After more consultations between the two men, on 12 June 1952 Janssens wrote to the public prosecutor in Breda and sent a carbon copy of the letter to the provincial. The father, he explained, had fallen seriously ill whilst working in the East Indies and life in a Japanese internment camp there had badly affected his memory, his mental faculties and his sense of judgement. “He said inane things without noticing that he was doing so, whilst the disorder of his memory was also obvious. One trait he had certainly not lost, namely that he still displayed great self-assurance without knowing any sense of distance or reserve.” His period of internment must have psychologically unbalanced him. He was, in the words of the provincial, a different man than during his training and induction as a priest.

It was against this background that the psychiatrist tried to explain CM1’s reaction when “confronted with the highly inappropriate nature of this behaviour”. The provincial had apparently had the same experience as far as the accusation was concerned and “he was in complete agreement with me that Father [CM1] should never again return to free society, but instead should stay always in the safe environs of the monastery”. Janssens urged the prosecutor “not to proceed against Father [CM1] for the time being”, adding a powerful argument in favour of this advice: “Should the Public Prosecutor accede to this suggestion, then his actions will have the benefit that the subject can be kept under strict supervision and control for many years to come”.

On 22 June 1952 the prosecutor decided to conditionally discharge the case against CM1, with a rehabilitation period of three years. The principal condition was that the priest “shall behave according the rules of living and conduct set by his provincial”. In addition, he must not leave the monastery presided over by his provincial without the latter’s permission and must not accept any post or position outside it. Finally, he must “regularly, and especially in the final part of his rehabilitation period, undergo examination and treatment by a psychiatrist.”
The judicial authorities evidently keep a close eye on cases of this kind, as on 13 March 1957 the public prosecutor for Breda, Ch. Moons, reminded the provincial of the conditions imposed upon CM1 and enquired whether he was prepared to submit to a further examination by Dr Janssens. Naturally, the cost of this was to be borne by the Lazarists. The examination did indeed take place shortly thereafter, with the psychiatrist finding his patient’s personality largely unchanged. The father still appeared mildly disturbed, showed little sign of guilt about his past misconduct and was not yet free of “certain tendencies”. He did, however, fully accept that a closed environment would remain the best place for him. Janssen noted that even here there was a certain danger inherent in the opportunity to associate with altar boys; his superiors should bear this in mind and make sure that CM1 was prevented from spending frequent or extended periods in places where he could come into contact with young men. “It is a fact known from experience,” wrote the psychiatrist, “that such personalities easily succumb to recidivism. That is not solely down to the subject himself, of course, as amongst boys there are some cursed temporarily or persistently with analogous tendencies, who may thus provoke him. Equally, it is a fact known from experience that such things are generally sensed by both parties, so that even someone inspired by the best of intentions can lapse.”

Janssens ended by noting that the public prosecution service in Breda had advised that the conditions of discharge be lifted. Confirmation that the case had finally been dismissed came a week later.

In November 1961 CM1 applied for a position with the Divine Word Mission in Steyl, and in February 1962 he asked his provincial for permission to work in Purmerend. But both of these attempts to leave the provincialate, with its seat at Nijmegen, failed. Finally, in mid-1963 he was made parochial vicar at a church in Limburg. He stayed there for a year, before moving briefly to another parish. Not long after that he retired and returned to the mother house in Nijmegen. He died in the early 1970s at a home for elderly Lazarists.

The CM1 case shows a resolute response by the provincial in immediately calling in a psychiatrist. The isolation and treatment he proposed were enough to convince the judicial authorities to allow a conditional discharge for a period of three years. In the doctor’s expert opinion, these measures would – as long as they were applied consistently – reduce the risk of CM1 reoffending. Meanwhile, the authorities clearly kept their finger on the pulse; eventually, they again accepted the psychiatric advice and dropped the case for good. In this way the matter was kept manageable through amicable cooperation, without causing a public scandal.

4.4.1.14 Catholic psychiatrists advise Church leaders

The example of the Lazarist father CM1 illustrates how, in the early 1950s, ecclesiastical and religious leaders sought the advice of Catholic psychiatrists when priests, aspirants or brothers for whom they were responsible suffered serious mental problems. These were many and varied, but were usually classified as “neurosis” or “neurotic conditions”. We also find terms like “overstress” and the more general “difficulties” in the correspondence and personal files. The Bless Report and the associated exchanges in the upper echelons of the Dutch ecclesia and amongst the superior generals of the male religious congregations indicate that such nebulous descriptions were sometimes chosen deliberately in order to protect those diagnosed as “psychopaths” by the psychiatrists. From the source material studied by the Commission of Inquiry, it is not always possible to determine the exact nature of the problem in hand. And where that can be done, the descriptions provide no hard evidence that sexual abuse has been committed. Likewise, caution is advisable when interpreting reports of psychiatric sessions in general; the issues being addressed are not necessarily of a sexual nature, never mind specifically abuse-related.
Leaders referred their problem cases both to independent Catholic psychiatrists and to Church-run institutions. But they did not have that many to choose from in the first half of the 1950s. There was a general shortage of practising Catholic doctors in the Netherlands, which extended to the already small cohort of psychiatrists. When the sources mention Catholic psychiatrists, then, the same names tend to come up time and again. They include the medical directors of psychiatric institutions, many of whom maintained a modest private practice. Both Havermans (Sint Servatius, Venray) and Janssens (Voorburg, Vught) fall into this category, and both were also active as forensic psychiatrists. Other recurring figures are the professors of psychiatry Eugène Carp (Leiden) and Sjef Prick (Nijmegen), as well as independent practitioners like Anna Terruwe and Kees Trimbos, who is regarded as one of the “mental liberators” of the Catholic Netherlands.  

Terruwe’s relationship with the Church soured, though, when she and her mentor, Professor W.J.M.M. Duynstee, were accused of having breached Catholic ethics by providing “certain advice” under the guise of acting in the interests of a patient’s mental health. The rather vague allegations levelled against them led to an ecclesiastical inquiry, complete with intervention by Rome. Both Terruwe and Duynstee were subjected to sanctions that affected their professional practice and were only withdrawn many years later. Trimbos escaped a similar fate, although his actions must also have annoyed some Church leaders. In 1955, for instance, he openly criticized celibacy as a priestly obligation. And two years prior to that he had written of “certain forms of paedophilia in religious men who, out of misunderstood and mishandled prudence, sometimes exhibit an unworldliness in matters sexual that must humanly lead to a fixation at a most immature and infantile level.”

That Dutch ecclesiastical and religious leaders were turning to psychiatrists for help in dealing with difficult and sometimes painful problems also became known outside the country in the first half of the 1950s. This may explain the imposition of stricter controls over the practice, which became apparent from 1956 onwards and are discussed in detail in the next section. Archive research conducted on behalf of the Commission of Inquiry has revealed that the Dutch provinces of a number of international orders and congregations were quite frank in informing their supreme governing bodies of their use of psychiatrists. At the international level, it was known that candidates for and members of these institutes would seek psychiatric help if they suffered mental problems, not least difficulties with the vow of chastity or breaches of it. Psychiatric examinations could also form part of the selection process when the chapter was unsure of an aspirant’s suitability for admission to the order or congregation. And psychiatrists were consulted by those leaving the community, too, whether voluntarily or under pressure from their superiors. Throughout the first half of the 1950s, a psychiatrist’s advice and arguments were a standard part of any application for release from the solemn vows, a necessary precondition for departure. As a rule, two experts were involved: the confessor and the psychiatrist. In religious orders, clerical congregations and lay congregations of pontifical right, the application had to been endorsed by the general superior. He therefore knew whether a psychiatrist as well as a confessor had played a role in the process.

The Commission’s archive research has also revealed instances of bishops abroad drawing upon the expertise of Dutch psychiatrists when faced with problem priests of their own. They did this with the advice or assistance of their colleagues in the Netherlands. Several such examples are discussed in section 4.6; most were dealt with by the St Willibrordusstichting in Heiloo.

This institution did indeed serve as a location for psychiatric evaluations in the first half of the 1950s, as recommended by Bless and Geerdinck, with both diocesan priests and religious brothers referred there. That practice continued until at least the late 1960s.

For those requiring long-term residential care and treatment, however, Heiloo was not the right place. But there were several alternatives.
Huize Padua in the Noord-Brabant village of Boekel was a long-established home for priests and male religious brothers who were no longer fit to work, for whatever reason. This institution was suitable for the more serious cases, according to Bless, but was not geared to the category of “neurotics” requiring only temporary care and treatment. As we shall see, though, Huize Padua did not have a good reputation amongst the clergy. Bishops and superiors realized that it was used to concentrate priests with a wide range of problems, entailing a risk of stigmatization with which they were uncomfortable.

The home was run by the Brothers Penitent (Hospitaller Brothers of St John of God for general hospital nursing), who had specialized in psychiatric nursing. About forty priests and brothers had originally been housed in a residence known as the Heerenhuis, where they lived separately from the institution’s ordinary psychiatric patients. Although that distinction had been officially abolished in 1932, the name was still used informally to refer to the so-called “Open Ward First Class”, where priests were placed at the expense of their diocese or community. Most were suffering from some form of dementia, which caused behaviour that might damage the image of the priesthood were it allowed to manifest in public. They came from a number of dioceses, orders and congregations and were officially designated “retired boarding priests”. For them, Huize Padua was their final destination in life. Other residents included men with conditions that had been deemed incurable, many of them alcoholics. But there were also priests who had been found guilty of the sexual abuse of minors, forcing the Church to withdraw them from pastoral work either temporarily or permanently. The clerical ward at Boekel is thus best compared with a “house of disgrace”, a sort of prison for errant priests and brothers, although there is no known example of such an institution in the Netherlands.

4.4.1.15 A warning: the monitum of 1956

Administratively, the Dutch bishops were operating under a lot of pressure in the 1950s. In October 1953 the Vatican imposed a reorganization of their dioceses in response to what was seen there as a lack of control over the Catholic community in the Netherlands. What was not explicitly mentioned, but clearly did play a role and could count upon particular attention from the authorities in Rome, was concern about their ability to keep their flock in line. This issue is difficult to separate from the question of psychiatric treatment for priests and religious brothers, whether or not that resulted from inappropriate behaviour. From correspondence between the episcopate and both the Apostolic Nuncio in The Hague and the Roman Curia, the Commission of Inquiry has ascertained that the main cause of the disquiet was the quality of the clergy. As far as Rome was concerned, the fact that so many priests were “neurotics” and “psychopaths” indicated shortcomings in their selection and training. The Holy See was certainly officially aware of the discussions amongst bishops and superiors concerning clerical psychiatric patients from 1955, and possibly earlier. Sources held in the archive of the Diocese of Breda show that in January 1954 the Apostolic Nuncio, Paolo Giobbe, wrote to ask Archbishop-Coadjutor Alfrink for copies of the “procès verbaux” (minutes) of the Dutch Conference of Bishops. Unlike equivalent bodies in other ecclesiastical provinces, this had never been formally established canonically and so did not actually enjoy the official standing ascribed it, doubtless at the instigation of the Holy See, by Giobbe. This rather ambiguous status explains why the Dutch bishops were able to claim that their collective decisions had no force under canon law, and why the Nuncio was not present at their meetings.

The request from Giobbe caused the bishops some embarrassment. And another complication soon followed. In July 1954 it was announced that the Jesuit Sebastiaan Tromp was coming to the Netherlands and, under a somewhat vague remit – he had to be in country anyway, on other
business—would be inspecting the diocesan seminaries and the Catholic University of Nijmegen on behalf of the Holy See. As well as checking the orthodoxy of the theological training being given to new intakes of aspirant priests, it turned out that Tromp was interested in relationship between pastoral care and mental health provision—and specifically the activities of Terruwe and Duynstee.

In the end, Alfrink asked the Bishop-Coadjutor of Roermond, J.M.J.H. Hansen (1906-1958) to compile a list of decisions taken by the Conference of Bishops for Giobbe. This took him more than a year, so that the text was not submitted until February 1955. Item 10 on the list read as follows: “On behalf of the bishops, Monsignor Geerdinck, Officialis of the Archdiocese of Utrecht, shall make contact with the Association of Provincial Superiors of Orders and Congregations to look for a suitable and more spacious facility for the accommodation of priests who have had to be removed from office due to psychological and moral difficulties. Father Bless of Oerle shall be thanked for his report on this matter and shall be permitted to claim his expenses” (emphasis in original).

In other words, Rome was now officially aware of the deliberations concerning priests “in difficulties”. And this formal notification came whilst Tromp was still undertaking his inspections in the Netherlands. No further correspondence on this matter has been discovered in the archives.143

What the research has revealed is a series of three instructions submitted to the bishops in 1956 through Giobbe. In June he passed on a copy of Magna equidem, a directive on the careful selection of candidates for the priesthood dated 27 December 1955 and addressed to all the bishops of the world. In July the episcopate was ordered by the Supreme Sacred Congregation of the Holy Office (now the Congregation for the Doctrine of the Faith) to publish a monitum—an official warning—to the presidents of the diocesan seminaries, major and minor, prohibiting them from allowing any student to be treated by a psychiatrist applying the Freudian theory of repression, which the Church regarded as heterodox.144 Their treatment by female psychiatrists was also banned, a measure that can only have been intended to target Anna Terruwe. She was also the only person warned in advance of the measure, by Vicar-General Oomens of Den Bosch.145 The bishops published the monitum in November 1956.146 The previous month they, like their colleagues elsewhere, had received a circular re-emphasizing that strict observance of the sixth commandment must be enforced through the sacrament of confession.147

The monitum had immediate repercussions for the role played by psychiatrists in assessing and treating priests, seminarists and religious brothers affected by psychosexual conditions. Both Father Bless and his colleague Father Hein Ruygers, a priest in the diocese of Breda and a tutor of subjects including psychology at Hoeven Seminary, resisted the measures it imposed.148 Bless and Ruygers were also, respectively, chairman and secretary of the so-called Pastoral Orientation Committee (Pastorale Oriënteringscommissie) of the KCV, and in October 1957 they wrote to all the Dutch bishops149 claiming that the opinions and practices being condemned were “upheld... by no Catholic psychiatrist in the Netherlands, nor by most bona fide non-Catholic psychiatrists”. The members of the committee were aware of rumours concerning the activities described in the monitum, but upon further enquiry these had always been found to originate with patients who had misrepresented the advice given them or with pastoral workers who had misinterpreted such advice out of ignorance.150

4.4.1.16 The Pastoral Orientation Committee

Bless and Ruygers penned their letter of objection on behalf of the Pastoral Orientation Committee, which had hitherto refrained from openly challenging the authorities in Rome in order not to bring even more pressure to bear upon the discussions surrounding Catholic mental health provision in the Netherlands.151 Alfrink also tried to prevent them protesting at the stage, during an audience with Ruygers in August 1957.152 At his request, Ruygers did then compile a lengthy written response to the allegations implicit in the monitum—which can be read as a defence of Anna Terruwe—but in the
end the bishop did nothing with this. The deliberations of the Pastoral Orientation Committee now concentrated upon the consequences of the monitum, raising the concerns expressed by Bless and Ruygers in their letter.

Established to examine the pastoral issues related to Catholic mental health, the committee had met for the first time in June 1954. At first it was made up only of priests, regulars as well as diocesan clergy, but they were soon joined by psychiatrists, psychologists and educationalists.

This rapid compositional evolution testifies to a genuine desire to find common ground between pastoral and psychiatric work, between clergy on one hand and mental health professionals on the other. Its members included priests and theologians, but also ordained psychologists and laymen active in both psychiatry and psychology. Both its composition and its remit were extremely sensitive, however. This explains the request made by Bless, as its chairman, in the summer of 1955 that members keep their discussions confidential. That was a direct result of the enquiries being conducted by Tromp on behalf of the Holy Office, which included looking at the kind of psychology being taught at the major seminaries. As the committee’s secretary, Ruygers was questioned personally by Tromp and from then on prevented from lecturing on ethics and psychology at the Breda Seminary. Subsequent meetings of the committee were minuted without mentioning any names, and the members received only brief factual reports of the deliberations. Moreover, this body’s premise that there existed a mutual dependency between pastoral and psychiatric work and its acknowledgement that psychiatric problems could affect moral responsibility had avowed opponents. Chief amongst them were the Jesuits, who were not welcome on the committee.

Paul Ellerbeck, the Jesuits’ “house psychologist”, and his colleague Alphonsus van Kol, a moral theologian, believed firmly that psychiatric patients should be held fully accountable for their deeds. From actual responses by the order’s leadership to cases of abuse within its own ranks, it is apparent that the Society of Jesus developed considerable reservations concerning psychiatric diagnoses of its members from the early 1950s onwards. Nonetheless, the archive research reveals that its provincials regularly called in psychiatrists to provide expert advice and treatment in the post-war years. Some of the cases in question were clearly psychiatric in nature. Medical expertise was also used in determining disciplinary measures – especially expulsion from the order – in establishing sexual orientation and in deciding whether “abnormalities” were “curable.”

Ellerbeck and Van Kol were directly implicated in the denunciation of Terruwe through the monitum – a denunciation which Bless and Ruygers claimed had brought an entire profession into discredit. Moreover, Ellerbeck chaired the Church’s Fifth International Congress on Psychotherapy and Clinical Psychology in Rome in the spring of 1953, at which – under the watchful eye of Pope Pius XII – the principles of Catholic psychiatric care and treatment were brought into line with ecclesiastical orthodoxy. It was Ellerbeck, too, who took the initiative to establish a Dutch-Flemish Catholic Working Group for Psychotherapy (Katholieke Nederlands-Vlaamse Werkgroep voor psychotherapie). This was dominated by doctors, psychiatrists and psychologists dedicated to upholding the moral guidelines of Church in the development of mental health provision, and indeed subordinating it to Catholic morality. The Pastoral Orientation Committee avoided all contact with that group, which disappeared without trace in the mid-1950s.

4.4.1.17 **The Heiloo group and “the difficulties of seminarists and priests”**

Subgroups of the Pastoral Orientation Committee studied and worked on a variety of specific themes. One of these soon became known as the “Heiloo group”, since it was dominated by representatives of the St Willibrordusstichting: medical director De Smet, clinical psychologist Jan Dijkhuis and, from 1958, psychiatrist Louis Vaessen. Their focus was “the difficulties of priests”, which bore a direct relationship to expertise developed at Heiloo in respect of clergymen with
psychiatric problems. From 1959 the group studied “the psychohygienic implications of seminary training”. De Smet and Dijkhuis gave an introductory presentation on this topic to the full Pastoral Orientation Committee in 1961, under the title “the difficulties of priests and seminarists”. These “difficulties” were many and varied in nature; in other words, the focus was not sexual abuse in particular but a much broader underlying issue: the mental health of Roman Catholic churchmen in the Netherlands.

The Heiloo group, in the persons of Dijkhuis and De Smet, also intended to conduct a study of the social condition and personalities of students at the Dutch major seminaries, both diocesan and religious. These plans are described in terms that make them sound innocuous, but at heart they were anything but that. Such an investigation would in fact entail the rationalization and objectivization of what the Church hierarchy still regarded as a matter for God alone. After all, vocations to the priesthood came directly from God and could not be tested using scientific standards. Such tests were sole preserve of God’s representatives on earth, the bishops, and must not be entrusted to mere laymen in the form of doctors schooled in psychiatry. To back down on this fundamental principle would give outsiders a key role in the organization of the Church, one utterly at odds with the basic hierarchical relationship between clergy and laity as clearly set out in canon law.

Church documents produced since 1950 had left no room for misunderstanding about the sacral nature of the priesthood, nor about the essential role of celibacy in confirming that status and in defining the supremacy of the clergy over ordinary believers. And, as Pius XII pointed out, this exalted position demanded better selection of the candidates for it. Catholic doctors could perhaps play a part in that, but the frictions in a number of Western European countries over the role of psychiatrists in selecting and supporting priests and religious brothers reveal a considerable ambivalence on this point.

In the summer of 1956 the Dutch bishops were once again reminded of the Magna equidem of the previous year: the selection, training and formation of seminarists were a clerical matter, under their sole responsibility. This was followed in 1960 by a missive to all bishops throughout the world from the Sacred Congregation of Seminaries and Universities (now the Congregation for Catholic Education) in Rome, a further reminder that the problems surrounding the recruitment and selection of candidates for the priesthood were not confined to the Netherlands – and that they were becoming more and more acute as the number of “priests in difficulties” grew. This document leaves its recipients in no doubt that “neurotics” are unsuited to the priesthood. An aspirant’s vocation certainly had to be tested, but that should be done in the environment of the seminary by its liturgical instructors – by definition, priests continuing the “teaching work of our Saviour”. The investigation must therefore seek to learn God’s will. Asking the advice of specialists was permissible, to identify problems of mental or physical immaturity, for example. But when such experts came from outside clerical circles, no quarter must be given to doctrines or practices incompatible with Catholic ethics.

The 1961 instruction Religiosorum institutio, issued by the Sacred Congregation for Religious (now the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life) in Rome and written for the superiors of orders and congregations, concentrated upon better selection as a means of reducing the number of members leaving such institutes. This document was the result of a long preparatory process and it seems not inconceivable to the Commission of Inquiry that it was produced in response to indications of abuses being reported back to Rome from all over the world, including by some orders and congregations in the Netherlands. The instruction underlines the need for more stringent selection and better training. Those aspiring to become priests, ordained religious or lay brothers or sisters must be aware of the obligations associated with that office. All too often, it was argued, this was not the case. And much of the ignorance concerned the necessary celibacy.
Chastity remained an absolute requirement and those unable to practise it during their training could not be admitted to a religious community. Masturbation would bar a candidate from entering the novitiate. Sexual activity might only be excused in the event of seduction. Those “afflicted with evil tendencies to homosexuality or pederasty” must be excluded from the path to religious vows and ordination.  

That there was broader concern about sexual activity amongst churchmen is illustrated by the revised edition of the instruction *Crimen sollicitationis* (The crime of soliciting), circulated in 1962 under Pope John XXIII. This constituted a guideline to be held in the secret diocesan archives, and neither published nor mentioned publicly. The original version, found by the Commission of Inquiry in one of the Dutch diocesan archives, dated from 1922. Although secret, its contents had become known through specialist theological and canonical literature, and it must also have been covered during the training of priests. Its principal focus is the prohibition of sexual activities and advances, with or without physical contact, during the sacrament of penance. These are classified as the most heinous forms of clerical misconduct, since they represent a fundamental abuse of the sacramental power and authority entrusted to priests. The mediaeval theologian St Thomas Aquinas had even described sexual activity in this context as “spiritual incest”. The new instruction prescribed absolute secrecy in the Church procedures to deal with such offences. It also specified three forms of conduct which, it seemed, particularly concerned the Church fathers: homosexual acts between clerics or with other men, bestiality and obscenities of any kind with minors.

This instruction shows that the ecclesiastical authorities knew very well that a section of the clergy was sexually active, and also that they realized what situations posed the greatest risk and which groups were most vulnerable. As such, it formed an integral part of a policy demanding that priests and religious brothers lead absolutely chaste lives, rejecting all forms of sexuality.

These requirements effectively threw up a barrier against the developing view of physical maturity in mental health science. Through the Pastoral Orientation Committee and through direct contact with the staff and students of seminaries, psychiatrists in the Netherlands had been helping to forge a broader view of sexuality “as an integrating and integrated part of a person’s total being”. In January 1957 for example, the psychiatrist Kees Trimbos took part in discussions about *Magna equidem* at Dijnselberg, where the Archdiocese of Utrecht provided part of its training for the priesthood. At this gathering it was made abundantly clear that mental health professionals could not adopt the standard of “proven chastity” required by the Church, which rejected any manifestation of a sexual nature. The mere absence of this kind of manifestation, Trimbos warned, was no indication of an “habitum castitatis” (chaste conduct) that solved the problem of priestly sexuality, as the Church would like. More likely, in fact, it represented a disturbing opposite: a sign of infantility, “a failure of important intrapsychological structures to reach maturity”. In discussions of this kind, experts like Trimbos repeatedly called for the issue of priestly vocation, a “hot topic” for the Church at the time, to be decoupled from that of “sexual difficulties”. The latter were no proof that a person did not have a calling, but rather an excellent reason to seek true expert advice.

The leadership of the Dutch Church was generally willing to take these suggestions seriously. Since the first half of the 1950s, in fact, senior ecclesiastical and religious figures had regularly consulted psychiatrists about the suitability of candidates for the priesthood or monastic life. As they also did when considering whether an ordained priest or brother who had encountered “difficulties” could remain in the Church or should, as it was described then, return to the world. Psychiatrics thus acted in a capacity that, officially, was reserved for members of the clergy. And it was precisely that phenomenon – lay involvement in what it saw as internal Church issues – which the Holy See would make every effort to stamp out in the 1960s.
What was becoming standard practice in the Netherlands was at odds with the situation internationally, where there was strong resistance to the idea of involving psychologists and psychiatrists in the evaluation and supervision of seminarists and priests. This disparity was reaffirmed in 1961, when the Holy Office banned the examination of seminarists by “psychoanalysts”.  

4.4.1.18 Interim conclusions

The Commission of Inquiry has established that pre-war sex scandals involving churchmen drew attention not only to homosexuality, but also to sexual contact between adults and minors. They received extensive press coverage at a time of widespread public interest in moral issues. Because of this, the Commission has to assume that ecclesiastical and religious leaders were aware of the phenomenon of inappropriate sexual behaviour with minors. Information from the archives of educational congregations confirms that this assumption is well-founded. In particular, guidelines and codes of conduct dating from as early as the mid-nineteenth century indicate that these institutes were alert to the risk that members of their own community might sexually molest pupils. This becomes a common thread throughout their subsequent history, even undergoing something of a revival in the early 1950s, which the Commission attributes to two factors: a general trend towards “moral restoration” in the Netherlands and broader political concern about sexual abuse in education, the latter prompted by an apparent rise in the number of cases.

Inappropriate sexual behaviour by religious brothers with their pupils was rejected primarily on moral grounds. The risk to their own salvation was supposed to be the main deterrent holding them back from becoming overfamiliar with the youngsters in their care. But the leaders of their congregations were also very apprehensive about the loss of reputation likely to result from such incidents. From the conclusions of the Kempe Report, it seems that this concern for the “honour” of the school was a reflex shared by governors across the board, regardless of denomination or identity. For the Catholic educational congregations, though, the anxiety had both ideological and material aspects. Ideologically, administrators were worried that reports or rumours of sexual misconduct at their schools could harm the reputation of the Catholic faith community as a whole. The material risk lay in the potential decline in student numbers and its impact upon income, which might eventually prove fatal in the competition with other educational congregations and state schools.

From its archive research, the Commission of Inquiry has concluded that there was no “culture of silence” around sexual abuse in the upper echelons of the Catholic community in the 1950s. The records of educational congregations show that neither parents nor priests were afraid to complain about behaviour they regarded as inappropriate. From the mid-1950s, moreover, these institutes were prepared to view such cases as matters for the criminal justice system, thus extending their familiar moral and ideological frames of reference. By making this shift, their leaders also made it clear to those who had committed crimes under secular law that they were no longer able or willing to protect them from the punishment it demanded.

At the same time, there was an increase – albeit temporary – in awareness amongst bishops and religious superiors of the psychological problems which could affect priests and Catholic brothers. Between 1953 and 1955 this led to a particular focus upon those classified in clinical psychiatric terms as “psychopaths”. Discussions were held about how this group should be cared for and what kind of professional help should be sought from Catholic psychiatry. Although the issues under consideration were much broader in nature, they included sexual problems with an abusive character. During this period psychiatrists acted as a sounding board and a touchstone for ecclesiastical and religious leaders dealing with perpetrators. Their input ensured that one-sided religious and moral frames of reference were relaxed to allow the inclusion of perspectives from psychopathology, which had the added benefit that they dovetailed with the general judicial
approach to sexual delinquency in the Netherlands. Consequently, psychiatrists frequently played a key role when it came to designing treatment and rehabilitation programmes for churchmen guilty of sexual offences.

Research in the archives of Dutch ecclesiastical and religious governing bodies shows that this relatively intensive concern in respect of sexual abuse ended fairly abruptly in the mid-1950s, bar a few exceptions over the next decade or so. At more or less the same time, the issue disappears from the administrative agenda of both bishops and superiors except as an aspect of the more abstract discussion about assistance to priests and brothers “in difficulties”. In all likelihood, increasing pressure from Rome played a part in this change. To what extent that pressure explains the hiatus in the archive records cannot be established with any certainty, but a link has to be suspected.

In presenting these conclusions, the Commission of Inquiry must point out once again that the increased consideration of sexual misconduct observed at the highest levels of the Dutch Church during this period is only relative. Of all the many topics addressed by the bishops in the first fifteen years after the Second World War, the sexual abuse of children is by no means the most prominent.

4.4.2 The 1960s: the celibacy debate dominates

4.4.2.1 Celibacy criticized

Through publications and in face-to-face discussions, in the 1950s many Catholic mental health professionals had tried to persuade ecclesiastical and religious leaders that the requirement to live in total chastity might well be a cause of psychological problems in priests and brothers. Leading psychiatrists like Kees Trimbos did not object to a celibate lifestyle as such, but they were opposed to the way it was made a priestly obligation under canon law. Those wishing to be ordained had no choice but to live in celibacy, which excluded not only all sexual activity but also any form of deeper emotional relationship. This rule had its origins in the dualistic view of God and man, under which the love of God takes precedence over human love. Entering the priesthood or the religious life meant making a commitment to God, and to Him alone. All other relationships, with family and friends, had to be left by the wayside. The concept of celibacy thus went much further than sexual restraint and abstinence.

Men of God, as his earthly representatives, were married to the Church. Through their total dedication to and availability for its pastoral work, they were attempting to achieve God’s Kingdom on earth. In an analogy with the natural process of reproduction, the priest was ordained that he “bring forth fruit” with his bride: the Church. In the post-war years, however, such grandiloquent notions of the priesthood began to erode. Novels, films and periodicals disparaged them with as much fervour as they attacked the pedestal erected by the Church for those called to this exceptional way of life. Underlying this criticism was a more fundamental shift in attitudes towards faith and the Church. New theological currents were trying to make human experience the basis for religious practice, not only adding a subjective dimension to it but also making it nigh on impossible to deny that it was historically inconstant – which is exactly what the Church’s systematic response to critical historical theology had always been. Yet Pope Pius XII’s condemnation of the “nouvelle théologie” in his 1950 encyclical Humani generis left no room for doubt that that remained the Catholic position.

In the Netherlands, this intransigence had become all too clear in the wake of Tromp’s tour of inspection. As well as the undesirable influence of non-doctrinal concepts drawn from the world of mental health science, this had also targeted any traces of theological revisionism and so-called situation ethics. That was a label applied to priests and theologians who had stopped regarding Catholic morality as a fixed ethical system and instead were trying to reconcile it with modern philosophical perspectives taken from existentialism, personalism and phenomenology in an effort to
develop ethical principles more relevant to everyday human existence. Tromp's inspection and the measures subsequently taken against a number of Dutch priests and theologians made it crystal clear that Rome considered such developments as beyond the pale.

By the early 1960s the Dutch bishops found themselves in an administrative dilemma. Initially, this seemed to have been avoided by Pope John XXIII’s announcement, in January 1959, that the Second Vatican Council was to be convened. That, after all, was all about bringing the Church up to date. In the Netherlands, the prospect of an “aggiornamento” (literally “updating”, one of the Italian terms applied to the process of ecclesiastical modernization) began to excite high expectations, particularly amongst priests and educated laymen. Although the council was due to examine many aspects of the Catholic faith and Church, its potential review of compulsory celibacy attracted particular attention in this country and internationally. Discussions revolved around the role that ordinary, unordained believers could play in their own churches. During the gathering it was emphasized that every baptized Catholic had an ecclesiastical task. Priests were now expected to act first and foremost as “subservient leaders”, a role that made new demands of them and effectively dispelled the functional need for celibacy. The relationship between God and man lost its strict vertical hierarchy, and the same applied to the relationship between God’s earthly representatives, His priests, and ordinary Catholics.

In the Netherlands, young priests and religious brothers, especially, were more than ready to ask fundamental questions about the Church as an institution and about their own relationship with it. Did its structure and organization really suit the mission they had to fulfil in the world? Had maintaining that structure, the priesthood included, not become an end in itself, increasingly alienating the Church from society? A huge impetus was added to the debate on priesthood and celibacy by the publication in 1963 of Celibaatscrisis: suggesties van een priester (Celibacy in crisis: suggestions from a priest). Numerous interviews with priests and ex-priests in the newspapers and in Catholic weeklies like De Bazuin and De Nieuwe Linie generated a flood of readers’ letters. On television, the Dominican Edward Schillebeeckx regularly discussed the relationship between the priestly office and celibacy. He stressed that neither the Bible nor basic Catholic theology contained any authoritative reference justifying the current obligation, although his own view was that that in no way detracted from the value of celibacy as a personal choice. That same position, sitting on the fence, would be adopted by the Dutch bishops later in the 1960s once it became clear that the Vatican was not going to bow to public opinion in the Netherlands, which had already dismissed the notion of priestly celibacy as a thing of the past.

In this, the media tended to emphasize the negative consequences of celibacy – above all, loneliness and sexual problems. Amongst priests themselves, three broad schools of thought on the issue can be discerned. One was unequivocally in favour of married priests, although it was not always clear whether that meant allowing the ordination of married men or permitting ordained men to marry. The second group wanted to maintain the status quo. And the third argued for voluntary celibacy, not rejecting it on principle but making it a lifestyle choice for those with the necessary self-control and emotional maturity.

4.4.2.2 Attempts to decouple celibacy from the priesthood

In the end, the ambition to bring the global Church up to date did not extend as far as an “aggiornamento” of the priesthood. This should already have been clear, as the issue was never even on the agenda at Second Vatican Council. Any lingering doubts were put firmly to rest by Pope Paul VI in 1967, when he issued the encyclical Sacerdotalis caelibatus (Of the celibate priesthood). The clerical job description might have changed, but the requirements made of the men of God – celibacy amongst them – had not. And the Dutch bishops were still bogged down in their dilemma. To gain a better insight into the issue, in 1967 they commissioned the Franciscan sociologist Walter
Goddijn to oversee a survey of the Dutch clergy. The results of this exercise were made available in 1969, prior to the debate on the nature of the priestly office at the Pastoral Council in Noordwijkerhout the following January.182

Under Goddijn’s supervision, the Institute for Applied Sociology (Instituut voor Toegepaste Sociologie) in Nijmegen surveyed more than 7300 clergymen in the Netherlands. Of the respondents, 46 per cent were in favour of decoupling obligatory celibacy from the priestly office, whilst 68 per cent stated that it still had great personal significance for them as a meaningful state of life, chosen freely. For a majority, however, it no longer represented an appropriate distinguishing characteristic of the priesthood.183 Faced with these results, the bishops had to decide what to do next. Would celibacy retain any practical function at all if were no longer a precondition for priestly office?184 The love of celibacy must not remain platonic, nor must it be allowed to disappear as had happened in the Old Catholic Church after it decoupled in 1922. Even more important, though, was the thorny issue of how the Dutch Church was going to plead its case to the Vatican. Obviously, this would be an explosive proposition. But the deliberations in the Conference of Bishops show that they realized this and were not averse to conflict with Rome if they felt in all conscience that it was unavoidable.185

On 23 November 1969 the bishops gathered for an extraordinary meeting to discuss the issue of obligatory celibacy.186 Cardinal Alfrink laid three questions before them. First, they must rule on the ordination of married men. There was consensus around the table on this point, and it also appears to have had broad international support: in the previous year the Belgian cardinal Leo Suenens had spoken out publicly in favour. Secondly, the bishops must consider the option of offering future ordinands a choice, celibacy or non-celibacy. Alfrink had no objection to this, because he felt that it was a measure needed to recruit more young priests. But he also believed that the decision made upon ordination must be binding and irreversible, which implied that he was no great proponent of priests marrying. Alfrink stated a priest should not be allowed to marry after ordination, meaning that his marital status was fixed for life at that point. Alfrink was backed in his call for free choice by the Bishop of Groningen, Bernhard Möller, claiming the support of his diocesan pastoral council. It was for the abolition of compulsory celibacy, with the mental health of the clergy as one of its reasons: “Arguments presented in favour were the altered experience of marriage – it is now seen less than in the past as a state of fellowship, and more as a state of personal self-becoming – and the psychological anguish commonly found in celibates.” Thirdly, there was the question of whether the bishops should allow priests who had committed themselves to celibacy upon their ordination to retain their office if they did later marry. This was something they were only prepared to accept under certain conditions.

The next item on the agenda was how and when the episcopate was going to inform the Vatican of its position. Monsignor E. of Breda took the lead: “The bishops should go to Rome to explain their policy and to say, ‘We consider this necessary for our Church. Are you with us?’ Should openness be lacking in Rome, the bishops can say, ‘Then we can no longer accept responsibility if our priests stop being celibate. We see no way to force it upon them.’”

This call from the bishops, no less, for celibacy to be decoupled from the priestly office marks a fundamental shift in thinking at the very highest level of the Dutch church. Möller’s contribution is particularly notable in that reveals a direct relationship between the “upgrading” of matrimony and the “downgrading” of celibacy. Since time immemorial, Catholicism had regarded a life of complete sexual abstinence as the utmost of virtues, with married life a poor second. In modern society the opposite applied, and that reversal was now starting to make itself felt even in Catholic circles. This tied in with the greater significance being attached to physicality and sexuality. Influenced in part by the modern social sciences, sexuality was emerging rapidly from the realm of taboo and – thanks not least to the leading lights in the world of mental health – becoming accepted as a full and integral aspect of the human condition. For Catholics that meant that sexuality was no longer synonymous
with sin and moral degeneracy. Catholic morality, so deeply rooted in such concepts, had been more and more openly criticized since the second half of the 1950s as single-mindedly obsessed by the sexual, and only in a purely repressive sense. 

4.4.2.3 Bishops in a difficult position

The pressure upon the Dutch episcopate grew during the meetings of the Pastoral Council (1968-1970). Some young priests renounced their vows of celibacy; not because they wanted to marry, but because they regarded the obligation as a means whereby the Church exercised power over them. More and more clergymen were unwilling to sit out further debate about decoupling. Requests for dispensation were circulated at the Conference of Bishops; in 1964 there had been just six, but by 1969 the number had risen exponentially to 205, with the dioceses of Den Bosch (58), Rotterdam (40) and Haarlem (40) leading the way. At the same time the number of ordinations was falling rapidly, to barely more than a hundred in 1969. Moreover, the figures for new seminarists held out little hope that the ever more acute shortage of priests would be solved any time soon. In 1950 some 673 men had started training for the priesthood, a figure which had caused concern at the time about the Church’s future ability to provide adequate pastoral care for its flock; in 1969 there were just a hundred enrolments. Amongst religious priests, increasing numbers of whom had been seconded to parochial duties since the Second World War, the situation was even worse.

Whilst the Dutch episcopate and the provincial superiors of religious orders and congregations, clerical and lay alike, could perceive structural reasons for both the exodus of existing priests and the lack of interest in the ordained or religious life from the younger generation, the authorities in Rome maintained that the explanation was personal and individual. “Defectors” had been unable to fulfil their vocation, it was said; they had lost their idealism and were not up to the demands of celibacy. The 1967 encyclical Sacerdotalis caelibatus echoed this rhetoric, as did a whole pile of Church documents dating back to the early 1950s; all insisted that the solution was better selection of candidates for the priesthood and religious life. Because decoupling celibacy from priestly office was simply not an option for the supreme leaders of the Church, any attempt to raise the issue was taken as a sign of faltering loyalty towards the ecclesiastical hierarchy.

Things reached a head for the Dutch bishops in January 1970, when the Pastoral Council, at its fifth and final session, voted “by an overwhelming majority” against “perpetuation of the obligation to celibacy and in favour of decoupling that discipline from priestly office”. On 13 January the bishops met to discuss the text they would publish to announce the outcome of the council’s deliberations. On 19 January, after consulting the superiors of the male religious orders and clerical congregations, they issued a statement to the press declaring that “their faith community would be served if, alongside the celibate priesthood, chosen in clear freedom in the Latin Church, the married priest were to be admitted; in that married men might be ordained as priests and in that, in special cases, priests who have entered into marriage might be restored to the exercise of office under certain conditions.”

The formulation of this communiqué indicates that the bishops realized that their call would not find universal favour amongst their own flock. They were also very well aware that “no one province could achieve this [decoupling] without consulting the Holy Father and the Universal Church”. Nevertheless, the newspaper De Volkskrant wrote of a courageous decision: “The word is out. The Dutch bishops have become the first national episcopate to state openly that they wish to accept married men as priests and that they are going to direct their policy accordingly.”

Rome was unimpressed, however, as the Apostolic Nuncio made clear to Alfrink in a meeting at the end of January. On Sunday 1 February 1970 the episcopate gathered at the archbishop’s palace in Utrecht, to be informed by him that “the Nuncio... [stands by] the curial position: celibacy is to be
maintained”.

Alfrink later had a secret meeting in Paris with Jean-Marie Villot, the Pope’s Cardinal Secretary of State, to try to convince him with statistics and forecasts that that the Netherlands faced such an acute shortage of priests that its episcopate was justified in its point of view. The archbishop had to wait until 5 July 1970 for an audience with Pope Paul VI himself, at which he was informed that the Dutch should raise their wishes at the next Synod of Bishops, in 1972.

At home, there was little choice but to throw in the towel. This was done in a letter of 11 August 1970 from the bishops to their priests. “In recent times,” they wrote, “we have noted that certain expectations have grown in a number of you, as expressed in conversations and exchanges of ideas. Expectations that the obligation to celibacy might be abolished within the foreseeable future, so that ordinands are no longer asked to adopt the celibate state of life and/or every ordained priest would, according to his own choice, be free to maintain that state or to marry. We should advise you that these expectations can find no reasonable basis in our declaration of 19 January last... The results of the discussions conducted in Rome are known to you from the communiqué of 30 July last. The Holy Father, who finds that in general he is supported in this by the bishops of the Church, sees it in all conscience as his duty to make no change to the order of celibacy as it has existed in the Church for so many centuries.”

4.4.3 The 1970s and ‘80s

The significant increase in the number of defections from the Church, and above all the publicity they were receiving, had been a source of embarrassment for its leaders since 1966. This was somewhat eased by Rome’s relatively relaxed attitude towards applications for laicization, the procedure whereby those wishing to leave the priesthood could be released from the obligation of celibacy and return to the ranks of the laity in accordance with canon law. That kept them in good standing, which was important for those who subsequently wished to marry in church. This forbearance would prevail until the end of the 1970s and the election of John Paul II, an energetic younger Pope greatly devoted to the dignity and value of celibacy as a pillar of the priestly state. Nonetheless, such applications consumed a great deal of administrative energy. The Catholic research institute Kaski calculated that the number of secular and religious priests fell from 13,570 in 1965 to 11,189 in 1974, a decline of 17.5 per cent in just ten years.

Church leaders concentrated their efforts to tackle this problem in two areas. The first was assisting priests and religious brothers with psychological or existential problems, an activity that had become institutionalized since the end of the 1960s. Some of this help targeted those with firm plans to defect, and some of it those unwilling or unable to take that life-changing step. The second was recruiting fresh blood to the ranks, which necessitated good selection processes. These two approaches roughly reflect two underlying currents amongst senior Church officials and superiors, which were not confined to the Netherlands. The institutionalized support was able to focus quite specifically upon the actual issues priests and brothers were wrestling with; issues exacerbated to some extent by the fact that that the process of ecclesiastical modernization – culminating in the celibacy debate – appeared to have stagnated. Meanwhile, the recruitment current regarded psychological testing as a valid tool in selecting the right candidates for the priesthood and religious life, and in deciding how they should be trained and where they should be deployed. This was an approach rooted in the long-standing practice of seeking expert advice on individual cases from mental health professionals.

4.4.3.1 The organization of support for priests and religious

Since 1967 support services for priests and religious brothers had been provided under the auspices of the Central advisory agency for priests and members of religious orders or congregations (Centraal Adviesbureau Priesters en Religieuzen, CAPER). This was established by the Dutch bishops, the
executive committee of the Association of Religious Priests in the Netherlands (Stichting Samenwerking Nederlandse Priester Religieuze, SNPR) and representatives of the Catholic National Centre for Mental Health Care (Katholiek Nationaal Bureau voor Geestelijke Gezondheidszorg, KNBGG) following a period of intensive consultations dating back to 1963. Until 1990 CAPER was funded jointly by the bishops and by the Conference of Religious in the Netherlands (Konferentie Nederlandse Religieuze, KNR) and its predecessors. Although it accepted requests for assistance from priests as well as religious brothers, the latter were very much in the majority. The subjects it dealt with included sexual abuse: CAPER was approached by both perpetrators and victims, as was its slimmed-down successor, the Social Pastoral Advice Bureau (Sociaal Pastoraal Advocatibureau, SPA).

CAPER sought to provide substantive and expert help to “clients” facing or undergoing an experiential crisis associated with their ecclesiastical office or religious life. Upon its establishment, it was explained in the press that such problems could lie in the working or living domain, either of which “can arouse serious tensions, that in some may be further stoked by the fact that they live in celibacy”. In reality, the situation at the time was closer to a general crisis of Church and faith in the modern world. CAPER offered assistance to those who had already left the priesthood or a religious community, to those considering it and to those who did not want to but could see no other way forward. This latter group was described to the press as suffering from a kind of mass disorientation, at work and in life, caused by the process of ecclesiastical modernization. “The intention is to stand by priests and religious in reaching as mature a decision as possible and in digesting the consequences of that decision.”

In the run-up to CAPER’s establishment, the bishops thought mainly in terms of problems of faith. These affected a wider group with unspecified psychological difficulties, which may have included priests and brothers responsible for the sexual abuse of minors. This attitude clarifies how the episcopate viewed and shaped its own responsibility in this matter. And that is almost impossible to consider separately from the international pressure within the Church for authorities to retain full sovereignty over their clerical subordinates, and above all not to surrender any part of that control to lay experts. Quite simply, the bishops refused to give up any power of care over their own priests. Actually, they distinguished between three types of support: spiritual, psychological and social. The first was most definitely their own responsibility. Indeed, at a meeting of the episcopate on 24 August 1965, Alfrink expressed his explicit objection to the plans suggested by the consultative group paving the way for the advisory agency. These, he said, leaned far too heavily towards the principles of mental health provision and not enough towards the interests of those really responsible for priests: the bishops.

The prelates’ attachment to their accountability for the new form of assistance, something they shared with the religious superiors, was in part a product of the so-called “secretum”: as a rule, what happened in the lives of priests and religious brothers was, by definition, confidential in nature. Preferably, therefore, any requests they made for help should be dealt with by experienced senior clergymen. Another factor mentioned was potential conflict between the notions of responsibility (on the part of bishops and superiors) and confidentiality (desirable from the perspective of the applicant priest): responsibility required appraisal, were the bishops not to be confronted with faits accomplis.

From the perspective of the mental health professionals, on the other hand, at least part of the intended range of support was simply beyond episcopal competence. The guarantee that the assistance provided would be sound “in psychohygienic terms” eventually came with the agreement that the KNBGG would nominate three members of the CAPER board, rather than the two originally envisaged. One of them was Nico Vendrik. He discovered at an early stage that the new agency’s ambition to become a central institution with a national profile was set to founder in the face of the territorial autonomy jealously guarded by the individual bishops. Instead, he compiled a ground plan for a regional approach: a list, broken down by province, of a total of 32 Catholic psychiatrists and
psychologists plus 41 pastoral confidants, most of them clerics. This was his attempt to reconcile a multiplicity of factors: CAPER’s multidisciplinary remit, the wide range of requests for assistance expected, the need to connect with the world of mental health and, last but not least, the freedom of ecclesiastical and religious leaders – and of clients themselves from the mid-1970s – to choose specific forms of assistance and providers. In all this, CAPER itself played an advisory and guiding role.

The first decade of the agency’s existence coincided with the peak in the clerical exodus from the Church. Because it provided help before, during and after this momentous step, CAPER soon gained a reputation as a “defection agency”. In the late 1970s it ran into a further storm when Bishop Jo Gijsen of Roermond claimed that its principal activity was providing priests and religious brothers with sexual advice. In 1980 and ‘81 its work was raised at the Conference of Bishops. From the ensuing discussion it is clear that several of the prelates had growing doubts about the way in which CAPER was operating outside the ecclesiastical framework. More specifically, they were concerned about its own view of its work. But the weapon they chose in an effort to gain greater control was financial. Late in 1981 the CAPER board was presented with three questions, including one about its vision for its own continuing existence. The bishops’ discussed this topic in the presence of their two appointees to the board, the vicar J. Martin and Professor Ferdinand de Grijs, who had also been involved in CAPER’s establishment. It was pointed out that the organization’s activities lay “in the no man’s land between the forum externum [public sphere] and the forum internum [domain of the conscience]” and so were not concerned solely with matters that could be regarded as personal and private. Gijsen then asked pointedly whether it “holds on principle to the line of the precepts and convictions of the Church, or do the staff of CAPER not have to do that?”. This evidently bothered Simonis, too, who now admitted that he had tried unsuccessfully “to refer priests who have succumbed to personal difficulties to wise priests in my diocese, but they preferred CAPER”. Nonetheless, the agency’s continued funding was assured because five of the bishops voted in favour of it.

The question of financing was back on the agenda in 1985. A majority again backed maintaining it, although this time – with the coadjutors included – there were more votes against. Finally, in 1990, CAPER was closed down. But about twenty orders and congregations, most of them clerical, decided to form a new, slimmed-down version. The arrangements for diocesan priests were unclear, although some of them found the support they needed “at the regional level, with the dean, in a year group. The number of competent spiritual mentors has clearly fallen. Some problems are dealt with by a personnel officer. Sometimes a person seeking help talks about his situation with too many people, and from no-one obtains a really good conversation or advice. For this reason, it is hugely important even now that there exist a widely known address to which people can be referred.”

4.4.3.2 CAPER and SPA help for perpetrators of sexual abuse

Since the 1970s the provision of support services to priests and religious brothers with “difficulties”, usually unspecified, had been shifting steadily from an intramural setting to an extramural one. The role played by ecclesiastical and religious superiors in organizing the assistance often changed as well, because their relationship with their subordinates had altered substantively. The old hierarchical command structure had made way for a more personal style of management. As a result, the privacy of the priests and brothers receiving help was better guaranteed than it had been in previous decades.

For the Commission of Enquiry, though, when dealing with the period from the 1970s onwards this has meant having to rely much more upon indirect observations concerning the role of independently practising psychotherapists, psychiatrists and psychologists consulted by perpetrators of sexual abuse. Some experts are known to have maintained close contacts with the leaders of religious orders and congregations whose members they were treating, although certainly not always
for sexual misconduct. But there was, it seems, almost no interaction with other therapists active in ecclesiastical and religious circles. Further research on this point would be desirable. As a rule, the subjects could choose their own therapist, even when treatment was imposed by the courts under the terms of a suspended sentence or conditional discharge for the indecent assault of a minor. The impression gained is that these choices were mainly influenced by the nature of the offence, but possibly also by the therapists’ experience with this particular category of patient and by the demands of their clerical or religious status.

Given these constraints, for the time being the Commission intends to present only its initial and provisional findings as derived from information about CAPER, which provided priests and members of religious orders or congregations needing psychological support with advice, supervision and therapy. That need might be the result of difficulty adapting to the new style of religious life, with individual responsibility playing a greater role, of trying to cope with a wish to defect or of adjusting after leaving the ecclesiastical community. Sexual and relationship problems in general, and pastoral relationships gone wrong as well as misconduct specifically, were amongst the reasons for seeking help. From time to time, workers at CAPER were approached by the perpetrators of outright sexual abuse.

In the early 1980s Sister Florentina van Calsteren, a psychologist working for CAPER, treated a member of the Brothers of Amsterdam (Congregation of Our Lady of the Seven Sorrows) whose conduct had led to complaints in the community. The subject worked at Harreveld, a reform school run by this lay congregation since the early twentieth century. By this time the staff lived separately from the pupils. The complaints against this particular brother concerned boys visiting his room. His colleagues knew him to be “queer”. The then superior-general, Dalmatius van Heel, responded by specifically forbidding him from having boys in his room, especially at night. Further measures followed after the Gooi Foundation for Youth and Family (Gooise Stichting voor Jeugd & Gezin), which referred pupils to Harreveld, protested in writing in the spring of 1982 about continuing nocturnal visits, alcohol consumption and evening fights and “romps”. This time the institution’s educational director banned the man from having any contact with boys there. In the same year, following a consultation with Van Calsteren, he was expelled from his living quarters. In 1983 he applied to the Bishop of Haarlem, the authority responsible for the Brothers of Amsterdam, to be discharged from his vows. In this he was supported by Brother Dalmatius, who stated that his conduct with boys posed a danger to both the Harreveld community and the congregation as a whole.

Also in 1983, Van Calsteren was succeeded by Sister Christa Schrama. Trained as a social worker, she had considerable professional experience in the Netherlands and abroad, including as a probation officer. Schrama worked for CAPER until 1990, but told the Commission of Enquiry that she had fewer dealings with perpetrators of sexual abuse during that period than subsequently at the SPA. That, it will be recalled, is the Social Pastoral Advice Bureau established in 1990 by the SNPR and its counterpart for male lay congregations, the SBCN (Samenwerking Nederlandse Broedercongregaties). The SPA was founded when it became clear that CAPER would not survive the withdrawal by the female lay congregations of their generous financial support, a move justified with the argument that sisters in need of mental health services could use public provision.

Schrama headed the SPA jointly with a Dr Toon Pfaff, a Franciscan priest. She was supported in this task by the psychoanalyst Harry Stroeken, at the time Professor of the Psychology of Religion at Leiden University. From first-hand experience, Schrama was able to inform the Commission of Enquiry that only a limited number of actual and potential perpetrators of sexual abuse made contact with the organization. The SPA dealt with some fifty clients a year, with the ratio of men to women about 2:5. But only a very few of them sought help as a result of inappropriate sexual behaviour with minors. In such cases Schrama consulted Stroeken and referred the subjects either
directly to him or, with his agreement, to therapists specializing in the treatment of abusers, such as the remedial educationalist Ruud Bullens, who was much in demand as an expert witness in indecent assault cases involving young victims.

During her time at CAPER, Schrama did once have to deal with a paedophile diocesan priest. But he ended his treatment unilaterally when she refused to accept his persistent argument that there was no harm in sexual relationships with minors. Based upon her practical experience, Schrama believes that paedophiles are always ultimately striving to achieve penetration of some kind, think that children derive pleasure from this and are convinced that society wants to deny them – perpetrator and victim – that gratification. However, most confine themselves to fantasizing about sexual acts with children and usually, out of fear as much as anything, refrain from actions that will cause them physical harm.

To illustrate how the service worked in practice, Schrama related the case of a religious priest convicted of the sexual assault of eighteen adolescents. She advised the provincial to offer his apologies to the victims’ parents. Whilst he was awaiting trial, she arranged for the perpetrator to stay at a monastery. Supporting him in court, and aided by her background in probation, she was able to discuss her client’s background with the judge and explain the situation at his congregation. After detention, rehabilitation and therapy under Bullens, the priest was able to find his feet again with Schrama’s help. Her efforts in this particular case, she says, were encouraged by her conviction that the man would not reoffend – something she claims to have developed a “sixth sense” for over the years. Never has a client she believed was reformed gone on to commit similar crimes again. When she was unable to convince a perpetrator to change his ways, she always referred him to another therapist – her own mentor, Stroeken, for example.

In organizing treatment, contact with the subject’s superior always played an important role. Personal privacy was not a major consideration in this respect, Schrama explained to the Commission, since the provincial or superior-general was already aware of the case. Indeed, in many cases it was he who had referred the person in question to CAPER or the SPA in the first place. Support from the superior was especially needed when a perpetrator refused to accept the gravity or consequences of his actions. Some did not understand that they had committed a crime, could not stay on at their workplace or could not return to a particular institution.

Asked about the role of celibacy in the sexual abuse of minors, Schrama told the Commission that her opinion, based upon her experience as a therapist, is that there is a relationship, but not generally one involving a direct causal link with sexual needs or paedophile tendencies. What celibacy can foster first and foremost, she explains, is intense loneliness. And not everyone was or is prepared for that. Those most affected tended to be men whose upbringing had not properly prepared them to make contacts outside their own immediate circle. For example, boys who had been attending minor seminary since the age of twelve and from there went straight on to major seminary. In all that time they had associated only with like-minded peers and superiors, in a strictly hierarchical, rather frigid living environment. A world in which only a highly-developed ego could guarantee survival. For lay brothers the route was not much different, although the educational standards were much lower throughout: first juvenate, then postulate, then novitiate and finally work, all within the congregation’s own monastery or institutions. Nowhere on this path did sexuality even exist. The culture of silence surrounding sexuality, never mind actual sexual activity, only added to the sometimes sexually charged atmosphere at religious houses, which on occasions needed to find an outlet.

From experience, Schrama knows how important it is that provincials co-operate with programmes of treatment. But that was not always something she could count upon. Some were steadfast in preferring a spiritual course of confession, prayer and penance. In her view, though, that did no more
than tackle the symptoms and it would be only a matter of time before the offender lapsed again. And she is as sceptical as she is critical about therapies tailored specifically to priests and religious brothers, as offered by some communities of religious priests in the United States. After attending such a programme for anything for up to six months, participants are given a report “that sometimes contains nothing at all, of course, but which the provincial can use to shield himself against me because it says that this man [the perpetrator] is fit to return to work”. In part, she believes, provincials and superior generals place too much confidence in this kind of programme because of the increasing shortage of priests. Over the past few decades they have been forced to prize what people they do have, so that they welcome any reassurance they can find.

4.4.3.3 Selection and assessment

Another way of reducing the exodus from the Church was take greater care in testing and selecting candidates for the priesthood and religious life. This applied equally at the point of admission, upon transfer to specific places of work or ministry and after rehabilitation following sexual offences. Church leaders have acknowledged the need for better selection since the 1950s, and its importance has been reiterated in numerous Vatican documents since. By the end of the 1960s, discussion around this issue focused upon tools for selecting and treating seminarists, as proposed by a group of psychiatrists and psychologists with a reputation as good Catholics.

It is an irony of history that one of them was Anna Terruwe, whose psychotherapy practice was condemned by the Holy Office in 1956. Despite this, the English translations of her work began to receive a warm reception in clerical circles in the United States from the early 1960s onwards. In an evaluation compiled at the invitation of the Synod of Bishops in Rome in 1970, she and the Dutch-American psychiatrist Conrad Baars (1919-1981) estimated from their experience treating priests, religious brothers and seminarists that 20-25 per cent of American clergy had serious psychiatric problems. And some 60-70 per cent of them, they reckoned, were suffering specifically from “psychosexual immaturity”. This was apparent because the men had broken their vow of celibacy and were now heterosexually or homosexually active. Baars, who had translated Terruwe’s publications into English, was the founder of the House of Affirmation at Whitinsville, Massachusetts. This was an international therapeutic centre for clergymen and religious brothers, amongst them – although this would only emerge much later – men who had sexually abused children. The facility was officially opened in 1974 by Cardinal Alfrink, who took the opportunity to highlight the direct link between it and the “modern psychological knowledge and experience of the Dutch psychiatrist Dr A. Terruwe of Nijmegen”.

Terruwe and Baars stood unambiguously on the side of the ecclesiastical hierarchy. A Catholic church without priests was unthinkable for them, and they had great confidence in the treatability of what they diagnosed as “mental immaturity”. Indeed, they believed themselves capable of turning the “clerical drop-out” away from an emotionally underdeveloped state of mind. Nor did they question celibacy per se, only the ability of individual men to lead their lives according to that precept. This was an approach that dovetailed seamlessly with Rome’s intransigence on the issue, maintaining that it remained the cornerstone of the priesthood as a fundamental organizational principle of the international Roman Catholic Church.

In the Netherlands, psychological testing was part of a wider trend towards the professionalization of priestly training and office. In the mid-1960s this saw the closure of the closed seminaries, both diocesan and for religious orders and clerical congregations. From now on candidates for the priesthood were expected to prepare for ordination by reading for a degree in Catholic Theology at a university or one of the new theological colleges. But that knife cut both ways, as these courses were also open to students who had no intention of becoming priests. Other reasons for dissolving the seminaries included saving money and finding a response to the rapid decline in candidacies for the
priesthood. Meanwhile, the increasing professionalization of the process was also seen at the diocesan level with the establishment there of assessment and admissions boards, which included expert laymen as well as clerics.

Not long after Jo Gijsen was enthroned as Bishop of Roermond, however, it became apparent that a countermovement was gearing up. The new prelate set up a traditional seminary at Rolduc, also opening it to aspirants from outside his jurisdiction. This was controversial, making it the subject of extensive discussion at the Conference of Bishops meetings in Groningen on 4-5 June 1973 and in Utrecht on 26 June. Candidates were free to enrol at the Rolduc community or "convictorium" (residential seminary with some extramural training), even if they were ultimately seeking ordination in another diocese. The outcome of the deliberations was an explicit acknowledgement by Gijsen that Rolduc was "not the exclusive path to the priesthood" and that "students who have not been accepted into that community" could also be ordained as priests in his diocese. Such aspirants would be considered on a case by case basis.

Other bishops would follow Gijsen’s example, some opening a fully-fledged seminary and some establishing a convictorium where those undergoing spiritual training could live together in a community of like-minded souls. Monsignor Jan ter Schure, Bishop of Den Bosch, inaugurated the Sint-Janscentrum there towards the end of 1987, and the Willibrordhuis in Vogelenzang opened its doors to Dutch and international aspirants in 1998, under the auspices of the Bishop Henny Bomers of Haarlem. This has since been incorporated into De Tiltenberg, an ecclesiastical training centre for priests, deacons and catechists. Until 2010, trainee priests from the archdiocese of Utrecht and the dioceses of Groningen and Rotterdam could attend the Ariënskonvikt in Utrecht, named after the priest who inspired the Catholic labour movement in the Netherlands, Alphons Ariëns. That was an initiative by Archbishop Johannes Willebrands, in 1979. Its actual founder, Vicar-General Piet Rentinck, tried to combine the benefits of an academic education with clerical training in a dedicated religious community, an approach which has produced two of today’s Dutch bishops. This convictorium featured modern forms of psychiatric examination and supervision, with a particular focus upon preparing for a life of celibacy. Its residents studied in the Faculty of Theology at Utrecht University, and until 2007 those training for the priesthood could also attend the theological faculties at Nijmegen and Tilburg. Two years after that possibility ceased, at the end of 2009, Bishop Wim Eijk closed the Ariënskonvikt. Finally and, specifically for late vocations, from 1983 there was a training centre for priests and deacons at Bovendonk, which had been the Diocese of Breda’s seminary until 1967.

With fewer and fewer prospective priests coming forward and natural wastage exacerbating the shortage of practising ones, the number of aspirants in training began to assume ideological and political overtones on top of the organizational challenges. Rome, after all, and in its wake a number of the Dutch bishops, was insistent that the eucharist be preserved as the most important of the sacraments and that it only be administered by men who had been ordained and hence, by definition, had committed themselves to a life of celibacy. Those willing to make this choice, and with it declare their allegiance to the official Vatican line on ecclesiastical organization and the priest’s central role in the hierarchy, could count upon considerable benevolence from the authorities in certain dioceses.

The acute shortage of priests also made both ecclesiastical and religious leaders more receptive to candidates who were not up to theological training to degree level. Psychological evaluation was not only one of the tools applied “at the gate”, but also when difficulties arose during the process of education and training. And when an aspirant or ordained priest committed inappropriate sexual acts with minors. Some examples of this, involving both secular and religious clergy, are described in detail in chapters 5 and 6.
4.4.4 The 1990s and beyond: sexual abuse in the picture

Over the decades, every Dutch bishop and superior had from time to time faced incidences of the sexual abuse of minors by priests or brothers under their authority. But the bishops regarded these as isolated cases and not as symptomatic of a problem requiring a systemic response. The individualized nature of the available support services fitted this picture perfectly. As the 1980s wore on, however, external factors started to appear that would eventually result in sexual abuse – of adults, too, but of minors above all – becoming an unavoidable topic of public debate and so force it onto the agenda of the Church leadership.

It was in the mid-1980s that cases of child sex abuse by Roman Catholic clergymen in the United States began to attract more and more attention. In 1987 the American bishops set up their first commission of inquiry, to be followed two years later by their Canadian colleagues. In the Netherlands, too, the first hesitant media coverage appeared at about this time. The Dutch Conference of Bishops first addressed the problem in 1989, prompted by a case which had come out into the open. A proposal for a single national abuse registration point was rejected, though, and the matter referred back to the individual bishops.\(^{225}\)

But by now the media tide had begun to turn. From the early 1990s both television and the newspapers were probing what Church jargon referred to as “sexual misconduct in pastoral relationships”. Whilst the initial focus was inappropriate behaviour between priests and adults, the first references to child molestation soon followed. Yet still the dominant picture was one of individual cases rather than a long-term structural phenomenon.

In September 1992 the Conference of Bishops discussed a short report by its secretary, the lawyer Th. Kalb, on “sexual misconduct in pastoral relationships”.\(^{226}\) This led to an announcement that victims or their confidants should contact their local bishop or the provincial of the order or congregation concerned. On 12 October 1993 the episcopate agreed “to hold further consultations at one of their forthcoming meetings concerning the issues related to sexual misconduct in pastoral relationships”. In other words, they would return to the topic once their officials had had a chance to study Kalb’s findings.\(^{227}\) This was the first step in the process which would lead ultimately, in 1995, to the establishment of the “help and justice” centre, *Hulp & Recht*, as described at length in Chapter 7.

At the same time, the mid-1990s, the Conference of Bishops embarked upon the difficult task of deciding whether or not it would be a good idea to establish a national code of conduct designed to prevent sexual misconduct in pastoral relationships. This proved a lengthy process, which eventually resulted in several dioceses drawing up their own codes unilaterally. One was Breda, which introduced its “Rules of conduct for pastoral workers in the Diocese of Breda” in 2001. Some also started carrying out background checks when priests under their authority applied for transfer to another episcopal jurisdiction.

Behind the scenes, meanwhile, opportunities to apply sanctions under canon law were being explored. A new version of the ecclesiastical legal code, the *Codex Iuris Canonici*, had entered force in 1983, although the Dutch translation was not completed until 1996. This included an important new provision not found in its predecessor: Canon 1395, paragraph 2, which read, “A cleric who has offended in other ways against the sixth commandment of the Decalogue, if the crime was committed by force, or by threats, or in public, or with a minor under the age of sixteen years, is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants.”\(^{228}\) The question of selection and admission was also raised, as was matter of relegation to the laity in certain circumstances. When the bishops made their June 1998 journey “ad limina apostolorum” to Rome, one of their visits was to the Congregation for Divine Worship and the Discipline of the Sacraments. Here they discussed the issue of dispensation for defecting priests with
the prefect, Cardinal Jorge Arturo Medina Estévez. According to the report of that meeting, regarding the “problem of priests who do not want or ask for dispensation, whilst it is known that they are living as a homosexual or paedophile: a text is ready that makes possible laicization ‘ex officio’ in such cases’.229

With that text, Rome gave the bishops a means to act. But it was one they would not make use of in subsequent years. Only recently has the Archbishop of Utrecht initiated the first procedure to apply it, against a persistent offender who has already been arrested on a number of occasions.

Throughout most of the 1990s and the first decade of the new century, Church leaders continued to view the sexual abuse of minors as a secondary problem compared with “misconduct in pastoral relationships” with adults. Not until the media storm of spring 2010 would it become clear to them that they had underestimated the scale of child sex abuse, with the full extent of its implications only now seeping through.

4.4.5 Some conclusions

The Dutch calls for the abolition of compulsory celibacy for priests ultimately came to nothing. Instead, they only encouraged the Holy See to bring this recalcitrant province to heel by appointing bishops unequivocally loyal to the official line. That saw the eucharist as the most important of the sacraments, only to be administered by men who had been ordained and hence, by definition, had committed themselves to a life of celibacy. That that state, like the vow of chastity taken by religious brothers, might be the cause of mental and physical problems was officially attributed to personal shortcomings on the part of individual churchmen and in no way seen as reflecting any structural problem with the organization of the Church or the people it employed. This made suspect all the knowledge built up over decades by ecclesiastical and religious leaders through their contacts with psychiatrists treating priests and brothers in need.

From 1967 that assistance was entrusted to CAPER, which in a sense kept it within the auspices of the Church whilst at the same time allowing it to draw heavily upon clinical practice and developments in mainstream mental health provision. This, however, was exactly what later drew criticism from those bishops known for their “Roman” orthodoxy. Then there was the custom of subjecting priests and aspirants with specific problems to examination and assessment by psychiatrists and psychologists. This had been attracting Vatican disapproval ever since the late 1950s, which the leaders of the Dutch Church were able to parry to a certain extent by choosing practitioners capable of standing the test of ecclesiastical critique. The Commission of Inquiry has determined that further research is needed to clarify the criteria applied to these therapists, most of whom were in private practice. It has also established that, in the 1970s and ’80s, Church leaders encountering such cases often referred them to new Catholic reflection and counselling centres in the Netherlands or abroad, many of them established by religious orders and clerical congregations. Whether these institutes were properly equipped to treat people who had sexually abused minors has to be called into doubt. But because this has proven to be a rather shadowy field not yet subjected to proper research, the Commission is unable to express a definitive opinion about it.

The so-called tripartite mechanism – prosecutor, psychiatrist and superior – as applied in criminal cases from the 1950s onwards, lost none of its validity in the three subsequent decades. What did change in the 1970s and ’80s, from the impressions gained by the Commission, was the position of the perpetrator. At one time he was in the middle of the triangle, unable to exert any meaningful influence over the process. But stricter legal provisions designed to protect the privacy of patients substantially strengthened his hand, particularly towards his own ecclesiastical or religious superior. In the area of potential conflict between the notions of responsibility (on the part of superiors) and
confidentiality (for the perpetrator), he gained a greater say over the direct contacts between his therapists and his superiors.

What remained constant throughout the decades was the individual approach to perpetrators and their problems. This was reinforced by clinical psychiatric treatment programmes. One thing which did change, though, was the concern accorded to perpetrators by the Church hierarchy. As later examples will show, in the 1950s – with hindsight, years of plenty when it came to clergy and aspirant numbers – ecclesiastical and religious leaders were quite prepared to dismiss from their ranks those who displayed inappropriate sexual tendencies or other aberrations. Not only did they threaten to do so, but on occasions they actually did. That was a luxury their successors in the 1980s and later could not afford. Quite apart from the acute shortage of priests, with hardly any new candidates in the pipeline, this was also due to the ideological overtones attached to any executive decision by the leadership of a diocese, order or congregation at a time of extreme internal polarization of the Church. The departure of any priest, voluntary or forced, brought with it a risk of losing face that the officers of the institute concerned would rather avoid.

Not until the early 1990s did the issue of “sexual misconduct in pastoral relationships” force its way onto the episcopal and religious agenda. This was largely the result of external pressure, but it did lead to the first policy measures, such as the establishment of Hulp & Recht. At first the main focus was inappropriate conduct with adults in the pastoral context; the issue, in part historical, of child sex abuse would not be acknowledged as a problem until much later, and again only under outside pressure.

The way in which victims have drawn public attention to this abuse since 2010 highlights the shortcomings in the self-regulatory approach sustained consistently by Church leaders throughout the period under investigation. This has always concentrated upon the perpetrators and the consequences of their inappropriate behaviour for their own church, religious community or institute. The victims and any long-term harm they may have suffered were considered only in passing, if at all.

4.5 Victims, violence and perpetrators: some observations

The Commission of Inquiry has conducted extensive research in the archives of dioceses, religious orders and congregations, the results of which have prompted it to consider three specific themes in turn. The first of these is the victims and their place in the official Church responses to sexual abuse. The second is the use of physical violence, whether or not directly associated with such abuse, since this is a topic mentioned in some of the reports as well as in interviews with victims. It will therefore be addressed here, even though it does not actually fall within the Commission’s terms of reference. Finally there are the perpetrators, about whom the archives contain enough information to draw some tentative conclusions about common factors in their backgrounds.

4.5.1 Consideration of victims

Due to the nature of the sources consulted, it is difficult to make definitive statements as to whether perpetrators gave any consideration to the impact of their actions upon victims. This is because most of the information they contain concerns official responses to sexual abuse as a phenomenon, and those responsible for it. Nonetheless, personal dossiers and correspondence between superiors and perpetrators in secularization files, letters and statements do reveal something of the sense of guilt felt by abusers towards their young victims. When considering such sources, however, it must be borne in mind that an expression of regret was a basic requirement made by superiors if they were to consider maintaining a perpetrator in his ecclesiastical or religious community. Statements to this
effect should perhaps be read in that light, then, rather than necessarily as a true articulation of personal feelings about what had happened.

A sincere sense of guilt towards victims does seem to pervade the handwritten “spiritual testament” of one priest in the diocese of Haarlem, though. Writing at the end of his life, in this he asks for forgiveness for all he has done wrong. According to the psychiatrist who treated him, another cleric in the same diocese was later burdened heavily by feelings of shame about his past. More often, however, perpetrators tried to trivialize or deny their conduct. One, for example, insisted upon describing the assaults he had committed as a loving relationship and refused to accept that they represented an abuse of either pastoral trust or clerical office. But he did regret having allowed pastoral care to “slide” into a “personal friendship”. A similar line of argument was proffered by a Brother of Charity, who also characterized years of abuse of a young girl at the boarding school Eikenburg as a loving relationship. Some perpetrators went even further, presenting themselves as the victims of the youngsters they had abused; they had been seduced, tricked into forgetting themselves and their vows. Others were keen to stress that the molestation began innocently, as a game or horseplay – precisely the kind of situation warned about in the guidelines of the 1950s and later by the criminologist Kempe, due to the risk that it could so easily descend into inappropriate behaviour.

As for official attitudes towards victims, the Commission of Inquiry has established that there was a hesitant introduction of policy addressing their interests from the 1990s onwards. This has accelerated since 2002. Every diocese now has a confidential contact person for victims, a direct effect of the establishment of Hulp & Recht. In 2002 the superior general of the Salesians of Don Bosco instructed that the congregation always seek to contact victims when cases of child abuse came to light. Up until then that had happened only sporadically in the Netherlands, and primarily in an effort to protect the institute’s reputation. In recent years arranged confrontations between abuser and victim have become a regular feature of the recovery process, and at most of these the perpetrator expresses regret. For the most part, official apologies and offers of financial compensation are a post-2000 phenomenon, but the Commission of Inquiry has been unable to build a clear picture of how often these occur or what form they take. However, it has identified a trend towards much stricter delineation of official responsibilities in respect of priests accused of abuse. The Diocese of Roermond, for example, has adopted the position that compensation must be recovered from the perpetrator himself; it refuses to accept any liability. Its argument is that parish priests are not employed by the diocese, which could not thus be held responsible for their actions. This standpoint is contestable, to say the least, and is indeed currently being challenged in the civil courts, where a victim of sexual abuse has lodged a claim against the diocese.

Before the 1990s, the picture was much more fragmented. Before going into this in more detail, the Commission of Inquiry should point out that, as a rule, there was hardly any interest in victims until the 1960s. Not just within the Church, but also amongst criminologists and psychiatrists, Catholic or otherwise. It was only at the end of the 1950s that the criminologist Willem Nagel developed what was at the time a pioneering vision of the victim’s role in the criminal justice process: his concept of “victimology”. In Catholic psychiatry, the first indication of an awareness of the harm suffered by children as a result of sexual abuse dates from 1945, when Dr Johannes Barnhoorn of the Heiloo hospital, in his evaluation of a curate from the diocese of Haarlem who had molested underage boys, wrote that “these things were so terrible for the future of those boys”. By 1952 the Utrecht psychiatrist Kees Trimbos was less veiled in describing the potential harm. On 15 November he addressed priests from the vicariate forane of Amsterdam on the subject of “Homosexuality and pastoral care”; the following year the text of this speech was reproduced in Nederlandse Katholieke Stemmen, regarded as the “house journal” of the clergy. Consistent with the prevailing wisdom of the time, Trimbos drew a distinction between innate or “constitutional” and “developed” homosexuality, with the latter arising during puberty “due to some or other cause”...
“To this category belongs, first of all, the tragic group of ‘ruined’ children. Children, that is, who even before puberty have been exposed to contact with homosexual adults and have had their psychosexual development (before and during puberty) distorted slowly but surely in a homosexual direction.”

Through contacts between therapists and Church leaders, perspectives of this kind did gradually penetrate the ecclesiastical establishment. The research findings, however, support the impression gained by the Commission of Inquiry that avoiding scandal and police involvement was – and remained – the principal motivation for officials to seek contact with victims and to try to reach an accommodation with them or their representatives. The research shows that they never took such initiatives spontaneously, only as a last resort when there was no other alternative. In many cases the catalyst was a complaint from parents, clergymen or other interested parties, not infrequently accompanied by a threat to take the matter to the police.

The social position and status of the complainant influenced the official response. And the Commission believes that young victims often realized that. In some cases complaints were withheld, even whilst the abuse was ongoing, because the victim had relatives employed by a Roman Catholic institution.

Those young victims who did raise the alarm were not always taken seriously, if submissions to the Commission of Inquiry are anything to do by. Or they were told to keep quiet. This was what happened in the case of a parish priest from the Tilburg area, who molested several young altar boys and was eventually convicted for the offences. There was no question of any counselling or support for victims. On other occasions youngsters making allegations were accused of being willing participants, or even of provoking the abuse themselves. And that kind of response was not dispelled by new ideas in education that began to gain ground from the 1950s, which placed a greater emphasis upon children and their potential.

The Commission of Inquiry believes that changes in educational perspectives contributed towards a growing uncertainty, amongst all concerned, about where boundaries should be drawn. This certainly applied at boarding schools, including the minor seminaries. A substantial proportion of the cases of abuse reported to the Commission concern the Franciscan schools at Venray, Megen and Katwijk. In 1957 the order began discussing the future of these institutions. Pupil numbers were falling and most did not go on enter the order, which made the schools expensive white elephants from its point of view. Given the complexity of the issue, the Franciscan’s provincial chapter commissioned the Hoogveld Institute in Nijmegen, a specialist in educational sociology research, to investigate whether and how the dire problems affecting the three schools could be resolved. The results were about as damning as those of a similar study of Jesuit boarding schools, as reported in Chapter 6. The fathers were concentrating far too much upon teaching and not enough upon child rearing in the broader sense, and they knew very little about the social world in which the boarders lived.

“It appears that most of the fathers recoil at the thought of approaching the youths in a more personal manner... there must be support on the part of the master, in the form of personal interest and encouragement, otherwise there is no longer any question of pedagogical relationship.”

Now that “personal interest and encouragement”, and even private talks with the boys, were part of the job description, it was more difficult to tell when that kind of attention crossed boundaries. The teacher-pupil relationship must not become “too intimate”, as the Hoogveld Institute did point out, but what constituted an excess of intimacy was not spelt out. That made it particularly difficult for the Franciscan fathers and brothers to challenge one another if they felt that things were going too
far – something they probably already had trouble doing, given their desire to maintain mutually harmonious relationships within their own quite closed community.

Problems recognizing inappropriate behaviour and responding properly to it help to explain why the inquiry has identified so few, if any, internal whistleblowers. One instance was found at the Brothers of Dongen (Brothers of Our Lady of Lourdes) in the 1930s – strictly speaking outside the period under investigation, but nonetheless illustrative of the embarrassment such revelations could cause. The case concerns a brother who applied to the Bishop of Breda to be released from his vows in 1941. Included with the request is a summary of his religious life and career, in which he describes how he once reported sexual contacts between an older and a younger inmate of an orphanage in Delft to its local superior. He responded angrily and expelled the young orphan, whom the informant insisted was the innocent party. Later he reported a second incident: the abuse of a boy by another brother. This time the informant was transferred, and in his new posting assigned to the kitchens rather than being appointed a housemaster, as he had been previously. Eventually, though, he was rehabilitated by the provincial, who also dismissed the perpetrator and transferred the local superior. Nonetheless, the whistleblower had now decided to leave the consecrated life because he felt that the superiors wherever he was posted regarded him with suspicion.237

Other applications for release indicate that it was not unusual for their confessors to put pressure on perpetrators to give up their vows. Whether was that was to spare potential future victims or more to protect the reputation of the religious state is usually impossible to ascertain from these sources. Even if the Church authorities failed to keep a complaint internal, and it was reported to the police or public prosecutor, that did nothing to strengthen the victim’s position. A pupil of the St Josephhuis, a Den Bosch children’s home operated by the Brothers of Dongen, was interviewed by police about rumours of sexual abuse by a particular brother. The alleged perpetrator was subsequently transferred, but neither the brothers nor the local children’s officers believed the boy. And a pupil at a school in Valkenswaard run by the same congregation was expelled after his parents had complained that a brother had made sexual advances towards him. They had at least accepted their son’s story – which was certainly not always the case – but that did not prevent the congregation from excluding the youngster, although again the brother in question was transferred. It then proved very difficult for the parents to find another school willing to take the boy. In the end, after the local mayor had intervened, a place was found at a state school.238

This last example highlights the key role parents could play in stopping abuse. Various reports state that inappropriate behaviour by religious brothers, fathers or priests ceased after parents complained to their superiors. This makes it all the more painful to read statements by victims who say that could not or dared not tell their parents, not to mention those in which they were told but chose to do nothing. The Commission of Inquiry has determined that children at boarding schools and residential homes were more vulnerable in this respect. The intensive daily contact with members of staff created more opportunities for misconduct to pass unnoticed, and the absence of parents was certainly an additional contributing factor. Moreover, parents were at a significant disadvantage when it came to judging the stories they heard from their children about the goings-on at boarding schools, homes and other residential institutions. Most had never seen beyond an interview room, the prefect’s office or a small section of the building to which they were admitted on open days. If their child said that he or she had been subjected to sexual advances, molestation or abuse, that limited perspective made it difficult for them to assess the situation properly. And when doing so they would often give the benefit of the doubt to the adults to whom they had entrusted the education or upbringing of their offspring and whose authority they were unwilling or unable to undermine.

Parents did not know what was really going on in their sons’ lives. That was one of these conclusions drawn by the Hoogveld Institute from its 1957 study of the three Franciscan boarding schools. It was
therefore up to the staff to stay in regular contact with parents.\textsuperscript{239} Archive research into the Jesuit schools has revealed that in 1953, following a specific abuse case, both the international and the provincial leadership realized that more than just the good name of the order was at stake. The matter also represented a serious breach of the trust placed in it by the parents of the victims.\textsuperscript{240}

As early as the 1960s, the media occasionally seem to have played a role in increasing parental pressure on the ecclesiastical authorities. A case in point is that of a girl who had been abused by a priest in the diocese of Roermond since the age of fifteen and a few years later fell pregnant by him. When her parents threatened prosecution, the Church made every effort to dissuade them. But the family persisted, encouraged by media coverage of their plight.\textsuperscript{241}

At day schools, the gap between the home and educational environments was much narrower. Parents saw their children every day, and usually knew much more about the situation at school and in the rest of their lives. Complaints to superiors or governors – including the local priest, who usually chaired the governing body – generally elicited a prompt response. In 1948 and ’49, for instance, the Brothers of Dongen suspended a member working at their local school in Geldrop on several occasions. This was done at the insistence of the parish priest, acting in one case at least upon a parental complaint. On the other hand, he also managed to persuade the parents to accept the brother in question remaining until Christmas – presumably because his departure then would not raise so many eyebrows.\textsuperscript{242}

Whether such parents felt supported in their more critical attitude by the increasing political and governmental concern about sexual misconduct, especially in schools, is not known. The Commission of Inquiry has found no evidence whatsoever of contact between Church officials and Catholic politicians that would suggest an acknowledgement of the interests of the children affected when considering how to deal with perpetrators of sexual abuse. In the 1950s Father Siegfried Stokman, a leading Catholic People’s Party (Katholieke Volkspartij, KVP) MP, did correspond with the superior general of the Brothers of Tilburg, Petrus Canisius, about efforts by a former brother to regain his teaching credentials. In his fight to be allowed back into the classroom, the man – who had been forced to leave the congregation for committing abuse in an educational setting – had approached both his one-time superior and the KVP parliamentary group. Stokman told Canisius that he was reticent about helping, “because the greatest interest of schoolchildren is also at stake”. The ex-brother had stated that his old superior was positive about his attempt, prompting Stokman to write to the superior, “I therefore take the liberty of asking you: in all conscience, do you consider it responsible to entrust our schoolchildren once again to the aforementioned Mr [x]?... The interests of our youth demand that we be certain within reason that a new appointment in education will bring about no new accidents.”\textsuperscript{243} The superior’s answer to the first question was no, which for Stokman made the situation clear: he would not back the man.

Thanks to the reports received from them, the Commission of Inquiry has substantially improved its insight into those complaints from victims which did not yet involve parents or guardians. The material found in the archives concentrates upon administrative considerations and refers to agreements reached. Little trace of any care for the victims has been uncovered. Evidently, they had no part to play in settling matters. Sometimes the official archives indicate that the agreements mentioned were accompanied by threats. In many cases the victim was told that his own salvation was at risk, a fate not be taken lightly by children receiving the deeply religious upbringing so typical of the Netherlands of the post-war years. In 1969 a twelve-year-old student at Don Rua, the Salesians of Don Bosco juvenate in ’s-Heerenberg, was told by the headmaster that he would be sent to prison if he could not prove his complaint of abuse to the police. On other occasions pupils of the same school were told to keep quiet, threatened, themselves accused of immoral behaviour or simply expelled.\textsuperscript{244}
4.5.2 Use of physical violence

Strictly speaking, investigation of the use of physical violence falls outside the Commission of Inquiry’s terms of the reference. However, reports to the Commission itself and to other bodies, such as Hulp & Recht, mention violence with some regularity as a form of inappropriate behaviour, both in isolation and in conjunction with sexual abuse. And archive research paints a similar picture. Most instances, but by no means all, concern educational institutions, especially residential ones. These can be divided broadly into boarding schools, with a focus upon classroom education, and children’s homes and suchlike establishments, which were intended more or less as surrogate family units, sometimes with a reformatory function.

Based upon this classification, the Commission of Inquiry has a number of observations to make about the physical abuse of minors at such facilities. But those concerning the reformatory institutes, especially, should be regarded as provisional only.

The Commission has determined that, for those congregations dedicated to the care and education of children, corporal punishment – the use of violence in an educational or childrearing situation – was regarded as highly inappropriate and humiliating from the late the 1940s onwards. The guidelines of institutes like the Brothers of Utrecht, of Maastricht and of Tilburg are clear about this. The Brothers of Charity banned “physical chastisement” at its institutions, such as Eikenburg, without the express permission of the superior. In his report to Minister of State Anna de Waal on teaching bans, the criminologist Gerrit Kempe utterly condemned any form of corporal punishment in schools. Even by the standards of the time, then, instances of such “disciplinary” measures being taken in the 1950s and ’60s by teachers and other staff acting “in loco parentis” (in lieu of parents), which are the known to the Commission from reports and archive research, would have been considered as inappropriate and even irresponsible.

The fact that guidelines needed to be issued, read on a regular basis and reiterated from time to time indicates that there was a clear need for them. And this is confirmed by archive research and reports received. The Commission of Inquiry would like to make two more general observations in this respect. One concerns the overall shift in the Dutch educational climate in the post-war years, the other the importance of physical suffering within monastic culture, which persisted until the mid-1960s.

On the first point, the guidelines prohibiting corporal punishment reflect a modernization of educational principles which took some time to filter down into the practical arena. This applies not only to schools and residential facilities, but also to the domestic environment, where physical discipline was certainly not unusual in the 1950s and ’60s. This took a wide range of forms, from a relatively gentle smack “to teach you a lesson”, through spanking to punishments that can only be described as violent.

As for the second point, until well into the 1960s the climate at Roman Catholic educational institutions led by religious brothers and sisters was largely dominated by a monastic mentality. This was characterized by a dualistic view of man and the world. Authority was God-given, and so unassailable. And suffering, both mental and physical, served as a means of sharing in Jesus’ work of redemption. Compared with the pain He had undergone on the cross to save mankind, our earthly discomforts were nothing. That was the message which had been drummed into the brothers and sisters, and they passed it on – explicitly or implicitly – to the youngsters in their care. Self-denial and worse, up to and including self-mortification, were a core part of the process of monastic formation until the middle of the decade. It gave brothers and sisters a means of excelling as religious paragons, whilst also providing them with affirmation of their own exalted status. These two factors came together in their view of power and their manner of exercising it within their institutions,
resulting in an internal climate which has been described by some former pupils and residents as loveless, hard and repressive, but by others as encouraging, enriching and affirmative thanks to the attention they received.\textsuperscript{248} From its investigations of a number of these schools and homes, the Commission of Inquiry has determined that their educational modernization and the loosening of monastic discipline did not occur simultaneously, with the latter only starting with some difficulty in the late 1960s. Up until then the monastic mentality remained an obstacle blocking actual modernization at some institutions, even though educational religious communities had been seriously committed to it through their guidelines since the late 1940s.

Paper can be patient, it seems. The ban on physical chastisement by the Brothers of Charity, for example, did not prevent the sometimes harsh treatment of youngsters living at establishments like Eikenburg and the Jonkerbosch boarding school for “mentally retarded” children. In their reports of sexual abuse, some former pupils also complain of being beaten, shouted at, denied food and literally left out in the cold for long periods. Only if such conduct caused problems outside institution – because children complained about it at home, for instance – did management step in. That was what led to the removal of two brothers from Eikenburg in 1956. The violence also had sexual overtones. Ex-pupils report that at least four brothers were aggressive and unpredictable; so scared were they, in fact, that they always tried to “stay on the right side” of these men, making them easy prey for sexual abuse.

Establishments with a reformatory function for boys aged 12-18 figure prominently in both the archive research and the reports received. These were generally more or less secure homes, sometimes housing children as wards of court. At Huize Beukenrode, an establishment run by the Brothers of Dongen for boys with psychiatric problems who were being prepared for work and foster families, one member of staff would beat inmates’ bare buttocks whilst masturbating. Former residents have also told the Commission of Inquiry that they were sometimes locked in the attic as punishment, but with certain brothers could escape this fate if they submitted to sexual abuse. Violence and maltreatment also occurred at the Roman Catholic Reformatory in Delft, which held wards of court and was also managed by the Brothers of Dongen. One brother went so far that he had to be transferred by order of a juvenile court.

The Commission of Inquiry has also found more institutionalized and excessive forms of violence, as at Huize St Jozef in Cadier en Keer, a reformatory operated by the clerical Congregation of the Sacred Heart of Jesus (Congrégation du Sacré-Coeur de Jésus, SCJ).\textsuperscript{249} Since, as previously stated, the Commission’s terms of reference do not officially extend to physical violence, it should be borne in mind that informants with backgrounds at similar institutions elsewhere may have excluded experiences involving violence from their reports. This could explain why those received about other establishments with a similar population, such as the Leo-Stichting community run by the Brothers of Utrecht, make considerably less frequent reference to physical violence. Another possible reason is that excessive physical discipline was indeed less common here, because more members of this educational congregation had trained as teachers and so were generally better equipped professionally for work of a reformatory nature.

It is the Commission’s impression that violence was an intrinsic part of life at institutions like Huize St Jozef. They can be characterized as hard and inhospitable. For all pupils, and even for some members of staff, existence there was a matter of survival, is the conclusion the Commission has reached from archive research and reports received. Survival not only in the face of physical violence from above, but also between inmates themselves. Some brothers could no longer draw the distinction between physical intervention to maintain order and outright assault. “When Brother B. wanted to ask you something,” one former pupil at Huize St Jozef told the Commission, “you first got a massive punch in your stomach and then he asked his question.” Aggression of this magnitude amplified the instinct for self-preservation, which was already well-developed in boys who were more or less permanently
estranged from their parents and home environments. Unlike pupils at boarding schools, who were in regular or even frequent contact with their families, many of these youngsters had only themselves to fall back on. If they were abused, they could not call upon parents or guardians to intervene.

The archive research has revealed that those charged with bringing up children in a reformatory setting had by no means always been properly prepared for the task. All reports received on this point refer to lay brothers, some of whom had had no training whatsoever in childrearing. It is known that a number had originally been recruited with a view to performing domestic chores, but were transferred to work with youngsters in the 1950s. Some were subsequently schooled for their new job, others were not. In many cases they were appointed as housemasters or similar, a role involving frequent direct contact with boys, but also one without very clear frameworks or guidelines – and above all entirely unsupervised.

That such men were entrusted with these tasks was down mainly to an often ill thought-out policy on the part of religious orders and congregations, which at the time were trying to justify their role in society by expanding their activities. With hindsight, it can be seen that this was irresponsible. Because they ultimately lacked the necessary manpower, internal redeployment was the only way to carry through these plans. Especially where no specific qualifications were required by law, brothers could to be put to work without proper training or even, in certain cases, the necessary intellectual abilities. Sometimes that worked, but sometimes it did not and sometimes the subjects buckled under the pressure and descended into inappropriate behaviour.

Moreover, these lay brothers were being assigned to work with growing boys who, for a wide range of sometimes very tragic reasons beyond their control, were already highly vulnerable. Some had previously suffered sexual abuse in other contexts. St Vincentius, an institution run by the Brothers of Amsterdam at Harreveld, housed boys placed there by the courts and child protection authorities. In mid-1950s, whilst the leaders of the congregation acknowledged the need for an urgent modernization of the educational principles applied here, its then superior general also asked Archbishop Alfrink to understand the complicated context and the nature of group it was dealing with. “The youth at Harreveld,” he wrote, “is a great danger to its own surroundings and also to the Brothers. This should be pointed out regularly. Most boys come to Harreveld because they have had a very defective or improper upbringing, with all consequences thereof.”

Nonetheless, Harreveld had a poor reputation with its referring bodies at the time. They therefore put pressure on the congregation to improve the brothers’ knowledge of the principles involved in bringing up children. One requirement was that they better understand growing boys and the physical and mental changes they were going through, their sexual development included. As described in more detail in Chapter 5, by 1956 it had become clear how serious the situation at Harreveld was. There was systematic sexual abuse of boys by brothers, fellow pupils and former ones, with alcohol involved. On occasions this was occurring in the garden and on the attached farm, in full view of local residents. That things were so out of hand was due to the fact that the local superior was an active participant in the abuse, and partly responsible for it.

Running homes like St Jozef and Harreveld had once been considered a charitable deed whereby religious brothers provided a service to the wider community. This was why they dedicated themselves to groups marginalized in society, or in danger of becoming so. It was a commitment they saw as part of their evangelical mission. But the way in which they executed that mission during the period investigated by the Commission of Inquiry clarifies why it sometimes took a huge toll on the physical and mental integrity of their pupils. Being sent to a home or reformatory had a stigmatizing effect, and once there they had to survive in a harsh living environment. The Commission acknowledges the impact of that stigma, which for a long time made it difficult for former residents
of establishments like Huize St Josef and Harrevelt to speak out about their childhood experiences, and may possibly have contributed to the vehemence found in the recent reports by some of them. In saying this, the Commission in no way wishes to deny the gravity of the information they have provided. Generally, what they report is more serious than accounts received about day and boarding schools, where serious physical violence appears to have been less commonplace.

4.5.3 Perpetrator backgrounds

Whether secular or religious, a proportion of the perpetrators of sexual abuse appear to have had problems in a variety of other areas as well. The most obvious are alcoholism, financial difficulties and the like. The combination of alcohol abuse and sexual abuse seems to have been particularly widespread amongst secular priests, most likely because there tended to be very little social control within the confines of the presbytery – especially if it was home to just one clergyman. The situation was very different in religious communities, where alcohol was certainly consumed but excessive drinking would probably be noticed. Church officials often complained that these perpetrators with multiple problems suffered from a general inability to observe the rules and instructions of their diocese or institute. Such comments, usually appearing as asides in letters or the minutes of meetings, shed light on the efforts sometimes required to exercise effective authority over these recalcitrant figures.

From the 1930s, some of these perpetrators underwent psychiatric diagnosis. Of the seculars amongst them, many had a behavioural disorder of some kind. In such cases, superiors found a sounding board and a touchstone in the doctors treating them. When asked, they would express an opinion as to whether the priest or brother was still fit for clerical duties, if and when he might be able to return to work and what he would be able to do. On occasions, psychiatrists unequivocally declared such patients unsuitable for pastoral work. Jacques van Baar, for example, medical director of Huize Padua in Boekel, once did this in the case of priest from the diocese of Roermond who had committed sexual abuse and was found to be insensitive, sadistically domineering and querulous.

During its archive research, the Commission of Inquiry found cases in which a sexual offender had himself been molested in his youth. Strikingly, when these perpetrators were religious priests or brothers that earlier abuse had often taken place after entering the order or congregation, during training and formation. Several secular priests in the dioceses of Haarlem, Roermond and Rotterdam are known to have been abused in their younger years. The Commission has encountered fewer cases of such “internal” abuse in educational congregations than at other lay communities.

Within the Brothers of Charity there are demonstrable traces of the “home-grown” abuse of juvenists, postulants and novices. In general, the victims were underage: juvenists were aged between twelve and fifteen. Under Canon law, a postulant had to be at least sixteen years old – still a minor in secular law. Admission to the novitiate usually followed at the age of seventeen or eighteen. Local and provincial superiors dealt very cautiously with such cases within their own training programmes, primarily out of concern that this kind of inappropriate behaviour would cause the youngster to leave. Their policy, in other words, was designed to keep victims in the congregation.

One such victim, who dared to raise the matter with the provincial of the Brothers of Charity, realized that there was a risk attached to this. The young brother wanted to leave the congregation, citing grounds of conscience. But in a meeting with the provincial, who subsequently reported the matter to the superior general in writing, he admitted that he had been sexually abused by fellow brothers during his “cures” at the psychiatric hospital Sint Servaas. The terms he used are hard to misconstrue: “There were brothers who carried on like beasts.” Moreover, the impression gained from the provincial’s description is that he was not the only victim at that institution. At another
posting, the young man was again beset by a fellow brother. “All this,” wrote the provincial, “has turned him so against the monastic life that he has asked to be discharged.”

Two similar cases from the Congregation of the Sacred Heart of Jesus indicate that officials there were rather more aware of the possibility that a victim might himself become a perpetrator. In one case a seminarist abandoned his training after being abused, out of fear that he would commit the same sin later in life. Most typical, though, was the warning issued by the provincial to a priest who been molested during his juvenate: that he ran the risk of becoming an abuser himself in the future.

The archive research also reveals some indication of a change in the nature of the religious intake. In the late 1940s and early 1950s, officials noted that more and more of the young men applying to them were suffering from psychological problems. These were usually referred to as “neuroses”, and some cases were referred to psychiatrists during the training period. This development ties in with the growing importance attached to mental healthcare in the Netherlands, in Catholic circles as much as anywhere else. It is a reflection, too, of the gradually improving understanding of the lingering psychological damage caused by the Second World War, which was affecting many different groups in many different ways, often invisibly but no less seriously for that.

Examples at the Brothers of Utrecht show that psychological problems of this kind were no barrier to admission. They were noted by assessors, but this had no repercussions unless their findings persuaded the aspirant himself not to enter the congregation. This indicates that, in order to fulfil their professional obligations across a variety of domains, religious communities were prepared to set the bar to entry fairly low. Even candidates about whom there were question marks psychologically were allowed to take Holy Orders. This unwritten policy was at odds with the selection guidelines emanating from Rome, which were unequivocal about psychological difficulties rooted in sexuality or expressed through sexual acts; novices, trainees or brothers who masturbated or engaged in any other form of sexual conduct were to be expelled without delay.

As with the Brothers of Utrecht, there was a similar flexibility when it came to so-called late vocations. Whilst these were few and far between in the 1950s, from the following decade the number of aspirants for whom ordination was a second choice in life grew steadily. Since the 1970s their number has been increasing rapidly, with the age at which the choice is made also becoming substantially higher. It is not unusual for these men to have a full life – literally – behind them, complete with marriage and children. This development has to be viewed in the context of the growing shortage of clergy; that has been tracked in detail since the 1960s, causing more and more concern within the ecclesiastical and religious hierarchies. The Commission of Inquiry mentions this factor here because it is a variable which helps to define the profile of a number of perpetrators who feature prominently in reports of abuse from the 1970s onwards.

4.5.3.1 Perpetrator numbers

Either directly or through intermediaries such as Hulp & Recht, a total of 2026 people have contacted the Commission of Inquiry. From their reports, at the beginning of 2011 a list of alleged perpetrators was compiled. This originally contained approximately 1400 names, but upon closer examination the Commission gained the impression that a number of individuals appeared more than once, under different names. Some of those given were quite unusual, which could easily give rise to spelling mistakes or other errors.

On 17 February 2011, after consulting the Conference of Bishops and the Conference of Religious, the Commission issued a call for perpetrators to make contact. At the time the chairman of the inquiry stated that he held a list of about a thousand names, although the actual number of perpetrators might be substantially higher or lower.
On 15 June 2011 the Commission submitted the names of alleged perpetrators at each Dutch diocese, order and congregation to the organizations concerned, asking if the individuals listed were known to them. The Commission further requested that they investigate whether the persons named were still members, had left or had died.

From the responses received, it is apparent that certain names provided by informants are not known to the diocese, order or congregation in question. In a number of cases it has been shown convincingly that two or more different names provided actually refer to one and the same person. The original discrepancies are attributable to misspellings and corruptions, especially of religious names. All the dioceses provided information, as did a total of 65 orders and congregations, including 18 female institutes. Two female congregations stated that the names supplied – three in all – were not enough to be able to answer the questions put. One female congregation has never replied; it was sent the name of a single alleged perpetrator. All told, the Commission has received no response in respect of 35 names submitted.

On the other hand, 769 names did elicit a response. Of these, 396 were of persons now dead; 21 of them had defected at some prior to their death. In 268 instances the identity of the individual could not be ascertained with any certainty, or it was unknown whether the subject was still alive. As of 3 October 2011, 105 of the persons named and identifiable were alive, with 14 of them no longer in the service of the Church.

From this, the Commission of Inquiry has concluded that approximately 800 of the reported names can be associated with identifiable diocesan clergy or members of religious orders or congregations. Of these, at least 105 are known to be alive today. How many of them still hold religious office is not clear. What has become apparent, though, is that certain institutes have relatively a high number of alleged perpetrators (five or more) still living.

The relevant bishops and superior generals are aware of the above information. The complaints committee of the new reporting centre for sexual abuse in the Roman Catholic Church is now prioritizing cases where the perpetrator is still alive.

4.6 Foreign perpetrators in the Netherlands

4.6.1 Introduction

The Church authorities in the Netherlands employed a variety of “solutions” to deal with secular priests and members of a religious order or congregation who caused problems with a sexual dimension. One option was to relocate them, either to a place right at the edge of the diocese, far removed from where they had caused a potential scandal, or to another part of the country altogether. Or they could be sent abroad. The Commission of Inquiry has found dozens of cases of enforced moves to Germany and Belgium, for instance, but also departures for more distant destinations: missionary postings in South America, Africa and Asia, as well as transfers to North America. Exact numbers are impossible to give, since the available documentation rarely mentions sexual abuse explicitly as the reason for the relocation. At best, a link can be surmised.

The Commission of Inquiry is therefore unable to make any reliable statements about the extent of redeployments abroad under these circumstances. But it can say that this was not a practice confined solely to the Netherlands. The international literature on sexual abuse within the Roman Catholic Church contains numerous references to the “disposal” of problem cases to another country, often in the context of bishops helping fellow bishops to deal with a troublesome individual. But those documents are not the only evidence to that effect.
In fact, the Commission of Inquiry has found a number of instances of foreign clerics responsible for sometimes serious sexual abuse of minors at home being banished to the Netherlands. Although not all are documented in detail in the archives, enough material has been found to produce a tentative analysis. These cases show how different ecclesiastical provinces and dioceses either assisted one another across national borders or simply tried to “pass on” troublemakers to one another.

At the same time, some of these examples reveal the role played by third parties in dealing with such arrivals – specifically, Dutch orders and congregations, Dutch government agencies and Dutch psychiatrists, whose opinions were sometimes decisive in determining the subject’s subsequent fate. Those cases provide an insight into the positions adopted by each party, how they communicated with one another and what difficulties could arise. They also help to further elucidate Roman Catholic attitudes towards the criminal law.

**4.6.2 Foreign perpetrators in the Netherlands: three cases**

What the three cases found during the archive research have in common is that they involve foreign perpetrators who were able to continue their careers in the Netherlands. But there are also substantial differences between them. In one case there is no doubt that the subject was trying to evade prosecution at home, the second is unclear on that point and the third concerns a convicted offender who came to the Netherlands after serving his sentence but then caused problems of the same kind here.

The most recent instance uncovered by the Commission of Inquiry is that of an Eastern European priest who applied to the Diocese of Rotterdam for a pastoral appointment in 2001. Given the shortage of clerics here and the subject’s positive references from his own bishop, his incardination seemed quite possible. The man was already working in a parish in the province of Zuid-Holland when it was discovered that he had made unwanted sexual advances towards children in his homeland. A Rotterdam pastor who happened to speak his mother tongue was visited by one of his compatriots, a rector, who knew the subject and related the story of his alleged offences and “escape” to the Netherlands.

In October 2002 the Diocese of Rotterdam contacted the bishop who had supplied the references to ask if the stories were true, but received no reply. By this time the church council in the parish where the man had been working had informed Bishop Van Luyn that he had been using the parish computer to visit child porn websites at night. The diocese now stepped in and instructed him to return home.

With no response forthcoming from the priest’s own bishop, a second letter was dispatched from Rotterdam a fortnight later. Incardination was now out of the question. And the diocese expressed its grave disappointment in the bishop’s failure to inform his Dutch confrere about the man’s background. “As the Roman authorities explicitly confirm,” it wrote, “we do one another a disservice when we export problems of this kind, or when we simply send away members of a particular presbytery who find themselves irrefutably in problems.” The Commission of Inquiry does not know the current location of the priest in question.

The second case concerns a Belgian priest from the Diocese of Liège, identified as BP1, who sexually abused 25 “little boys” at Hasselt, Belgium, in 1956 and 1957. From a family of “the most scrupulous” piety, his father was a commercial tree grower and also kept a chicken farm. BP1 had himself been abused by a priest as a child, and always felt attracted to boys. It was when engaged in youth work that he first succumbed to indecent acts. A later note in his file reads: “Was aware of the sinful
aspect, but not the criminal.” He regularly confessed to the molestations, but his confessor took no action.

The abuse came to light in April 1957, and BP1 was prosecuted. Sentenced to three years in prison plus forfeiture of his civil rights for five years, his subsequent early release prompted protests. His diocese wondered whether he was really “cured” and on 3 December 1958 wrote to the St Willibrordusstichting in Heiloo – the Dutch Roman Catholic psychiatric hospital which dealt with problems cases of many clerics and other leading Catholics in the 1950s and 1960s – to ask whether he could be treated there.

From this letter, we can ascertain why a Belgian see chose Heiloo. Liège had consulted the neighbouring Dutch Diocese of Roermond to ask what it did with priests like this. As the letter explains, the reply was that “such cases are normally sent to your psychiatric institution, where they are usually looked after by Dr Vaessen”. It went on to say that BP1 could be incardinated in Roermond if necessary, as long as the psychiatric hospital could guarantee that he would not reoffend.

Heiloo was willing to accept BP1. His medical records show that he was admitted on 20 January 1959 and discharged on 9 March 1959. On 16 February of that year medical director Dr J.P. de Smet wrote to the Diocese of Liège to say that he believed that PB1 had a genuine religious vocation and now deeply proscribed his own past acts with boys. He was very well aware of the harm he had done. Providing he found a good confidant and no young males were placed in his care, said De Smet, the risk of recidivism was low. BP1, after all, was a committed Catholic unburdened by compulsive sexual urges. De Smet recommended that he be given a second chance in pastoral work.

That chance came in Roermond, where – although not formally incardinated – BP1 received a temporary appointment as a curate. As a letter of 11 April 1961 from Vicar-General Van Odijk to De Smet reveals, however, in that capacity he was again “careless”. The diocese was only prepared to keep him on permanently if there were no further relapses, and therefore requested that BP1 attend a number of psychiatric consultations. De Smet later made agreements to that effect with him.

Diocesan information shows that BP1 was subsequently treated by psychiatrist Dr J.T.M. Dewez of Sittard, who concluded that the man was seriously disturbed. Vicar Van Odijk reported this diagnosis to the Bishop of Hasselt in 1968, requesting that they discuss the matter because it was not clear which diocese was responsible for BP1. The Bishop of Hasselt promised to talk with his counterpart in Liège. The outcome of this intervention cannot be ascertained from the files.

What is remarkable, given the above, is that BP1 was once again allowed to become curate of a parish in Limburg in 1969. Again, the records shed no light on the background to this decision. But here, too, he ran into problems of a sexual nature, albeit this time with adult women. After complaints were made to the police in 1975, it was the police who insisted that the diocese – now led by Bishop J.B.M Gijsen and Vicar A.M.A.H. Castermans – remove BP1. Under pressure from his episcopal superiors, he then applied successfully to Rome to be dispensed from his vows.

This case prompts a number of observations. By this time, referral to a psychiatrist was one of the options available to the ecclesiastical authorities when faced with problem cases. What is striking here, though, is that a troublesome subject like BP1 was given another chance – which resulted in a relapse – despite psychiatric reservations. The diocese only clamped down once the police forced its hand.

Another thing it makes clear is how bishops could help one another across national frontiers. Because of the publicity surrounding his previous conviction, the priest in question could no longer
work in his own diocese or anywhere in Belgium. Only in the Netherlands might he make a new start, providing he no longer posed any danger. Moreover, the assistance was mutual. A curate from South Limburg was sent to Heiloo by his diocese after sexually abusing altar boys. Apparently, the treatment he received there did not work because a few years later he transgressed again. At request of his confrere in Roermond, however, the Bishop of Hasselt was still willing to allow the man’s appointment as chaplain to a psychiatric institution at Munsterbilzen in Belgium.

From the BP1 case, we can also conclude that Belgium lacked an institution comparable with Heiloo. And that referring priestly perpetrators to Heiloo was standard practice in the Diocese of Roermond. Finally, this case has several points in common with another centring on a Belgian priest, described below. That, too, involves a diocese in Belgium turning to Dutch bishops and psychiatrists for help.

4.6.3 The case of Belgian priest BP2: introduction

The case which best combines the above elements, and so is described here in the greatest detail, is that of the deceased Belgian priest “BP2”, from the Diocese of Bruges. He came to the Netherlands in 1960, and in 1968 became the subject of an extradition procedure initiated by the Belgian Minister of Justice, A. Vrancx. His story was first brought to the attention of the Commission of Inquiry by Annelies van Heijst and Marjet Derks, who found vague references to it during the research for their book *Ex Caritate*, published in 2010. They kindly placed their research notes and other material at the Commission of Inquiry’s disposal. Because of its special mandate, the Commission of Inquiry had access to more archives than Van Heijst and Derks, and so was able to investigate the case in greater depth.

The Commission of Inquiry approached the Diocese of Bruges with a request to supply material related to BP2 from its archives, but was told that it no longer possesses any such records. However, it did provide some general information about him from its published yearbooks.

Bruges’ total lack of material concerning one of its own priests is in sharp contrast with the Commission of Inquiry’s experience of Dutch diocesan archives. They have at least retained personal records, and in some cases also specific files from their so-called Secret Archive (although this says nothing about the quality of the information found).

The BP2 case can be reconstructed by combining information from a variety of different sources. These include archive material from Dioceses of Haarlem and Breda, the Congregation of the Sacred Heart (Picpus Fathers), the Ministry of Justice and the former St Willibrordusstichting psychiatric hospital, now absorbed into the Mental Health Service for the northern region of the province of Noord Holland (GGZ Noord-Holland-Noord). Additional material was obtained from local and regional archives. A number of surviving Picpus Fathers were prepared to share their memories of BP2, and the Commission of Inquiry also submitted written questions on the case to the later Bishop of Breda, Monsignor H.C.A. Ernst, now retired. Replying on his behalf, the Diocese of Breda wrote, “Bishop Ernst stated that he has ‘absolutely no recollection’ of the Bruges priest [BP2], nor of sexual abuse. Also, he remembers no contact with the Bishop of Bruges on this matter.”

4.6.4 Conviction for sexual offence in 1957

Early in 1957, BP2 appeared before a court at Furnes, a small town in western Flanders, close to the French border. He was 31 and had been a priest for less than seven years. BP2 faced two sets of charges, one pertaining to the indecent assault of eighteen boys aged under sixteen in a nearby town — pupils of his at the local secondary school — and the other to similar offences with minors above the age of sixteen in another town. These were committed in his capacity as a teacher or spiritual leader. The incidents had taken place between the spring of 1954 and the autumn of 1956. The boys in the
first case were all born in 1939, 1940 or 1941, making them between thirteen and fifteen – almost sixteen – years old at the time.

BP2 was convicted on both counts and sentenced to prison terms of five years and 30 months respectively.\textsuperscript{262}

In its judgment, the Furnes court describes the offences in purely legal terms as “indecent acts with a minor of the same gender”, complete with a reference to the relevant statutes.\textsuperscript{263} What actually happened can only be gleaned from a “Statement of the facts” drawn up by Crown Prosecutor M. Dobbelaer on 29 November 1967, probably in preparation for the extradition request of the following year.

According to that account, BP2 took the boys to his room and enticed them into sexual acts with himself and with each other. It also states that, in the classroom, he “sought out or punished” pupils who refused to join him “until they eventually gave in”. Moreover, he encouraged boys to continue activities of this kind with one another, and sometimes with others, placing his room at their disposal and telling them that “there was nothing evil about it, in fact quite the contrary”.\textsuperscript{264}

4.6.5 Admission to Heiloo

BP2 had his sentence reduced several times and was eventually released on parole on 1 October 1959. By the end of the year, however, he was in trouble again. What exactly he had done this time is unclear from the available documentation, since the criminal case file has not been found. According to an official note in the 1968 extradition dossier, in November 1961 – the trial had been delayed until then – he was convicted of another sexual offence. During the appeal hearing on his extradition case in the Dutch Supreme Court, his counsel explained that in 1961 he had been acquitted on “insofar as the facts were illegal in both Belgium and the Netherlands, and convicted only for a fact that is illegal in Belgium but not in the Netherlands”.\textsuperscript{265}

This claim is confirmed by information from the St Willibrordusstichting psychiatric hospital’s file on BP2, which reveals that he was questioned by the Dutch authorities about the incident in February 1961. Based upon that interview, the district court in Alkmaar concluded that the conduct in question did not constitute an offence in the Netherlands. From correspondence between his psychiatrists and the court, it is apparent that this was a reference to homosexuality.\textsuperscript{266} Since homosexual acts between persons over the age of eighteen were not illegal in Belgium at the time – only in 1965, against the international trend of the period, did the country criminalize adult male homosexuality – it therefore seems reasonable to assume that BP2 had been convicted of homosexual acts with minors aged between sixteen (the Dutch age of consent) and eighteen. In other words, an offence of the same kind as the second of those for which he had been prosecuted in 1957.

BP2 later told the psychiatrist treating him that he was being blackmailed by two boys with whom he had had no sexual contact.\textsuperscript{267}

From the files, it is not clear whether BP2’s move to the Netherlands was a deliberate attempt to evade justice because he knew that a complaint against him had been or might soon be lodged with the Belgian police. It is equally possible that other reasons prompted his bishop to send him here for treatment, with the police only learning of the new accusations later. Nor have any indications been found that the Diocese of Bruges wanted to put its priest beyond the reach of Belgian justice. What is apparent, though, is that Bishop E.J. de Smedt maintained a very close interest in the fate of BP2, since he personally contacted the medical director of the St Willibrordusstichting to arrange his
admission. That took place on 21 November 1960. In this context, Belgian prosecutors would later refer to Heiloo as “a hiding place”.268

One interesting point in all this is that BP2’s trial in Bruges was not held until a year after he had been admitted to Heiloo. This may indicate that a police complaint was not lodged until somewhat later. The available documents do not state what exactly he was charged with, although there are oblique references to homosexual acts. On 6 November 1961 he was sentenced in absentia to two years in prison and fined 100 francs. And on 26 November, “on account of a new fact”, he was recalled to prison for breaching the terms of the parole granted on 30 September 1959. At that point he had served just three years and 23 days of his original total term of seven-and-a-half years.269

4.6.6 Treatment at Heiloo

According to a doctor’s report of 1968 about BP2, medical director De Smet was aware of the fact that, prior to his admission by the St Willibrordsstichting, he had been convicted of a sexual offence by “the court at Bruges” and subsequently released on parole. The erroneous reference to Bruges is probably inadvertent; BP2 had already been at Heiloo for a year when he was tried there. The file further states that BP2 came to Heiloo at the instigation of the Bishop of Bruges, Monsignor De Smedt. He stayed in touch with De Smet for some years after his priest’s admission, tracking the progress of his treatment and any problems arising. The diocese also covered the cost.

How or through whom De Smedt and De Smet know one another cannot be ascertained. Given the way in which the Diocese of Liège first came into contact with Heiloo, it is not inconceivable that advice was sought from ecclesiastical colleagues – perhaps in the neighbouring Diocese of Breda, with which Bruges is known to have had a close working relationship.

The files do not reveal much about the nature of BP2’s psychiatric failings. According to De Smet, he underwent long-term treatment in the form of an intensive programme of psychotherapy. After his discharge on 9 August 1962, responsibility for his aftercare was entrusted to Dr M.L.J Vaessen (1915-1970), De Smet’s deputy. Vaessen was a trained psychoanalyst who had been employed as a full-time psychotherapist at Heiloo since 1952.270

According to De Smet, BP2’s treatment under Vaessen and others was ongoing at the time of the request for his extradition in 1968. As a result of these efforts, the patient had eventually been “socially readapted” – although that had not been easy.

“It proved extremely difficult to bring about social readaptation, due to a persistent state of anxiety and persecution complex caused in part by a most unstable physical condition. Success was finally achieved to the extent that he [BP2] was able to find employment in his former profession as a teacher at a secondary school in Etten (Noord-Brabant).”271

4.6.7 From Heiloo to Bavel

De Smet’s suggestion that BP2 had been able to take up a teaching job as a result of his treatment at Heiloo – which was taken at face value by all the Dutch judicial authorities – was actually highly misleading. In fact, he not did arrive at Etten until 9 October 1966. And that was only after years of ups and downs, which De Smet had good reasons of his own not to mention. To start with, BP2 did not stay permanently at Heiloo until his move to Etten. On 5 May 1962 he left for the Congregation of the Sacred Hearts monastery at Bavel in the Diocese of Breda, which he already visited once the previous year. According to the monastic chronicle, he came to stay as a long-term guest.272 As mentioned above, he was not officially discharged from Heiloo until 9 August 1962.
The first steps in his transfer to Bavel had been taken as early as January of that year, although the files do not reveal who was behind this initiative. Nor is it clear whether the Diocese of Breda was aware of the move, or only the Picpus Fathers themselves. On 9 January the monastery chapter met to discuss BP2, who had let it be known that he did not wish to come “as a burden upon us” – in the financial sense, that is. The local superior explained that the father provincial was inclined to accept the request, not least because “he [BP2] can finance his own accommodation by extending our existing bungalow. He possesses enough furniture to equip the place himself.”

The monastery chapter had no objection to him coming, “but would like to see itself safeguarded should [BP2] relapse into illness. To that end, contact should be made with the diocese from which he comes. If he is to be admitted here, such contact shall be necessary anyway.” Presumably, the diocese being referred here is Bruges; as far as the fathers were concerned, it was and remained responsible for BP2. But first, the chapter decided, the father provincial or superior must talk to the doctor treating him. These points were raised again the next day, 10 January 1962, when BP2’s request to live at Bavel as a “paying guest” was one of the items on the agenda at a meeting of the provincial chapter. Neither the provincial nor the local superior saw any objection. “Mr [BP2] is able and willing to be of service to our House. His presence will entail no difficulties for the community in its relations [sic].” The father vice-provincial then enquired as to the “mood of the chapter”, which apparently had no objections either. Although, of course, the financial arrangements still had to be settled. On that matter, the vice-provincial would “obtain information from the doctor at Heiloo [presumably De Smet] and [BP2]’s Ordinary [Bishop De Smedt of Bruges].”

On 27 January 1962 the superior of Bavel visited Heiloo for a meeting with the doctor treating BP2. As the chronicle records, “The doctor and the bishop and Mr [BP2] all wish to see him come to us. There remains a difficulty to be overcome, however, and so it will be some time before he is able to move to Bavel.”

The files do not make it clear whether the superior knew what the “lack of clarity” in question was: the term might be another example of the veiled language often found by the Commission of Inquiry in archives discussing matters of sexual abuse, or it could be that the doctor simply did not elucidate. Nor do the documents provide any indication as to what the “difficulty” might be. The only thing which comes to mind as a possible explanation is complications arising out of the cancellation of BP2’s parole a few months earlier, following his conviction in absentia on 6 November 1961.

Arguing in favour of this reading of events is the fact that the stay in Bavel is kept unofficial. Psychiatrist De Smet made this clear in a letter of 20 June 1962 to the Bishop of Bruges, informing him that BP2 is still registered as a patient at Heiloo. This is to conceal the truth, that he has left the psychiatric hospital, from the Belgian authorities and so not prompt them to apply for his extradition. In the same vein, on 17 April 1963 Dr Vaessen – who was now responsible for BP2’s treatment – wrote to an unnamed rector that the extended registration at Heiloo had been “formal protection against the judicial authorities”.

With this in mind, it is understandable that De Smet is anything but complete in his description of BP2’s fortunes since coming to the Netherlands when writing his doctor’s statement of 31 January 1968 for the Alkmaar court. That implies that he stayed at Heiloo until moving to Etten, an interpretation which finds its way even into ministerial correspondence. Certainly, there is no indication that anyone at the ministry knew it not to be true.

The fear of Belgian interest which gave rise to the concealment of his stay in Bavel was very likely a product of the fact that in February 1961 – as mentioned earlier – BP2 had been questioned about the 1959 case by detectives and court officials in Alkmaar. At that time, according to his Heiloo file, the court saw no grounds for extradition because the matters in hand were not crimes in the
Netherlands. The context in which this decision was taken remains unclear, however, since it is evident from De Smet’s correspondence with Bishop De Smedt in Bruges that no extradition request had been made.

BP2’s mental state at the time of his move to Bavel is revealed in a report by Dr M.L.J. Vaessen dated 9 August 1962, officially noted as the day of his discharge from Heiloo. This states that he was being treated for serious rheumatic complaints, but continued to suffer psychologically as well. “From time to time,” Vaessen wrote, “he lives in a state of terror caused by an outstanding prosecution against him in Belgium (suspected of attempted recidivism of paedophile offences).”

4.6.8 From Bavel to Alkmaar

As well as their Provincialate, the monastery in Bavel also housed the offices of a number of family periodicals published by the Picpus Fathers. BP2 was put to work as an editorial secretary for such titles as Huwelijk en Gezin (“Marriage and Family”), which was widely circulated at the time. He lived in the wooden bungalow mentioned earlier, “a large, fine room, extended outwards for him adjacent to the administration office”, and also took part in certain community gatherings.

Later documents from the Diocese of Breda state that he was allocated a member of the Picpus Fathers, Father De Weijer SSCC, as confidant. His name would come up again some years later, when another suitable place had to be found for BP2.

According to a member of the congregation who knew him at this time, tensions arose between BP2 and one of the editors at Bavel. As a result, the “paying guest” stopped working for the publications. Witnesses say that the problems were purely work-related, a difference of opinion about editorial duties, and had nothing to do with sexual or other issues.

His return to Noord-Holland – Alkmaar is less than 10 kilometres from Heiloo – is not as easy to reconstruct as his excursion to Brabant. It must be assumed that various parties were involved, and they certainly included Bishop De Smedt and either De Smet or one of the other doctors treating BP2. Their role is apparent from correspondence in March 1964 between Bishop De Smedt and De Smet about his teaching appointment at the local Catholic girls’ school in Alkmaar. De Smet asked the bishop to restore the priest’s jurisdiction so that he could hear confessions – although one cannot help but wonder whether a request of this kind was within a psychiatrist’s remit. The bishop’s response is unknown.

The reference to the withdrawal of jurisdiction does at least show that the Diocese of Bruges had applied a firm disciplinary sanction. Such a measure is intended to temporarily deny a person the faculties of the priesthood, in this case presumably as a result of the prosecution. It limits his freedom to act as originally ordained, making it formally impossible to administer the sacraments or to exercise other powers reserved for a priest.

In Alkmaar, BP2 boarded for a while with a retired Catholic teacher and his wife. After a few months the husband died, which is probably why he then moved to the presbytery of the town’s St Laurentiuskerk. This address seems to fit into a pattern discernible throughout BP2’s time in the Netherlands: as far as can be ascertained, he always lived in places where some form of supervision was possible. Meanwhile, his health had deteriorated and in the course of 1965 he had to return to treatment. This time he was diagnosed with Bechterew’s disease, an inflammation of the spinal column.

4.6.9 From Alkmaar to Etten
Also in 1965, another problem arose. BP2 could not stay at the girl’s school where he was teaching – at least not according to his doctors, it is to be assumed – because it was to become mixed. In December of that year, we learn from diocesan documents, there were discussions about finding him a new workplace in the Diocese of Breda. Once again, contacts between doctors and church officials played a decisive role in reaching a solution to the problem. Why Breda specifically was involved on this occasion remains a mystery, but perhaps the explanation lies in its traditionally close relationship with neighbouring Bruges. There is also the fact that Bavel, where he had stayed before, was in the diocese.

The dialogue concerning a new position was conducted between Vicar-General Ernst in Breda and Dr Vaessen at Heiloo. The first opening they discussed was as deputy headmaster of St Anna in Oudenbosch, a boarding school run by the Franciscan Sisters of Saint Anna. In finding a suitable post, however, BP2’s fears and preferences played a major role. “The Reverend [BP2] would take fright in a normal appointment, meaning that a governing body would have to be informed and that the Department of E&S [Education and Science] might interfere.” In his report of a conversation with Dr Vaessen, Ernst stated that the psychiatrist considered that fear unfounded “because there is no requirement to extradite and because the fact that he has received psychiatric treatment should resolve any difficulties with E&S”. This statement reveals something of how psychiatry had gained in status and how the self-confidence of the psychiatrists in this case had grown accordingly.

According to Ernst, Dr Vaessen deemed BP2 “most suited for the upper forms of a secondary school, and has no objection to a mixed school subject to the condition that he has a confidant in the area (in Breda that was Father De Weijer SSCC). Ernst has promised to check if there is a suitable position for him and, if so, that he will contact Dr Vaessen and the Reverend [BP2] about it before anything is decided.”

This situation provides an interesting insight into the communications between all involved in this case. At a diocesan policy meeting in Breda on 28 January 1966, new Vicar-General Theeuwes declared that he had heard “not exclusively favourable things about the reverend [BP2]” and would be asking the diocese’s chief inspector of schools, B. Backx for more details. Vicar-General Ernst then suggested that, once the inspector had reported back, he might talk to ex-confidant De Weijer or BP2 himself.

Backx went in search of information. One of those he approached was the Dean of Alkmaar, the highly respected Monsignor Jan Kraakman, who promised to put the details he had shared in writing. The minutes of the Breda diocesan policy meeting of 18 March 1966 reveal that the dean had portrayed BP2 as “a difficult man, who meddled in school affairs in his last position. Apart from that, no irregularity is known of in any area. The matter should be settled quickly.”

It did not take long for church officials in Breda to realize that that statement held no water whatsoever. Originally, though, it seemed that the Diocese of Haarlem’s chief inspector of schools, B.J. de Bot, had provided misleading information. In a letter received by Backx on 19 April 1966, he wrote that there had been complaints about BP2 during his time as a teacher at the Alkmaar girl’s school, to the effect that he talked far too much about sexuality during his religious education lessons. Also, his conduct towards the head and his fellow teachers was not easy to deal with. The heart of the matter, however, was contained in the following sentence:

“With the girl’s ULO [secondary school] in Alkmaar to be mixed (in other words, with boys to be admitted), on the basis of information received (my underlining, B.B.) it was thought better to give him notice of his dismissal.”
In plain language: BP2 should not be allowed to come into contact with underage boys.

Given this new information and the suspicion possibly aroused by De Bot, Breda measured its response. More people were to be consulted, as a letter from the diocese to L.P.T. Dijkstra (1928-1984) reveals. He had been a curate at the St Laurentiuskerk in Alkmaar since 14 August 1963, and so presumably was a housemate of BP2 when he was living at its presbytery. In reply, Curate Dijkstra wrote that BP2 was a good teacher but found it difficult to work with others. But he also insisted that, if at all possible, "we should help Mr [BP2]". Acting upon information of this kind, the Diocesan Policy Board in Breda decided that Vicar Theeuwes and Backx should draw up a list of vacancies with a view to determining where a suitable opening might be found for BP2.

At first, Vicar Theeuwes was sceptical about letting him return to teaching work. He needed to talk to BP2 himself. But the documentation indicates that, once he had done so, he slowly began to change his mind. Interestingly, in recording this process references are made to experiences with other similar cases in the diocese – yet the Commission of Inquiry has found almost no trace of these in its archives. "The objection," the vicar-general wrote, "against someone who has undergone the difficulties affecting the Reverend [BP2] returning to education (as a priest) can be put into perspective. This is not a unique case, not even in our diocese."

Anyone reading this has to wonder what assumption underlies the connection made between a limited perceived risk and the fact that this case was not unique. Was the vicar-general perhaps drawing upon his personal experience that the chances of a relapse were low?

Vicar Theeuwes next spoke with Sister Annette Verbeeten,292 mother superior of the Franciscan Sisters of Etten, and J.W.M. Rombouts, rector to the community.293 Shortly afterwards, in July 1966, both accepted Theeuwes’ proposal that BP2 succeed another cleric as a teacher at the girl’s secondary school attached to the Etten convent, ‘t Withof.294 He moved into rooms here on 4 October 1966, in the same building where Rombouts lived.295

It may be significant to this choice of location that Vicaris H.C.A. Ernst had been conrector to the nuns between 1943 and 1947, living on those same premises. In a later memoir, he would recall this period as like being “buried”. The rector kept an eagle eye on everything. “You could not take a step in that house without being watched. The rector was in close contact with the sisters in the key positions, the senior housekeeper and superintendent.”296

As a teacher, BP2 was popular with the girls. That is according to the book Ex caritate, which bases its lengthy account of his period at ‘t Withof upon interviews with sisters working there at the time, amongst other sources.297 But one of his fellow teachers appeared to be aware of his background. When that colleague said out loud in the staff room that the man belonged in prison, a shocked nun who had heard the comment went straight to the superior general Sister Annette. That elicited an unexpectedly furious response, however; both the superior general and the school’s headmistress knew all about BP2’s history, and the sister was ordered to keep quiet about it. Another nun, a tutor at the congregation’s nearby teacher training college which had been admitting male students for some years, was once asked by BP2 if she knew of any boys he could take away on holiday. She did not respond to the request.298

4.6.10 Request for extradition and flight from Etten

Less than eighteen months after BP2 arrived in Etten, on 5 January 1968, Belgian Minister of Justice A. Vrancx submitted a formal request to his Dutch opposite number, C.H.F. Polak, that he be extradited to serve the remainder of the prison sentence handed down in Furnes on 4 January 1957.299
The timing of this application, it would appear, was anything but coincidental. A new Dutch Extradition Act had received Royal Assent on 9 March 1967 and entered force on 11 December, less than a month earlier. This included provisions to enable more extraditions under the Benelux Treaty, which the Belgian judicial authorities quickly took advantage of. Shortly after the request was received, the public prosecutor in Breda – clearly, BP2’s whereabouts were known – was asked by The Hague to have him taken into custody.

He was still at ‘t Withof in Etten. On 2 January 1968, a week before the tried police to arrest him, he spent a night at the convent of the “Little Julianas” – the Congregation of the Sisters of Charity of Saint Juliana Falconieri – in Heiloo, close to the St Willibrordusstichting. He was there “for a visit to the doctor”. It seems that he then returned to Etten, only to leave the convent again in a hurry in the early morning of 9 January. The reason for his sudden departure: rector Rombouts had warned him that the Dutch police were looking for him. According to the source of this story, still a member of the Congregation of the Sacred Hearts, the rector had contacts who had tipped him off. Who they were can only be guessed at. But it is beyond dispute that Rombouts played a role in BP2’s flight from Etten. He admitted to the national police officers who arrived later in the day to pick up BP2 that they had driven together to Breda railway station that morning. There he had boarded a train towards Heiloo in order, Rombouts presumed, to seek readmission by the St Willibrordusstichting.

On his journey from Breda to Heiloo, BP2 was accompanied by a Picpus Father from the monastery at Bavel. The Belgian priest had become “totally distraught again” when he realized that the authorities in his homeland were looking for him.

Evidently, it was not thought sensible to allow him to travel alone. In a remarkable twist to this story, witnesses say that the officers then inspected BP2’s room and found the walls plastered with photographs of boys. That, however, is not mentioned in the official police report of the failed arrest attempt.

BP2’s arrival in Heiloo was confirmed shortly afterwards by national police there. Medical director De Smet had already been in contact with the head of the local public prosecutor’s office about his return. BP2 was finally arrested at the St Willibrordusstichting on 30 January 1968. On 5 February 1968, however, the examining magistrate in his case ruled that he could be released into the custody of the psychiatric hospital and stay at Heiloo rather than, as was would normally be the case, being held at a detention centre in Amsterdam. This decision was informed by a doctor’s report from De Smet. The district court in Alkmaar upheld the investigating judge’s ruling on 15 February 1968, formally releasing BP2 from detention on remand “subject to the condition that, until my [the district court judge’s] verdict on the request for extradition has been reached, he remain in the St Willibrordusstichting Psychiatric Centre at Heiloo”. The decisive factor here was BP2’s mental state, as described by his psychiatrists: “The doctors treating him consider detention inadvisable”.

The Belgian authorities, on the other hand, viewed BP2’s recent behaviour as a simply a continuation of his efforts over many years to evade punishment. “And all the more so,” they argued, “now that he has provided proof of that with his flight from Etten-Leur to his former hiding place, Heiloo.” From this we can discern that the Dutch and Belgian governments had rather different views, to say the least, concerning the role played by the psychiatrists (“Heiloo”) in this case.

The Alkmaar court delivered its verdict on 22 February 1968, declaring the extradition of BP2 permissible. A subsequent appeal to the Supreme Court in The Hague was dismissed on 22 May 1968. But that did not end the matter. Under the new Extradition Act, the district court also had to issue a so-called “declaration of advisability” counselling the Minister of Justice “as to the subsequent handling of the request for extradition”. In other words, a recommendation on whether or not to actually proceed with the extradition.
In its declaration on BP2, the Alkmaar court advised C.H.F. Polak not to extradite him, on the grounds cited in Article 10, paragraph 2, of the Extradition Act. That stated that extradition was not permissible in cases where, in the minister’s opinion, “the consequences thereof would be exceptionally severe for the requested person, due to their youth, old age or poor health”. In this case, the court ruled, the latter exception applied – a decision it based upon two submissions, one by Dr J.P. de Smet alone and the other by him and two fellow psychiatrists at the St Willibrudusstichting, his colleagues M.L.J. Vaessen and A.J.A.M. Wijffels.309

The first of these documents was the doctor’s report supplied by De Smet the day after BP2’s original arrest, which had already influenced the examining magistrate’s ruling of 5 February 1968: that he stay at Heiloo instead of being kept in detention. The second was consulted by the district court of Alkmaar at the time of its first hearing on 15 February 1968, which effectively upheld the original decision. Both were subsequently forwarded to the Ministry of Justice, where they would continue to play a central role in its handling of the case.

In his initial doctor’s report, De Smet referred to BP2’s earlier treatment and the aftercare he was still receiving. “It proved extremely difficult to bring about social readaptation, due to a persistent state of anxiety and persecution complex caused in part by a most unstable physical condition. Success was finally achieved to the extent that he [BP2] was able to find employment in his former profession as a teacher at a secondary school in Etten.”

De Smet went on to express his discontent with the fact that a warrant for the arrest of BP2 had been issued without prior consultation with the medical practitioner treating him, at the instigation of a Crown Prosecutor in Belgium and evidently with a view to securing his extradition. Both he, De Smet, and the practitioner in question, Dr M.L.J. Vaessen, were of the opinion that this action “will, at a stroke, undo the results of years of medical treatment. They also believe that a recurrence of his psychotic condition, possibly including a risk of suicide, is to be seriously feared.”

Out of “humanity and mutual respect”, but also bearing in mind that the patient no longer presented any danger to Belgian or Dutch society and “considering, too, that a clinical treatment plan is being thwarted in a catastrophic manner, without further consultation”, De Smet asked that his arguments be considered in all seriousness before reaching any decision.310

How he had come to the conclusion that BP2 posed no danger is unclear from either this document or the second one, also signed by his two colleagues. That does, however, spell out in even stronger terms the risks inherent in both the current situation and possible detention. Due to all the stress involved, the doctors claimed, BP2 had suffered a relapse which had left him in the same condition medically as when he first entered Heiloo. Being locked up again would be likely to induce a complete psychosis “necessitating years of treatment and nursing in a psychiatric institution”. Like the first statement, this second one highlighted the risk of suicide. Even in his present situation, BP2 required treatment; it would be irresponsible, the doctors concluded, to subject this patient to detention.311

It is interesting that the third signatory of this document is Dr A.J.A.M Wijffels. He would later succeed De Smet as medical director at Heiloo, but is best known today for his experiments with the castration of “moral delinquents”. This raises the question of whether the doctors’ certainty that BP2 no longer presented a danger to society means that he had been surgically or chemically castrated. However, no evidence of such a procedure has been found.

At the Ministry of Justice, the BP2 case was treated with great importance. But why this was is not really clear from the documentation. One possible explanation is that it would provide an early
practical test of the new Extradition Act. Whatever the case, it seems safe to conclude that this particular situation sparked major tensions between humanitarian considerations and purely legal ones. Internally, the ministry had concluded that the Benelux Treaty left with the Netherlands no legal grounds for refusing extradition. On the other side of the fence, though, the psychiatrists – backed by the Alkmaar court – continued to insist that handing BP2 over to the Belgians could well completely destroy him.

The situation was further complicated by the long-term absence from the ministry of a key civil servant and by “the burden [of work] on the department” of International Legal Co-operation. Behind the scenes, officials were well aware that the delay was embarrassing. At the end of October 1968, head of department J.R.M. Kuyper wrote to the Minister Polak, to say that he could easily imagine “that the Belgian authorities are slowly becoming irritated by the delays and obstacles arising on the Dutch side in cases of this kind”. Nor was the Belgian government alone in putting on the pressure to come to a quick decision. “Moreover,” Kuyper reveals, “the medical director at Heiloo has repeatedly pressed me to expedite [the case], because of the psychological state of BP2.”

Polak refrained from mentioning these internal departmental problems when he finally provided his counterpart in Brussels, Vrancx, with a written response to the request for extradition on 31 October 1968. This letter dropped the decision on BP2’s fate into the Belgian minister’s hands, and also tried to explain why the whole process had taken so long. In wording drafted by his officials after a round of consultations, Polak linked the procrastination to “the circumstance that, during and arising out of deliberation of the request for extradition by the District Court at Alkmaar, important information of a medical nature concerning BP2 become known, which in my opinion compels a carefully considered decision”.

In fact, the medical information being referred to by Polak had been available for many months. As well as the two doctor’s statements from Heiloo, both prepared back in February, it now included a report by the psychiatric adviser to the Ministry of Justice, Dr J.M. Scholten. After examining BP2, on 22 July 1968 – the date is not given in the letter to Vrancx – he had written that, “medically speaking, extradition [appears] contraindicated to me”. That is, he opposed it on medical grounds.

Polak avoids telling Vrancx that he has had this information for some considerable time. It is quite obviously being used as an excuse to conceal the real causes of the delay. The minister discusses the medical findings at some length, as well as the Alkmaar court’s recommendation – a statutory requirement – based upon them. He adds that he has also considered the fact that BP2 has not committed any offence since coming to the Netherlands in 1960 and reminds Vrancx that his request pertains to a sentence dating from 1957, more than a decade ago.

Another thing Polak fails to spell out was whether or not he intends to follow the Alkmaar court’s advice. But he does say that he is “minded to rule that, in this case, extradition would be exceptionally severe from a humanitarian point of view”. He would be pleased to learn what his colleague thought about this. Finally, he ends by noting that the medical director of the St Willibrordsstichting has let it be known that the uncertainty surrounding the extradition procedure has had an unfavourable effect upon the psychiatric treatment of BP2, now considered necessary and so resumed.

Vrancx replied on 6 December 1968. In a five-line letter, he informed Polak that the Belgian authorities would no longer be seeking the extradition of BP2. Officials in The Hague noted that, unusually, this notification came “without any commentary”.

As soon as the letter from Brussels arrived, Kuyper telephoned De Smet “in all haste” to let him know that extradition was off the table “and that [BP2] can now go and be where he wishes”. Formally, the case was wound up eleven days later, on 17 December 1968, by a letter from Polak informing the public prosecutor in Alkmaar that the request for extradition could now be regarded as lapsed.315

4.6.11 Back to Heiloo

As the extradition procedure dragged on, BP2 was actually discharged from Heiloo. Once again, he was given a temporary home at an institution where a watch could be kept on him and his doctors were close by. It was on 20 May 1968 that he left the St Willibrordusstichting psychiatric hospital on the very short journey to the convent of the “Little Julianas”, where he had already spent a night at the beginning of the year. As at Heiloo, the cost of his stay was met by the Diocese of Bruges.316 The members of his host congregation were told that the priest “cannot stay in [Etten], where he was a teacher, due to personal difficulties”. They were also given to believe that he would be with them indefinitely.317 However, his move was not reported to the municipal population register in Heiloo.318 The reason for failing to meet this legal requirement cannot be established.

As noted earlier, the Commission of Inquiry has been unable to ascertain with any certainty whether the Picpus Fathers in Bavel were aware of BP2’s background. But the “Little Julianas” almost certainly were not. This can be implied from a letter he wrote on 2 March 1969 to the doctor treating him, probably related to his request in January that he be allowed remain permanently at the convent. In this he said that the nuns were willing to let him stay, but that they wanted to know the cause of the judicial interest in him – which had clearly come to their attention. BP2 pressed his doctor not to provide any information. “That’s none of their business! They either rent out the room or they don’t, but beyond that they don’t stick their noses into my business and they don’t have to take or be given any responsibility!”319 The “Little Julianas”’ chapter, too, approached the doctor for advice.320

On its own initiative, the congregation also contacted Bishop Zwartkruis of Haarlem to enquire if their lodger could be appointed as a priest in the Diocese of Haarlem. From his reply of 31 December 1968 to superior general Sister Josephine Stumpel, it would seem that Zwartkruis had never heard of BP2 – or, presumably, his case – and so would find it difficult to consider him for any vacancy arising. “From what you have told me about him,” the bishop wrote, “there would be the added difficulty that I should want to know about his past before making him any offer.”321 The Diocese of Haarlem had certainly been involved in the case, at any rate in the spring of 1966. At the very least, those “in the know” were the diocesan inspector of schools, B.J. De Bot, and the Dean of Alkmaar, Jan Kraakman – a direct colleague of the then Dean of Haarlem, Monsignor Zwartkruis.

In theory, there are two explanations for this response from Zwartkruis, who had only recently been elevated to the episcopate, on 18 August 1966, following the unexpected death of his predecessor, Monsignor Dodewaard. One is that he really knew all about BP2, but “played dumb” to the “Little Julianas”. Possible evidence for this interpretation can be found in the fact that, when visiting Bishop Ernst in Breda just a month later, the two men discussed the matter. As Zwartkruis noted in his diary, Ernst turned out to be “fully aware of the case of [BP2], the priest from Ghent [sic] who would like to work in our diocese”. 322

Another, and rather more likely, option is that BP2 was indeed unknown to the bishop in December, but that that the request from the “Little Julianas” prompted him to make enquiries around the palace. If that is so, then this turn of events sheds some light on the extent to which a new bishop was informed about cases of this kind by, on this occasion, his diocesan staff. However, the Commission of Inquiry cannot state with any certainty which of these scenarios is the most probable.
What is clear is that Zwartkruis did not envisage BP2 filling any ecclesiastical post in his diocese. Nonetheless, he evidently did allow him the freedom to perform certain clerical functions within the convent. He led various liturgical observances for the nuns, for example, including Holy Week rites, and also presided at funerals and community masses. And he regularly saw relatives and other visitors from Belgium.323

The priest remained at the convent for a full five years, until 1972.

One final question remains. In a letter of 26 February 1971 to Bishop De Smedt of Bruges, A.J.A.M Wijffels reports that BP2 will be free to return to Belgium at the end of the year. The basis for this assertion is unclear, but it evidently was not certain. Months later, in July 1972, Wijffels contacted the district court in Alkmaar to ask whether BP2 should still fear extradition. The court replied in the negative, because homosexuality was not a criminal offence in the Netherlands.324 It is not certain why this question came up again now, since it appeared to have been answered definitely at the end of 1968. Nor is it clear what connection there is, if any, with Wijffels’ earlier letter to De Smedt about the priest’s possible repatriation.

In 1972, the documents reveal, the Diocese of Breda again tried to help BP2 find a job. Bishop Ernst was prepared to offer him a supervised placement at the Ignatius Hospital in Breda. Less than a week later, BP2 himself told his therapist, Wijffels, that he might have a chance to work at Breda’s diocesan museum.325 Strikingly, neither of these options was in education. The likely explanation for this is that, since the implementation of 1968 Secondary Education Act (Mammoetwet), mixed classes had become the norm. Apparently, association with underage boys was still regarded as a risk.

In the end, BP2 would not to move to Breda until 1974. Whether this is because he had finally found work there is unknown; at any rate, the files do not mention any appointment. For the first time, it seems, he lived on his own. He remained in Breda until January 1977, when he was made chaplain at a Belgian hospital – in the Diocese of Bruges – and so finally returned to his homeland. On 29 December of that year he sent a postcard to Wijffels about his move to Belgium and his new job. From this we can ascertain that the psychiatrists at Heiloo had had no part in them, and indeed that he had not been their patient for some time.

BP2 worked as a hospital chaplain until December 1989, when he was discharged in good standing and retired. He died a few years later, in Belgium in 1993.326

4.6.12 BP2: conclusions

It was the Diocese of Bruges which referred BP2, its priest, to the St Willibrordusstichting psychiatric hospital in Heiloo. Whether that was to put him beyond the reach of the Belgian authorities or due to a lack of suitable psychiatric facilities in his homeland is now impossible to tell. And in the light of the BP1 case involving the Diocese of Liège, there is also a third possible explanation for choosing treatment in the Netherlands: that it was hoped that he might later be able to work in this country, since any appointment in Belgium could cause an outcry. Moreover, the BP1 case shows that the Diocese of Roermond set great store by the opinion of the psychiatrists at Heiloo.

Not only did the Bishop of Bruges arrange treatment for BP2, but he also took disciplinary action by withdrawing his jurisdiction. The Commission of Inquiry has been unable to establish the full history of this measure, in part because of the apparent lack of information held about BP2 in his own diocese. At some point jurisdiction appears to have been restored, however, as BP2 was able to serve as a hospital chaplain in Belgium from 1977 onwards. The fact that he performed priestly duties
whilst staying with the “Little Julianas” may also indicate that he already had full clerical powers then.

By all appearances, the Dutch bishops and dioceses involved in this case – Breda and Haarlem – were not immediately notified of all its particulars by their colleagues in Bruges.

The flow of information between the various Dutch parties was also rather selective, and as far as we tell confined to the decision-making level. One of the two female religious congregations involved, the “Little Julianas”, seems never to have been fully informed about BP2’s background. Whether that also applied to the Sisters of Etten, and to superior general Sister Annette in particular, cannot be stated with any certainty.

The Diocese of Breda played a central role in dealings with BP2. Whether that it is due to its position as a neighbour of Bruges or down to BP2 himself maintaining an influential network across the two episcopal jurisdictions has been impossible for the Commission of Inquiry to ascertain.

Haarlem’s role is rather unclear. Certain diocesan officials certainly knew about the background to the case, but at first Bishop Zwartkruis apparently did not. And once apprised of the facts, he was unwilling to entrust BP2 with any ecclesiastical function.

Essential information usually reached church authorities – other than the Diocese of Haarlem, which appears not to have been informed – from the psychiatrists treating BP2. And they decided his fate in close consultation with those authorities. Sometimes, as in the case of the Picpus Fathers and the Diocese of Breda, advice was actively sought from the medical experts.

BP2 was dealt with primarily as a clinical case, with his doctors and their opinions decisive in determining the actions of both the church and official bodies like the judicial authorities.

On occasions, the medical practitioners at the St Willibrordusstichting deliberately concealed details of their patient’s whereabouts in order to throw the Belgian authorities off the scent. However, this conduct needs to be seen in context. The actions of these doctors reflect a fundamental principle in psychiatry, namely that therapists should not as a rule co-operate with criminal investigations. This is rooted in basic beliefs about the duty of care to the patient and professional confidentiality. In this case, moreover – as the ruling by the court in Alkmaar highlights – the investigation was into activities that were illegal in Belgium but not in the Netherlands. All in all, the Heiloo psychiatrists did not want to endanger what they saw as a successful programme of treatment. To what extent they did this with the express assent of the Dutch authorities, as one of the documents examined suggests, cannot be determined with any certainty from the information available.

The overall approach to BP2, as determined jointly by the psychiatrists and the church, appears to have been designed mainly to avoid opportunities for recidivism. This is particularly evident from the choice of homes and accommodation for him, always in places where some form of supervision was possible, as well as the selection of positions which kept his chances of associating with underage boys to a minimum.

There are no indications of reoffending. In that respect, his treatment and the other measures taken seem to have worked. On the other hand, there are the reported incidents from his time in Etten: his request to take a boy on holiday and the photographs found in his room.

There remains a lingering impression that BP2’s case was not a typical one, but had some kind of special status or background. This is not dispelled by the fact that the Diocese of Bruges has provided
no additional information about him. Consequently, it has been impossible to establish whether that explains how the case unfolded and why so many parties put such effort into it.
The Archdiocese of Utrecht

Utrecht is a major centre in the history of Christianity in the Netherlands. Its location and history lend a cachet to the Archdiocesan See, but that has no significance under canon law. Under canon law the Archbishop only has authority over his own diocese, although he is also the President of the Conference of Bishops of the Roman Catholic Church in the Netherlands. That the successive archbishops since the Second World War have occupied a notable place among the Catholic population and Dutch society as a whole has been due to the personal qualities of the office holders – manifested particularly in the fact that four of them led the Archdiocese as cardinals.

In 1945 Johannes de Jong was Archbishop of Utrecht, having taken up the office in 1935. During the German occupation he led the Dutch bishops in open resistance. He was appointed Cardinal by Pope Pius XII in 1945. In 1951, when he was in failing health as a result of the war, Monsignor Dr B.A. Alfrink was appointed Coadjutor-Archbishop (auxiliary bishop with the right of succession).

From then on Alfrink effectively ran the Archdiocese, taking over the Utrecht see in 1955, on the death of Cardinal De Jong. Five years later, in 1960, he was appointed Cardinal. He played a leading role in the proposed modernization of the Roman Catholic Church during the Second Vatican Council. He supervised the modernization process in the Netherlands, but met with opposition when the conservative prelates gained the upper hand under Pope Paul IV and the Church in the Netherlands was brought into line from 1970 onwards.

He was succeeded in 1975 by Johannes Willebrands, a priest in the Diocese of Haarlem who had by then been appointed President of the Vatican Secretariat for Christian Unity and Cardinal. He continued to serve in both offices until he was granted resignation by Pope John Paul II in 1983.

Dr A.J. Simonis, the then Bishop of Rotterdam, succeeded him, and was appointed Cardinal two years later. The new Archbishop was a priest from the Diocese of Rotterdam and met with lack of understanding from the priests in the Archdiocese, owing to both his external origins and his supposed conservatism: ‘He had a difficult start in Utrecht.’ Two decades later, in 2007, he resigned on account of age (75). Cardinal Simonis was succeeded by the Bishop of Groningen, Dr W.J. Eijk, in 2008.

5.2 Administrative culture: external factors

To understand the administrative culture in the Archdiocese of Utrecht we need to take certain external factors into account which do not have a direct influence on the administrative handling of sexual abuse but do form the backdrop. In 1945 the Archdiocese of Utrecht was geographically the largest diocese of the Roman Catholic Church in the Netherlands, comprising the provinces of Groningen, Friesland, Drenthe, Overijssel, Gelderland (up to the River Waal), Utrecht and Het Gooi (Noord-Holland). It was divided up in 1956: the new Bishop of Groningen governed the parishes in the provinces of Groningen, Friesland and Drenthe. The Archbishop managed those in Overijssel, Gelderland (up to the River Waal), eastern Flevoland and Utrecht (in other words the central Netherlands). Het Gooi was annexed to the Diocese of Haarlem.
The size of the Archdiocese is a factor that needs to be taken into account when examining administrative policy. The Catholic population of the northern provinces that belonged to the Archdiocese until 1956 was sparse. This meant that parish priests often ran one-man parishes and worked at relatively large distances from one another. This was far less the case in the other provinces in the Archdiocese. The Catholic centres there (Twente, Salland and the part of Gelderland known as the ‘Achterhoek’) had a culture of their own and as a result were miles away – not literally but subjectively – from the Archepiscopal See. The Kromme Rijn area in the Province of Utrecht also had its own administrative culture, even though it was not far geographically from the Diocese’s two seminaries and the administrative centre in Maliebaan, Utrecht.

There was a certain aversion to the one-man parishes. In some mission congregations the rule was that clergy should operate in teams of at least two or three, never alone. ‘This came close to the Dutch secular presbytery model, where the one-man parishes were not yet very numerous and for a man on his own only the local parish priest was within walking or cycling distance.’

Another external factor that needs to be taken into account when examining administrative policy is the position of the Archbishop in the Roman Catholic Church in the Netherlands. Cardinals Alfrink and Willebrands occupied administrative posts in Rome during the Second Vatican Council and thereafter, as a result of which they were not always fully available to govern the Utrecht see. Cardinal Simonis too devoted a lot of time to administrative work liaising between the Conference of Bishops in the Netherlands and the Holy See and sat on the supervisory boards of three Vatican congregations.

The third and last factor is the group culture of the Utrecht clergy: it was a collective consciousness that was cultivated by the minor seminary and is almost impossible to define. In popular parlance among the clergy the Utrecht Diocese was referred to as a ‘peasant’s diocese’ as against Haarlem, a ‘gentlemen’s diocese’. Solidarity was a positive factor in the 1970s, a period of differences of opinion within the Church: it was nurtured and felt, for example, in 1975 and 1983 when, contrary to expectation, a new Archbishop was appointed from outside the Diocese instead of a local candidate. The consequence was that both of them – Cardinal Willebrands and Cardinal Simonis – lacked the knowledge of their priests that would more or less have been taken for granted.

5.3 Personnel policy in the 1945-70 period

In the history of the administrative culture in the period from 1945 to 2010 there is good reason to set a dividing line in 1970: this applies in various areas, but especially in that of episcopal personnel policy, which was being professionalized and – in line with the Zeitgeist – democratized around that time. Previous policy had been dominated by the Archbishop, who had the last word, and both the sacral and clerical dimensions of his office meant that personal supervision and accountability tended to get neglected.

In the Archdiocese it was traditionally the Vicar-General who was responsible for personnel policy, especially appointments. He put forward candidates and maintained contacts. The Archbishop met his priests mainly when he was on his rounds, visiting the parishes to administer the sacrament of confirmation. Archbishop J. de Jong was known to take a personal interest in personnel policy, as according to his biographer, H.F.W. Aukes (1956), he was an ‘eminent expert’ when it came to judging people – in other words he had a highly personal manner of appointing priests (and promising posts). De Jong must also have remained in contact with problematic clergy, since – in the words of his biographer – ‘he knew that lives that had been mutilated out of all recognition
concealed great remains of love and self-annihilation for the sake of others. He continued to hold in his heart a few devastated vocations among those in his charge.'

The Vicar-General since 1930 had been Monsignor D. Huurdeman, who remained until his death on 28 August 1958. In 1947 Monsignor J.A. Geerdinck, a Doctor of Canon Law, was appointed alongside him. He had been the Archbishop’s first Secretary and to a large extent had drafted policy in the Second World War. His appointment had consequences for personnel policy. ‘Geerdinck’s doctorate was met with understandable reservations, if not indeed with hostility, both inside and outside the Utrecht See. The Cardinal was known as a pliable and lenient administrator, whereas Geerdinck was a hard-liner. The new Vicar-General’s vigour, according to another biographer, was ‘no luxury. Everyone who talked to the Cardinal felt that he was on his side, and in his benevolence De Jong would sometimes promise a coveted parish priesthood to two or three candidates at the same time – or he would leave someone in a post which they ought to have relinquished without delay. Even more necessary decisions would have been shelved if Geerdinck had not eventually insisted “Enough is enough”.’

When Alfrink accepted his bishopric in summer 1951, Geerdinck relinquished the post of Vicar-General, whereupon he was appointed Officialis, i.e. head of the diocesan ecclesiastical court. In that post he dealt not only with marriage proceedings but increasingly with requests for dispensation from priestly celibacy, which he had to draft for submission to the Roman Congregation of the Holy Office: ‘procedures that went against the grain for him every time, albeit he performed them meticulously, as he indeed did with all the tasks the Bishop presented to him.’ In 1955 C.J.A. Venings, Dean of Enschede, was appointed Vicar-General alongside Huurdeman, who had been responsible for finance and church-building for some time, in order to cater for this expanding portfolio. Venings died a year later, whereupon T.G.A. Hendriksen, parish priest of De Steeg and spiritual adviser to the Archdiocesan Farmers and Market Gardeners Union (ABTB), was appointed as his successor. He was not particularly enthusiastic about the appointment, but enjoyed the approval of the Utrecht clergy, being a ‘practical man’. Vicar-General Hendriksen was given responsibility for personnel matters, which he fulfilled ‘with a good measure of common sense, a telephone and a notebook’. For many priests in the Archdiocese he became a more important figure than the Bishop had ever been or would be; but he was also the bringer of bad tidings, a function delegated to him by the Bishop and traditionally that of the Vicar-General.

Appointment policy in the Archdiocese until 1970 was characterized by an improvisational approach (as had traditionally been the case). According to Alfrink’s biographer it was dealt with on Sunday evenings, when the president of the major seminary of Rijsenburg dropped in at Maliebaan to drink a glass of wine and run through the Vicar-General’s appointment lists with the Archbishop. Vicar-General Hendriksen at least improved the procedure somewhat by always organizing an interview with the appointee himself.

Cardinal Alfrink’s personal approach to administration also applied to other policy areas. Monsignor H.A. van Munster, Vicar-General from 1970, described his bishop’s modus operandi as follows: ‘And the personal approach, the personal tone, permeated every discussion. Incoming letters were placed beside the breakfast plate, where they were skimmed through. The notion that it would be a good idea to let various senior staff members look at the mail and collect comments from them encroached on the Cardinal’s personal domain, where everything had its place and time. Announcements, information, communication were all tarred with the same brush: they took place in more or less chance encounters, at the dinner table or with a cup of coffee. It took a lot of effort and guile to entice the Cardinal to institute regular weekly senior staff meetings, especially when he discovered that they involved such things as reports and lists of decisions and checking whether the decisions agreed the previous week had actually been carried out.’
5.4 Personnel policy from 1970

In 1970 the administrative structure of the Archdiocese was changed, with the appointment of Van Munster (a Franciscan and Rector of the School of Catholic Theology in Utrecht) and above all of Dr A.J. Vermeulen, a classicist and Rector of the minor seminary of Apeldoorn. Vermeulen found a trend towards the professionalization and – in line with the Zeitgeist – democratization of the episcopal administration, which he continued and expanded.

In 1968 an appointment policy committee had been set up, referred to by the Dutch initials BBC. Under the leadership of Vicar-General Vermeulen new life was breathed into it and it was professionalized, taking external advice on the nature of vacancies and the suitability of candidates. The BBC was required to give an opinion on all vacancies in the Archdiocese, for parishes served by both secular and religious clergy. For the latter an Advisory Committee on Admission to the Parish Priesthood (Dutch acronym ATP) was also set up in the Archdiocese in 1970: its purpose was to give an opinion on religious clergy wishing to work in diocesan pastoral care. If the verdict was positive the BBC then had to give its opinion on the appointment.

It is clear from the minutes of the meetings that the ATP did not discuss and scrutinize candidates in any great depth. The majority of the candidates discussed were members of a congregation that ran one or more parishes in the Archdiocese of Utrecht. The BBC was more effective: it discussed both the vacancies and the available candidates in detail. The practice of placing advertisements for vacancies, often in consultation with the local church councils, came into vogue. Often the BBC obtained information from one of its members, who interviewed the candidate first and submitted a memorandum setting out both the nature of the vacancy and the person of the priest to be appointed in somewhat more detail. In many cases candidates were mentioned or discussed several times at the meetings and a final appointment proposal was not adopted for some weeks or even months. In 1993 the BBC was incorporated in the new Diocesan Council, and from then on the personal aspects of appointment files were no longer brought so much to the fore.

Monsignor Vermeulen was succeeded in January 1989 by Monsignor Dr P.A.G. Rentinck, who had been asked in 1977 by Cardinal Willebrands to reorganize the training of priests in the Archdiocese. This resulted in the creation of the Ariënsklooster seminary, of which he was Rector until 1992. The administration of the Archdiocese was radically reorganized around 1990. It had a Diocesan Pastoral Council that met monthly, and an assembly of 23 Deans that used to meet three times a year with the Archbishop and his senior staff. The number of deanships was reduced to nine, subsequently to five. Full-time Deans were appointed and also assigned a number of pastoral workers whose job was to step up contacts with the pastors and parishes in their particular deanery.

The Deans sat on the Diocesan Council, which met for five hours every fortnight. In addition to the Archbishop, the Auxiliary Bishops, the Vicar-General and the Deans, the economist and three pastoral workers also sat on the Diocesan Council. The latter acted as Head of the Personnel and Pastoral Organization Unit, Director of Pastoral Services and the person responsible for relations with schools and care institutions respectively. For the first time a layperson, G.H.A. Kruis, was given responsibility for implementing personnel policy. The Diocesan Council, according to Vicar-General Rentinck, ‘dealt with all aspects of pastoral policy. When it came to important matters, Deans were also given plenty of time to discuss them with the rank and file. This meant that decision-making was collective, while leaving space for the Bishop to exercise his own responsibility. On resigning, Cardinal Simonis was therefore able to say that, thanks to the Diocesan Council, he had been able to function well as a bishop.’ The Diocesan Council did not deal with any personal matters, including any cases of sexual abuse.

5.5 The administrative handling of abuse
Research in the regular archives of the Archdiocese over the period from 1945 to the present day has revealed 45 cases of sexual abuse that came to light or were reported. Of these 45, 32 are plausible, based on examination of the personal files or other information. The majority took place during the pre-1970 period, a total of 31 cases, plausible or otherwise. Two-thirds of these cases were not reported until two decades later, in or after 1995, the year when sexual abuse in the Dutch Roman Catholic Church came under the spotlight.

Of the 45 cases, 35 involve secular priests or pastoral workers and ten religious clergy. The Public Prosecution Service has been involved in six of them in one way or another. A total of eleven priests or pastoral workers have been referred for psychotherapy or committed (temporarily or otherwise) to a psychiatric institution.

### Numbers of abuse cases (reported and/or proven)

<table>
<thead>
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<th>Category</th>
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<tr>
<td>Religious</td>
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</tr>
<tr>
<td>Acolytes</td>
<td>1</td>
</tr>
<tr>
<td>Deacons</td>
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</tr>
<tr>
<td>Total</td>
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### Period of abuse and reports

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<tbody>
<tr>
<td>Abuse before 1970</td>
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</tr>
<tr>
<td>Of which reported after 1970</td>
<td>20</td>
</tr>
<tr>
<td>Abuse after 1970</td>
<td>18*</td>
</tr>
<tr>
<td>Abuse proven so far</td>
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</table>
* in some cases in both periods

### Handling of offenders

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<th>Number</th>
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</thead>
<tbody>
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</tr>
<tr>
<td>Psychotherapy</td>
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</tr>
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### Sex of victims

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</tr>
<tr>
<td>Female</td>
<td>19</td>
</tr>
<tr>
<td>Unclear</td>
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* including one possession of pornography

### How discovered

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<td>Reported to <em>Hulp &amp; Recht</em></td>
<td>24</td>
</tr>
<tr>
<td>Archive research etc.*</td>
<td>21</td>
</tr>
</tbody>
</table>
* publicity, report to civil authorities

Two comments are called for on these figures. (a) The files in the archives do not contain specific descriptions of the sexual abuse, it is merely hinted at. This means that it is impossible to address the question of what actually happened and what effect it had on the victims. (b) The 45 cases do not include abuse identified in some regular congregations working in the Archdiocese: this is the case, for example, with the diocesan congregation of the Brothers of Utrecht. These were investigated separately.

The Commission of Inquiry also gained access to the Secret Archives of the Diocese, where it found one case not encountered elsewhere in the archives where there was alleged sexual abuse of at least two minors of both sexes. This involved a religious priest active within the Archdiocese (but not
incardinated there) who occupied a controversial position because of his opposition to Church modernization. This latter aspect probably made the case particularly sensitive. The Commission of Inquiry also found a few files referring to priests who had had sexual contacts, voluntary or otherwise, with adults. Two of these cases involved well-known priests, which is presumably why these files are in the Secret Archives.

Before 1995 cases of abuse that became known were usually dealt with by the Vicar-General, in this case either Geerdinck or Hendriksen. Information on such proceedings is very limited, as little if any administrative information on them is to be found in either of the diocesan archive collections, neither on the way they were handled nor on any interventions by the Archbishop.

A consequence of the relatively late discovery or disclosure of abuse cases is that the clergy in question were confronted with them when they were in retirement or about to retire, with the result that disciplinary measures were sometimes not taken.\(^{13}\)

In 1995 in the Archdiocese, according to Vicar-General Rentinck, ‘a policy developed of the Vicar-General handling the complaints and interviewing the persons concerned. All cases were however discussed with the Archbishop before and after.’\(^{14}\) Cardinal Simonis stated that there was no formal division of responsibilities between him and Rentinck. There was a good, confidential understanding between them. Every working day at nine o’clock sharp Rentinck dropped in and they discussed policy matters, confidential matters and so on. He was sure that Rentinck, who was a very high-minded, spiritual man, always kept him abreast of everything he needed to know about – with the probable exception of matters of conscience reported to the Vicar-General by priests in confidence or under the seal of confession, for example. Cardinal Simonis stressed he was sure that Rentinck never concealed anything he needed to know about.\(^{15}\)

The former Auxiliary Bishop, Monsignor Dr J.A. de Kok, a member of the Franciscan Order, confirmed this in an interview. In the Archdiocese any reports that existed were not dealt with by the senior staff unless they had already been reported in the media. Incoming reports went to the Bishop. The mail was discussed a few times a week and there was a senior staff meeting once a week. If the Bishop took the Vicar-General aside to his room after the mail meeting you knew there was something that was not for anyone else’s ears, but that could be all sorts of things. Reports of senior staff meetings were drawn up but they were generally very cursory.\(^{16}\)

The reports came into an institution with a pronounced esprit de corps, which means that they were initially dealt with in line with the traditional adjudication and correction system. The lead actors at the time have their own explanation for this. Cardinal Simonis argues that the Church had previously been regarded by most Catholics as a *Familia Dei*, a Family of God. ‘When something happened in the family it was kept amongst ourselves so as not to sully the family name. There was therefore a very strong “spiritual family culture”, especially in the orders or congregations, but also among the secular clergy. We avoided washing any dirty linen in public, with the result that bishops were often unaware of many things’, noted Cardinal Simonis.\(^{17}\)

Father Rentinck, who was Vicar-General until 2008, confirmed that it was mainly older cases that were reported in the initial years starting in 1995: ‘Victims kept quiet about it for years because they were not believed by their parents and relatives. When the victims finally came forward, many of them felt ashamed that this had happened to them and asked for it not to be made public. There was also concern about not publicly discrediting the offenders. Those who lodged complaints were given the option of reporting the offences to the civil authorities, but they declined to do so out of shame. As Vicar-General I was obliged [to let] my oath of secrecy take precedence over my duties as a citizen of the Dutch state. Another consideration was whether it was permissible to betray the trust of these people, whose trust in a priest had already been severely shaken.’\(^{18}\)
Asked how the abuse of minors in the Church could be dealt with, former Auxiliary Bishop and historian Monsignor Dr J.A. de Kok referred to ‘(...) a parent-son relationship. It is a question of the role of profession or admission to the diocesan clergy. An ordinand making his profession places his hands in those of the Superior, which really signifies a two-way relationship of trust. The person accepting the profession places himself more or less in the role of a father or mother. In the old days we used to refer to a Father Bishop or a Father Abbot or Mother Superior. A father-son relationship of this kind, however, causes the rod to be spared where an outsider would say that the rotten apple needs to be thrown out of the basket. On the admission of a Brother a duty of care towards him comes into being, as he has left behind all his worldly goods in order to follow his vocation. A secular priest keeps his property, but the situation is different for members of a religious order or congregation as they enter into community of property. The Superior’s foremost duty is to care for the Brothers.’

Asked whether victims are disadvantaged by the father-son relationship, Monsignor De Kok answered that this could happen. Many of the cases seemed to concern minors, who often did not dare to tell their parents because they would probably not be believed.

Lastly, a question concerning contacts between the Archdiocese and the Public Prosecution Service. The file of contacts with the judiciary listed in the catalogue as being kept in the Maliebaan archives has not been found. It is a fact, however, that the Archdiocese had contacts with the authorities in various court districts, certainly before 1956 and also afterwards. This means, for example, that the boundaries of the Diocese did not coincide with those of one or two court jurisdictions, and there was no question of a one-to-one relationship as was the case in the south of the Netherlands.

In summer 2010 the Congregation for the Doctrine of the Faith issued new guidelines on Church handling of cases or reports of sexual abuse, which the Archdiocese has subsequently applied. A canonical preliminary investigation into a paedophile priest was instituted in spring 2011, for example, and the findings were sent to the Vatican for adjudication. A similar preliminary investigation was also carried out in the case of Father U1, who was suspected of having had child pornography in his possession. The archbishop suspended him, initially citing ‘personal reasons’ as the grounds to the parishioners. When U1 was convicted by Utrecht District Court (he was given a community sentence) the suspension was upheld and the true reason made public.

5.6 Confessional practice

Clergy who are guilty of sexual abuse should confess this if they wish to continue to exercise their sacramal function (of celebrating the mass) in accordance with the ecclesiastical regulations. Confession of guilt in the confessional and any absolution and penance are subject to the rule of secrecy, so the function and outcome of the sacrament of confession as evidence of sexual abuse can only be analysed in very broad terms.

While being trained at the seminary, seminarists in the Archdiocese had a weekly duty to confess; there was no diocesan requirement for secular clergy, however. In an interview with the Commission of Inquiry Cardinal Simonis stated that confession used to take place weekly at the seminary, but after the Second Vatican Council the custom was to confess once a month. ‘It was not a requirement but a general rule. You were at liberty to choose your confessor. At the Ariënsskovnikt seminary the seminarists had a small number of priests in the moral tradition of the Church to choose from, as there were some fairly liberal priests at the time. Whether there were regulations I don’t know, but this was standard practice.’
It follows from this statement that the practice of frequent confession, which was taken for granted in the post-war period, became less important after the Second Vatican Council: in the words of Monsignor P.R. Bär it was no longer ‘urged’. There is also an indication of this in the correspondence of the Officialis, Geerdinck, who wrote to Cardinal Alfrink in 1970 that there was a great need for personal leadership among both the youngest and the older members of religious communities: ‘For many of them in the form of a discussion rather than a sacramental confession’.

On being asked about this, Cardinal Simonis noted the following in an earlier interview with the Commission of Inquiry. Incoming reports of sexual abuse went to the Vicar-General. The Cardinal ‘always proceeded from the assumption that Vermeulen, and later Rentinck, always told him everything he really needed to know about. Say a case of this kind arose – for which he did not have any specific evidence, however – and the Vicar-General was approached, matters of conscience would also be involved. Nor is it clear what role the seal of confession played. If something is said in the confessional it must not be divulged. All the confessor can do is tell the confessant that it should also be reported to the police, otherwise absolution will not be given. Whether this is permissible under canon law is difficult to say. Twenty years ago, however, it was virtually inconceivable that a priest taking a confession would tell a confessant he ought to go to the police. This was generally felt to be normal.

The Vatican department of the Sacra Penitentiaria Apostolica – which issues guidelines on absolution and penance in the confessional – gave a ruling on this secrecy-laden subject in 1984. It issued a Latin instruction on peccatum turpe, the ‘infamous sin’. This term refers to what is described in Canon 977 as absolution by a priest of an accomplice in a sin against the sixth commandment in the Decalogue (the Ten Commandments), ‘lust’. Any such absolution is invalid except in a case of mortal danger. Reference is made to Canon 1378, which states that a priest granting such absolution is ipso jure excommunicated. This excommunication is the sole province of the Holy See. The instruction in question was sent to the Archbishop of Utrecht by the Nuncio, the papal representative in The Hague, in a letter of 4 August 1984.

The Latin text includes a few arguments concerning the offence and the examination of such absolution. What is most important to the Church, as the Guardian of the Faithful, is firstly whether the scandal affects several people or only one. Also important is whether the priest is willing to cleanse his life of the offence, which in the true sense is a violation and abuse of the sacrament of confession. Then it is important to know whether this is a sporadic case that occurred in a more or less chance moment of spiritual crisis or temptation, or an extraordinary predicament the priest found himself in that has an external explanation; or a habit, a repeated case, hence a clear case of condescension, which is bad and deplorable.

It is also useful to know approximately how many times it happened (quoties) and to how many persons (quot) of which sex the absolution was granted. It is not uncommon for the person concerned to be a spiritual person, a married woman or a pupil at the seminary. Was the evil perpetrated as an infamy or adultery, and how much spiritual damage was done? It is also useful to know, lastly, whether the sinner has abandoned his evil ways (and when) or whether he has persisted in them. And whether he is active in pastoral care or is a religious or secular priest.

Instructions from the Penitentiaria should be interpreted in the context of the sacrament of confession, and under canon law they are covered by the seal of confession. It is impossible to determine from the archives how this was put into practice by the addressee, the Archbishop of Utrecht. In the interview with the Commission of Inquiry Cardinal Simonis stated that, while such legal instructions from the Vatican carried great weight in the practice of pastoral care, they did not attract his attention as a legal layman.
The document is interesting for two reasons. Evidently the issue of sexual abuse in and around confessional practice was considered in the international scope of the Penitentiaria. The 1984 instruction cannot have come out of the blue. On the other hand, the evidence that gave rise to it cannot be traced because of the seal of confession, or at least not in the Utrecht archives.

Another interesting point is the sequence of the considerations regarding penance. The first is the magnitude of the scandal and the risk to the faithful. The number of offences and the priest’s personal crisis or the obduracy of his sins are the second consideration, followed by the issue of accomplices, and lastly that of repentance.

5.7 The role of psychotherapy

The science of psychology, which found widespread application in the Netherlands particularly after the Second World War, was also used to treat offending priests in cases of sexual abuse. This was instigated by the Dutch Conference of Bishops. On 9 February 1954 the Officials, Geerdinck, wrote to the Coadjutor-Archbishop, Alfrink, that the Esteemed Bishops had posed the question of ‘where priestly patients who cannot continue practising because of sexual or other aberrations should be housed.’ The answer to this question, the institutionalization of psychotherapy for such priests throughout the Roman Catholic Church in the Netherlands, and the protracted debate on the subject are considered elsewhere. The creation of a special advisory bureau for secular and religious clergy, CAPER, in which initiative the priest of the Utrecht student parish, N.J. Vendrik, played a major role, is also discussed in a different context.

The Catholic Association for Mental Health, which had its headquarters in Utrecht, had a significant influence on public opinion and administrative policy in the Roman Catholic Church in the Netherlands in the 1950s and 1960s. This was due partly to the qualities of its successive directors and partly to the authority of such Catholic psychologists as Dr F.J.J. Buitendijk (a professor at the University of Utrecht) and the psychiatrist Dr C.J.B.J. Trimbos (Utrecht), who became a radio and television celebrity. In 1970 the Catholic National Bureau for Mental Health intervened in the rather intense debate on celibacy that was going on in the Pastoral Council. In a letter of 30 January 1970 – signed by Buitendijk (Chairman) and Dr A.J.H. Bartels (Secretary) – it argued in favour of allowing candidate priests to have freedom of choice between celibacy and marriage. The admission of married priests, said the authors, would offer fresh opportunities and prospects for a religious life.

The archdiocesan administration sometimes brought in Catholic psychiatrists when handling abuse cases, for example the Nijmegen Professor of Neurology and Psychiatry, Dr J. Prick, and the psychiatrists Hanrath (Antoniushoeve, Voorburg) and Havermans (Venray). Clergy were subsequently forced to undergo therapy sessions with these professionals. It is known that two priests were committed to the Sint Joseph Stichting psychiatric sanatorium in Apeldoorn.

Among the Catholic psychiatrists, the psychologist J.A.S. van Spaendonck occupied a special position. He had graduated in psychology from Nijmegen and had a practice in Deventer. Van Spaendonck was involved in the archdiocesan administration in two ways. Rentinck, who had been ordered in 1977 by Cardinal Willebrands to set up a new training course for priests, brought him into the new Ariënskonvikt seminary. He was involved in the admissions procedure, which meant that every candidate would have an interview with a psychologist or supervisor in which his future life as a celibate priest was discussed. They talked about the mental resilience and feelings about sexuality of the person who was ultimately expected to take a vow of celibacy. It was as a result of his recommendation that the Ariënskonvikt was reserved for celibate seminarists and not for pastoral workers, married or otherwise. The psychologist was also frequently asked for advice on priests or pastoral workers who had personal problems or where there were doubts as to their suitability. As the minutes of a BBC meeting pithily noted, ‘Van Spaendonck will deal with the difficult cases.’
The Commission of Inquiry has examined the files in the archdiocesan Officialate relating to the Church’s procedure for the laicization of priests, i.e. official discharge from the vow of celibacy. The vast majority of these proceedings relate to secular and religious priests who apparently wished to relinquish their celibacy while of sound mind. There is one case of a priest – a Redemptorist – that refers to a type of psychotherapy that was unusual at the time. While a child he had been abused by domestics in a barn on the family farm in Zeelandic Flanders. His family put severe moral pressure on him to enter the priesthood, whereas he really wanted to be a vet. His application for laicization is a sad story of obsessive–compulsive disorder and broken relationships with female parishioners. Abuse of under-age boys is not mentioned in the case.

His case is interesting, as he was treated at the Sint Willibrordusstichting psychiatric hospital in Heiloo, nota bene using psychoanalysis. This Freudian method had hitherto been rejected by the Roman Catholic Church. The Medical Governor, J.P. de Smet, and the psychiatrist, A.J.A.M. Wijffels, reported on his case in the proceedings for discharge.

On a completely different plane – the psychological education of priests in general – it is striking that a number of psychiatric institutions started offering ‘Residential Pastoral Education’ courses in 1969. This was a joint initiative of Protestant and Catholic centres (Heiloo, Nijmegen, Vught and Amersfoort) and two theological faculties (VU University Amsterdam and University of Groningen). These part-time courses were coordinated by a Council for Residential Pastoral Education. A covering letter in 1985 noted that ‘in their work pastors encounter people in life crises and serious difficulties’. They need to be trained to deal with this, to develop an awareness that ‘philosophical or religious development takes shape in [a] mental structure’. One of the course questions, which seem to be taken from clinical psychology, was: ‘To what extent can I, as a trainee, engage with the patient’s need for contact, need for affection?’

Dozens of Utrecht priests and pastoral workers must presumably have taken these courses. These facts and trends are a sign of the increasing importance attached to the science of psychology as an aid in spiritual counselling. Spiritual counselling became professionalized.

5.8 A generation of seminarians

In the period under consideration (1945-2010) major changes were made in the organization that trained priests in the Roman Catholic Church. During the first twenty years there were still seminaries of the kinds devised at the Council of Trent (1545-63), minor seminaries in the form of boarding schools for boys of secondary school age and major seminaries in the form of boarding schools for the study of philosophy (two years) and theology (four years). In the Archdiocese of Utrecht the minor seminary was in Apeldoorn; the major seminary was divided up into a school of philosophy in Dijnselburg and a school of theology in Rijsenburg.

This changed in 1967. The boarding schools were abolished, partly because of a decline in enrolments and particularly because ideas on suitable education had changed. Seminarists could now enrol at one of the Schools of Catholic Theology in Utrecht, Amsterdam, Tilburg or Heerlen. They received an academic education and were able to share their lives with other university students. In Utrecht the Archdiocese, in collaboration with the Franciscan Order, founded a School of Catholic Theology that was affiliated with the University of Utrecht and eventually incorporated in it.

Ten years later the value of this solution fell into doubt, in the Archdiocese and other dioceses, and it was decided to change the system. Cardinal Willebrands ordered Rentinck to examine how seminarists in Utrecht could be trained within their own fraternity and accommodated in an educational institution of their own (but without losing contact with the University). This resulted in
the foundation of a seminary named after the archdiocesan priest who had been at the inception of a Catholic labour movement, Alphons Ariëns. This seminary, which as we have seen used modern forms of psychological assessment and supervision, was abolished in 2010.

Two books of personal recollections of the seminaries in the Archdiocese of Utrecht have been published: H. Kroon, Pubers voor God. Het leven op een kleinseminarie in de jaren vijftig and J. ter Laak, Brave rebellen. Herinneringen aan de eerste studentenopstand in Nederland (1961). These books run on the same lines. Although the one on the minor seminary in Apeldoorn was published two years later, it is partly about students in the same years studying at the school of theology of the major seminary in Rijsenburg (following the school of philosophy in Dijnselburg) and trying to complete their priest’s training there. This is not the place to discuss the two books in detail, but we do refer to a few relevant conclusions and data.

The author of Brave rebellen, Ter Laak, was ordained priest by Cardinal Alfrink on 21 July 1963. Two years previously he and his fellow students at the Rijsenburg major seminary had rebelled against the regime of its then President and Officialis of the Archdiocese, Geerdinck. The result was that the President took early retirement, being succeeded by a theologian, Monsignor Prof. J.H.M. Fortmann. The rebels were not in fact removed from the seminary: Geerdinck regarded them as the best among the students, and would not have advised them against becoming priests. Ter Laak was one of them, along with H.A. Verbeek, who also became well-known for his protest.

The rebellion arose from dissatisfaction with the closed nature of the seminary, dissatisfaction which had previously been fuelled by various factors: the fresh ideas of theologians such as Küng and Schillebeeckx, which gained in authority and acceptance in the run-up to the Second Vatican Council; perusal in the seminary library of critical journals such as Te Elfder Ure and G3, the weekly magazine De Nieuwe Linie and the two official Catholic dailies at the time, de Volkskrant and De Tijd-Maasbode; and especially the publications and reports of the Catholic Central Association for Mental Health.

The students attempted to escape from the close confines of the boarding school by taking various initiatives. The seminarians sought contact with the Reformed theologians attached to the Kerk & Wereld (Church & World) organization and the De Horst social work college. They set up an association of their own, Vindicamus, with which they successfully applied for membership of the Union of Catholic Student Associations, which represented fellow believers and contemporaries in academia. In the Catholic organization Pax Christi they found an umbrella organization for ideas on and campaigns for peace and disarmament in the Cold War.

At the end of the 1950s Pax Christi organized French-style annual marches for final-year Catholic students. The seminarians took part, being taken out of the close confines of their boarding school and camping with male and female contemporaries for a few days. The event raised doubts among them on mandatory celibacy: ‘We still felt we had a vocation for the priesthood, but we were curious how long that priesthood would prove compatible with celibacy. Following their ordination it turned out to be only a few years for some of us.’

32 The attraction of the liturgical ceremonies in the life of the seminarians is remarkable. Thanks to the President, Monsignor Dr A.C. Ramselaar, these were carried out with great care at the minor seminary. ‘The festive celebration of First Vespers on the major feast days, which had a special atmosphere partly because of the approaching holiday, and the well-organized celebrations in Holy Week were particular highlights.’ The Apeldoorn tradition was continued in Dijnselburg and Rijsenburg, ‘except that we organized and conducted the liturgy ourselves to a large extent.’ 33 This aesthetic component of training has been mentioned elsewhere as a major attraction.
Pubers voor God, which describes life and work at the minor seminary in Apeldoorn in the 1950s, also has passages praising the celebration of the liturgy in the closed boarding school community. W. Frijhoff, for example, described ‘the whole ritual of Holy Week’ as being ‘a magnificent experience’ for him. The review by nineteen ex-seminarians reveals a host of aspects of education and life at a boarding school. The impression is mixed: a multi-faceted education, but also an ill-fated adaptation. The main criticisms of the boys’ boarding school were ‘the lack of affection – no warmth of home, no contact with girls – and the need to adapt to the demands of the institution. Personalities easily became trapped.’

Remarkably, this book, published in 2001, included a section on sexual abuse. Is it fair, author H. Kroon begins his discussion, ‘to use this term for practices in the 1950s? Priests at the time seeking contact of an erotic or sexually charged nature with boys may not have regarded it as sexual abuse. They realized it was wrong, but in those days they did not know what they were doing to the boys. Nor did their colleagues who were aware of it, or senior staff who ought to have removed such priests. Only in recent decades have we learned of the mental devastation that can be caused to children by what we nowadays term “sexual abuse”.

It struck H. Kroon that so little attention was paid to victims of sexual contacts in those days. ‘We too, as classmates, did not initially regard those boys as victims; above all we joked about those situations.’ With hindsight it is regarded as sexual abuse, and by using gentler terms we would not be fulfilling our obligations to those victims. An anonymous victim of sexual abuse at the minor seminary in Apeldoorn recounts: ‘I wanted to leave, but I couldn’t because of my great ideal of becoming a priest. I wanted to get away from my tormentor, from whom I haven’t heard a word all this time, despite the fact that for years I was a curate in a village adjacent to his parish. There I came into contact again with another former teacher who had interfered with me, and not a single word passed between us about that time.’

It was astonishing, notes the author, that the senior staff of the seminary took so long to remove teachers. Ramselaar, however, defended himself with the excuse that he had not known about it before. This is what he told a seminarian who drove him to the families of new students in the 1959 summer vacation: ‘They both realized to their amazement that what was virtually general knowledge among the students did not reach the higher echelons.’

5.9 The role of the Officialate

In the same years of seminarians trained as priests we find the names of those who applied to the Church for laicization in the 1964-79 period. Following in the footsteps of the Second Vatican Council, on 2 February 1964 new guidelines were issued by the Congregation for the Doctrine of the Faith under which the Ordinarius loci (bishop of the See) could prepare proceedings for priests wishing to be discharged from their vows of celibacy in the correct manner under canon law. In many cases they wished to do so because they were planning to be married in church. Dozens of proceedings were then instituted in the Officialate of the Archdiocese of Utrecht for priests – both secular and religious – wishing to relinquish their celibacy via the church door, as it were, rather than the back exit, and have a church wedding.

There is a case of a curate for whom the congregation refused dispensation in 1971, but this would seem to be an exception. The case was eventually resolved when the Bishops of Haarlem and Breda applied personally to the Pope.

There must have been a substantial influx of case documents in Rome. On 26 November 1973 the Pro-Nuncio in The Hague, Cardinal Felici, reported to Cardinal Alfrink that various bishops in the congregation had urged speedier handling of applications for dispensation from the obligations
under Holy Orders. The Prefect had undertaken to try to speed these up, albeit the Archdiocese had already completed those that it was dealing with.

This relaxation must have ended with the accession of Pope John Paul II, who announced the end of the celibacy debate in the Roman Catholic Church in an address on Holy Thursday 1979, from which year the dispensation procedure was made more difficult and the outcome less certain.

Priests who applied for dispensation before 1979 had to undergo an inquiry and interrogation by the Officialis of the Archdiocese. For many years this was Geerdinck, later the Francisican Van Bilzen. Witnesses were also put forward and interrogated: these could be colleagues from the presbytery as well as classmates from the seminary and sometimes worshippers from the parish. The answers shed an interesting light on the thoughts and feelings of a generation of priests who enrolled for holy office in the 1950s and 1960s.

The arguments for relinquishing celibacy were of a personal nature, of course, but nonetheless there are some features that point to a general trend among that generation of priests.

1 Priests no longer form a separate caste with their own authority, status and community life; they are of the people. The laity have an increasing say in church matters. Together with them the priests form God’s People. Priests therefore want more human contact; they no longer set themselves apart from the laity by their dress; they are on increasingly familiar terms with them; they take part in the life of the community and increasingly avoid typical priestly circles, which they regard as unnatural.

2 Substantial numbers of secular priests complain about the situation in the presbytery. A young curate is pushed into an existing community dominated by the parish priest and his housekeeper, where there is sometimes little warmth and a lot of authority.

3 The Dutch Pastoral Council voted almost unanimously on 7 January 1970 to remove the link between holy office and celibacy. This confirmed us in our hopes, so said a priest, that our choice would not mean we were unfaithful to the Church in the Netherlands. A religious priest reported that he wished to leave his post in France and move to the Netherlands in 1967, ‘because I thought the celibacy requirement would be changed sooner in the Netherlands’.

5.10 The role of Cardinal Simonis in dealing with sexual abuse of minors

5.10.1. Introduction

How did Cardinal Simonis fulfil his responsibility towards under-age victims, and what steps did he take in relation to those accused of abuse? These two questions are particularly relevant in the case of one of the episcopal authorities in the Roman Catholic Church in the Netherlands, who for 38 uninterrupted years as Bishop and Archbishop was a member and President of the Conference of Bishops. As a member of two Vatican congregations, the Pontifical Council for Promoting Christian Unity and President of the Conference of Bishops he was in contact with the Roman Curia.

In the television programme *Pauw en Witteman* on 23 March 2010 Cardinal Simonis made statements that elicited criticism and derision. Here is a literal transcript:

Paul Witteman: ‘What did you actually know about it?’
Cardinal Simonis: ‘It’s a very dangerous statement I’m making, as it’s very emotionally charged: *Wir haben es nicht gewußt.*’
Paul Witteman: ‘That certainly is charged.’
Cardinal Simonis: ‘It certainly is charged, but it’s true. Let me tell you: I was active as a bishop for 38 years. During those 38 years I recollect coming across about ten cases in this respect.’
Paul Witteman: ‘What do you mean by “coming across”, that you heard about it?’
Cardinal Simonis: ‘That I heard about it and did something about it.’
Paul Witteman: ‘Took steps?’
Cardinal Simonis: ‘Yes. I never had anything to do with boarding schools, as they had already been abolished when I started out as a bishop.’

When answering Paul Witteman’s question the Cardinal was concerned with the issue of whether as a bishop he had had knowledge of the abuse in boarding schools and institutions of orders and congregations active in the Netherlands.  

From 1984 onwards Archbishop Simonis was the President of the Conference of Bishops. He was appointed Cardinal by Pope John Paul II on 25 May 1985.

5.10.2. Rotterdam and Utrecht

The inquiry focused on Simonis’s knowledge of sexual abuse of minors by persons working in his Church. The Commission of Inquiry wanted to know what he did, and ordered others to do, with this knowledge. Based on reports, archive research and interviews with those concerned and responsible it therefore investigated whether cases of such abuse by priests and members of religious communities in the Diocese of Rotterdam and the Archdiocese of Utrecht occurred during his term of office. There was one case in Rotterdam, which is discussed later.

In 1983, when Archbishop Simonis moved into the archbishop’s palace in Maliebaan, Utrecht, Monsignor Vermeulen was Vicar-General. He had held this post since 1959 and continued to hold it until 1992 – for the last three years together with Rentinck, who became Vicar-General on 1 January 1989.

Before 1980 Vicar-General Vermeulen claimed that he had had little to do with reports and cases of sexual abuse. Three cases arose at the start of or just before the new Archbishop Simonis took office. In two of them the perpetrator was dead by the time the abuse was reported in the media. The first case concerned a television documentary in 2002 about a victim who had lodged a complaint with Hulp & Recht (Help & Justice). The complaint was subsequently withdrawn because the victim felt he had not been treated fairly by Hulp & Recht. A second complaint was lodged in 2010, when Cardinal Simonis was in retirement.

The second case occurred in the 1970s and was reported in the news in April 2010. The Commission of Inquiry has no evidence that Cardinal Simonis was aware of this case.

The third case relates to a parish priest, U3, who abused a remarkable number of victims. On 6 September 1983 the housekeeper of the priest of the parish of St. Pancratius in Albergen, Sister U2, wrote a letter to Simonis congratulating him on his appointment as Archbishop. It can be read as an overview of her career as a pillar of strength for many parish priests, with happy periods alternating with less happy ones. En passant she mentions sexual abuse by the priest of the parish where she worked until May 1981. Sister U2 had caught the priest in the parish sacristy ‘behaving towards an altar boy [in a way that] – based on the housekeeper’s description – could be classified as sexual abuse […]’.

This priest had misbehaved previously, in a different parish, and was confronted with his behaviour. Having sworn that there would never be any repetition and that he was sorry, he was given an appointment as priest of a different parish in August 1974: ‘So the priest […] went to x, where he received counselling, albeit things went wrong there as well. That was soon discovered, but it was not standard practice to report to the civil authorities. Neither the culprit nor the victim (or his parents) wanted to talk about it.’ Around 1980 rumours of sexual abuse of altar boys began to circulate in his new parish in Twente. This led two members of the church council at the time to
request an interview with the Dean of Almelo, who – as the Commission of Inquiry ascertained from interviews with members of the current church council – listened to what they had to say. A memorandum from Vicar-General Vermeulen to Cardinal Simonis states: ‘These facts have been known for some years now. He has been interviewed about them on several occasions. The Dean is also aware of them. He is very sorry. Says it was a one-off event that will not be repeated. After the interviews trust was therefore placed in him, with a warning of course.’

In his second interview with the Commission of Inquiry Cardinal Simonis pointed out that this case arose under his predecessor: ‘He remembers that Vicar-General Vermeulen informed him that there were problems with parish priest U3, but he would soon be retiring.’ The Commission finds it difficult to square this with the fact that this priest had celebrated his 55th birthday in 1983 and under the rules in force at the time still had a good ten years to go as a parish priest before retiring. But Cardinal Simonis’s possible mistake may be explained by the fact that the priest went on sick leave in 1984 and did not return until 1986, soon after which he died suddenly.

At the very least this makes it clear that Simonis was unfamiliar with the priesthood in his own Archdiocese. In his own words he was a ‘funny old bird’ in the Archdiocese who did not know most of the priests working there. This is explained by the fact that he did not come from the area, he had no ties, long-standing contacts or past history there. The case of the parish priest was not raised again in the Archdiocese until 2007, by which time he was dead. It was drawn to the attention of Vicar-General Rentinck, who made inquiries.

Based on these facts, the Commission of Inquiry carried out research in the archives of the parishes where priest U3 was active. The archives of the parishes in Arnhem where he worked are not organized, so it is difficult to gauge whether documents have been removed or destroyed. The minutes and correspondence of the church council are missing, as is the priest’s correspondence. A few reports of meetings of the Arnhem pastors at that time were found, however, which indicate that this priest attended a few more meetings in Arnhem following his honourable discharge on 1 July 1974. He was evidently not avoiding Arnhem. The Commission spoke to six former colleagues, and it can be concluded from these interviews and the minutes of the pastors’ meetings that his departure was known to his colleagues. No-one, however, had noticed anything in their dealings with him that pointed to sexual abuse or indicated that his departure from Arnhem had anything to do with this.

That this priest sexually abused a number of altar boys in Arnhem is not in question: the findings of the Assessment and Advisory Committee on the subject are clear. Insofar as the Commission of Inquiry has been able to ascertain, based on interviews and archive research, those around him were not aware of this during his time in Arnhem. After his death in 1986 rumours were talked about in the church council of his former parish. As there were no specific complaints from victims, in the 1990s the council approached general practitioners in the village and the surrounding area to inform them that abused boys might turn up in their surgeries. It was assumed that the doctors were bound by professional confidentiality and the matter would not therefore become public knowledge.

In the interviews with Cardinal Simonis the Commission discussed another thirteen cases of perpetrators from the Archdiocese. Six of them were religious clergy active in the Archdiocese on missions from the Archbishop. One of them was sentenced to eighteen months’ imprisonment, of which six months were suspended with two years’ probation. In the five remaining cases fairly resolute action was taken and the Archdiocese, led by Vicar-General Rentinck with the approval of Cardinal Simonis, made a clean sweep. In one case a Benedictine father was banned from providing assistance in neighbouring parishes, but the Abbot ignored the ban. It was not standard practice to report to the civil authorities; it was left up to victims and their parents to report abuse to the police and the Public Prosecution Service.
In the television programme *Pauw en Witteman* on 23 March 2010 Cardinal Simonis said the following about this:

Paul Witteman: ‘Did you report it to the civil authorities, for example?’

Cardinal Simonis: ‘I did not report it to the civil authorities. But there is something I should point out: that was not yet [customary] twenty, thirty, forty years ago, not only in the Church but also in the education system and the health service. The taboo on this subject only began to break down in the last twenty years. And I have not come across it in the past twenty years. I knew it was a serious offence, it was against the law. But it just didn’t exist at that time.’

Paul Witteman: ‘The law did.’

Cardinal Simonis: ‘I’ve learnt a lot about that now, but it wasn’t so clear in those days.’

The Commission finds the same pattern among secular clergy who had been guilty of sexual abuse – often a long time ago. A celebrated parish priest in the part of Gelderland known as the ‘Achterhoek’ was forced to retire without ceremony. But a deacon who had been dismissed was able to find a place in parish work after the departure of Vicar-General Rentinck and Cardinal Simonis. When this was noticed he was again dismissed and the Archdiocese reported him to the police in Utrecht on 28 April 2010.  

In the case of a priest in the broadcasting ministry there were no half measures: he was told in no uncertain terms to apply to the Vatican himself for discharge from the priesthood, and this was granted on the advice of an ad hoc committee. Rentinck drew the Commission’s attention to the fact that ‘they [Cardinal Simonis and Vicar-General Rentinck] were faced with a weighty decision that would of course have consequences for any subsequent offenders, which is why they thought it prudent to ask a number of experts for advice.’

The Archdiocese did not know what to do with an eccentric, awkward parish priest in x. In spite of various complaints of sexual abuse he continued to live in the presbytery – even after he retired.

5.10.3. Auxiliary Bishop Niënhaus

Monsignor J.B. Niënhaus (1929-2000) was ordained Auxiliary Bishop of the Archdiocese of Utrecht on 6 March 1982. He was a close colleague of Cardinal Simonis for almost sixteen years, until 1 September 1999.

He entered the minor seminary in Apeldoorn at the age of thirteen in 1942. He took his next step towards the priesthood at the major seminary in Driebergen. He was ordained priest on 24 July 1955. Then aged 25, Niënhaus was appointed curate in Schalkwijk, followed soon afterwards by Amersfoort. Later still he entered the minor seminary in Apeldoorn, where he successively occupied the post of teacher, Conrector and Rector.

In 1973 he returned to the parish as a pastor in the centre of Utrecht. The deanship of Utrecht in 1976 turned out to be the stepping stone to his ordination as Auxiliary Bishop of the Archdiocese of Utrecht on 6 March 1982. As his motto he chose Paul’s dictum *Scio cui credi* (I know in whom I have placed my trust). From 1982 until 1 September 1999 the Auxiliary Bishop was responsible in the Conference of Bishops for education and catechism, children and young people, women and the Church, and the circus and travelling show ministry.

One of the first people to report sexual abuse of minors in the Roman Catholic Church to the Commission of Inquiry had been trained by Niënhaus as an altar boy in Schalkwijk near Utrecht in the mid-fifties. Once lessons were over the curate would take him on his lap, fondle him and tickle him, kiss him and play with the boy’s sex organ. The curate also showed his own sex organ and allowed it to be stroked, according to the report.
After Schalkwijk Niënhaus moved as a curate to the parish of Maria ten Hemelopneming in Amersfoort, a second report about which was made to the Commission: ‘My clothes stayed on, but being fondled all over like that was very unpleasant, to say the least. And above all very scary, as it was very difficult to get away from it.’\textsuperscript{53}

The Commission has ascertained that those from Schalkwijk and Amersfoort who had lodged complaints were not in touch with each other when they reported to the Commission.

The next reports relate to the minor seminary in Apeldoorn, where 375 boys boarded in 1961. Three reports to the Commission concern pupils who went to the seminary in 1961, 1962 and 1963 respectively. There are also two reports from the 1967-72 period. Under Ramselaar the seminary was a tightly run institution, where discipline and supervision were paramount: ‘There were supervisors constantly patrolling everywhere to keep an eye on the boys’ behaviour.’\textsuperscript{54}

Nevertheless the boys did manage to find some freedom in areas that were unsupervised. They played lots of sport, got into mischief, went to the girls’ tennis club and formed a circle of friends that still meets regularly.

The reports follow a regular pattern: there was horseplay with the pupil ‘lying on the ground with one leg up and the teacher rubbing up against it.’\textsuperscript{55} The Commission looked into a report of a more far-reaching, long-term intimate relationship with one of the pupils, but to no avail, as the ex-pupil supposedly concerned did not respond to the Commission’s questions.

After the departure of Auxiliary Bishop Niënhaus, Cardinal Simonis received a letter containing a report of horseplay in the presence of other people. It was decided not to question the former Auxiliary Bishop because of his state of health. He died a few months later.\textsuperscript{56} The Cardinal in fact told the Commission that until that letter he had not had any indication of this.

5.10.4. The Conference of Bishops

In the second interview that the Commission of Inquiry held with Cardinal Simonis the question was raised of whether the Conference of Bishops had systematically considered the issue of sexual abuse of minors. This did indeed happen – at least in embryonic form – twice under his chairmanship.

The first occasion was in the run-up to the creation of Hulp & Recht in the first half of the 1990s. According to the report by the Episcopal Liaison Commission on Women and the Church, discussed at length by the Conference of Bishops at the time, there was hardly any information available on the nature and extent of sexual abuse in the Netherlands. In order to find factual support for its recommendations the Episcopal Liaison Commission had recourse to studies of sexual abuse by American priests. The report stated that four per cent of American priests had sexually abused minors, which would make the number of priests over 1,300. Another source cited in the report mentioned six per cent, and yet a third source gave a percentage of between five and ten.\textsuperscript{57}

The report was non-committal regarding a comparable percentage for the Netherlands: ‘But even if the percentage in the Roman Catholic Church in the Netherlands is half of what is going on in America, it is still a percentage that requires action on this very serious problem.’\textsuperscript{58} There was no factual discussion of this very serious problem, however.

In 2003 the chairman of Hulp & Recht drew up a list of 47 reports of sexual abuse that had been made to the organization in 2002. Such a large number of reports was unprecedented at that time, and was in all probability due partly to the reports in 2002 of abuse in American dioceses. This was a
brief anonymized list of all reports of sexual abuse in pastoral relationships or otherwise unequal relationships in an ecclesiastical context during 2002. Of the 47 reports, 20 or 21 related to sexual abuse of minors (in one case it was unclear whether the victim was a minor or an adult). They concerned thirteen boys and seven girls. Of the thirteen boys, nine – according to their reports – had been abused at a boarding school. The list was discussed by the Conference of Bishops on 9 September 2003. Cardinal Simonis was the President of the Conference and according to the minutes he led the meeting on this item (Item 8). Of the then bishops, Monsignor Eijk (Bishop of Groningen-Leeuwarden) and Monsignor A.L.M. Hurkmans (Bishop of ’s-Hertogenbosch) were present. The Conference took cognizance of the list.

5.10.5. After Utrecht: retirement

When Ad Simonis became Bishop of Rotterdam, a member of his family was working at De Widdonck in Heibloem in the Province of Limburg, a boarding and day school founded in 1852. In the grounds of this children’s home and boarding school there was a monastery where this Brother lived. The Commission of Inquiry has received a report of sexual abuse by him. The person who lodged the complaint had been handed over by his unmarried mother to be brought up by nuns and subsequently monks. On entering De Widdonck at the age of nine he soon underwent ‘sexual initiation’. An older pupil showed him ‘how to do it’. The Brother was alleged to have fondled him by touching his sex organ while washing.

The Commission has a second anonymous report in its possession stating that the Brother went to Africa at one point to work in a boys’ boarding school. The anonymous report links his departure with sexual abuse. As the report is anonymous, the Commission is unable to lend any weight to it, but it nevertheless examined the personal file and other relevant archive documents, from which the following emerged. The member of Simonis’s family moved to a mission station in Kenya in 1982, where he set to work as a boarding school leader. The congregation attributed his decision to a certain restlessness. No evidence was found that sexual abuse was the reason for his departure.

In one of the interviews that the Commission held with Cardinal Simonis the latter said that he knew about this: ‘Last year [the family member in question] informed the whole family. He said that he is not aware of having done anything wrong. He worked with problem children at De Widdonck, where in difficult educational conditions he had to ensure, among other things, that the children washed themselves properly, including their genitals. There had been a report [to Hulp & Recht], he said.’

5.10.6. What did Cardinal Simonis actually know and do?

Cardinal Simonis has publicly stated that he remembers about ten cases of sexual abuse of minors by Roman Catholic priests. The Commission of Inquiry finds that there were presumably somewhat more.

More importantly, it has become clear from the interviews with Cardinal Simonis and other responsible persons in the Archdiocese precisely what kind of administrative culture there was and what formal and informal lines of communication there were. On this basis the Commission concludes that, as an outsider, Simonis was somewhat detached, and remained so. He did not know the priests in the Archdiocese, had not studied with some of them, and was equally unfamiliar with those who bore administrative responsibilities.

This is not to say that the Archbishop was kept out of thorny and less thorny administrative matters, but it is the case that normal forms of consultation were hampered by the fact that he had been appointed to the Archdiocese by Rome. As he himself said, while he was warmly received he remained a ‘funny old bird’.
The fact that he fell back on his Vicars-General is in line with standard administrative practice, both in the Archdiocese and in other Dutch dioceses. In the early years it was Monsignor Vermeulen, then from 1986 Vicar-General Rentinck. The interviews with these latter made it clear to the Commission how duties were divided up between the Bishop and his Vicar-General. The Vicar-General was responsible for the implementation of decisions, which were often taken in consultation with the Archbishop. In the cases of sexual abuse under consideration the Vicar-General was the one who was in contact with both the victims and the perpetrators. Simonis was informed about it, but otherwise he did not have any practical involvement in these cases.

In some cases action was taken against perpetrators and to assist victims. A relatively large proportion of cases fall into an administrative ‘twilight zone’, that of religious priests (or priestly members of religious orders or congregations), some of whom were and others were not on a mission from the Archbishop. Precisely how these perpetrators were to be dealt with administratively, so Cardinal Simonis told the Commission, was the responsibility of the Provincial Superior of the order or congregation concerned. The Archbishop claims that he abided by this formal division of responsibilities. Reporting to the civil authorities was not part of the administrative practice of either the Archbishop or the local superiors; it was left up to the victims and their parents. The Commission is critical of the failure to involve the Public Prosecution Service. The steps that the Archdiocese took against perpetrators were more in the nature of internal measures: it forced them to take early retirement or suspended them.

In the 1980s and 1990s the Conference of Bishops did not make any contribution to a more structural way of tackling the issue of sexual abuse of minors. This is undoubtedly due to the bishops’ autonomy, but nevertheless more centralized control would have been desirable and necessary.

5.10.7. Pastor R.

The case of Pastor R. is considered here not only because of the involvement of Cardinal Simonis and his statements on the subject but for other reasons as well. This is a priest who had repeated brushes with the law and who has been identified as having created a large number of victims, starting in 1988, but also recently, last June, after which he was arrested.

Pastor R. started out as a priest in the Rotterdam diocese, where he was ordained against the advice of the then Bishop, Simonis. With the knowledge and collaboration of the Bishop and his Vicar-General, Monsignor Bar, Pastor R. was admitted to the priesthood after a training course he had cobbled together himself, thus finding his way to the priesthood without being supervised by a regular group of mentors – another remarkable aspect of this case.

While working for the Diocese of Rotterdam Pastor R. had two brushes with the law. The first time the case was dropped subject to certain conditions. The second time, while he was on probation in connection with the first case, he was given a suspended sentence. From then on it was impossible for him to operate in his own diocese. He was assigned a post in the Archdiocese and subsequently in the military ordinariate. How this came about is a question that makes this case even more remarkable – as does the role of psychiatrists and psychologists and their assessments.

Training and admission

Pastor R. entered the minor seminary in Noordwijkershout at the age of twelve. He had a lot of difficulty with his studies, having to retake both the first and second year. There were doubts, moreover, as to his suitability for the priesthood. A psychological assessment in 1970 led to a negative verdict. In 1970 the senior staff of the minor seminary advised him first to try something
else: ‘But in the end I sought my own ways of realizing my dream [the priesthood].’ The senior staff of the major seminary in Warmond also found him unsuitable.

With the aid of others Pastor R. sought a different way to approach the priesthood. He went to a seminary in Paris, where he studied philosophy from September 1970 to June 1972. Then, after consultation with Bishop Simonis, he took a traineeship at De Widdock in Heibloem (September 1972-August 1973), where the Bishop had good contacts (a member of his family was a group leader there).

At a meeting of Deans in 1974 or 1975 it was allegedly said that Pastor R. ‘was enamoured of those of tender age’. The Vicar-General, Dr W.J.M. van Paassen, was present at this meeting and later remembered that there was otherwise silence on the matter: ‘the Bishop knew about it, after all.’ Both the then bishop and the later Vicar-General, Bar, flatly deny that they were aware of Pastor R.’s sexual preference before his first arrest in 1988.

Transfer to the Rolduc seminary was also considered. In his second interview with the Commission of Inquiry Cardinal Simonis seemed to recall that Pastor R. had been admitted to Rolduc and received a large part of his training for the priesthood there. After an interview between Pastor R. and Monsignor J.B.M. Gijsen, Bishop of Roermond, however, transfer to Rolduc was out of the question, as he did not receive a positive iudicium (assessment) from the Roermond Bishop.

Pastor R. then came in contact with a teaching facility for late vocations in a Franciscan monastery in Schwaz (Austria), where he studied philosophy from September 1973 to June 1975. After that he took a traineeship with a parish priest in the Diocese of Regensburg. He did not find this particularly satisfying: he felt surplus to requirements and did not get on with the parish priest. At the end of 1975/beginning of 1976 he again approached Bishop Simonis, who referred him to his Vicar-General, Monsignor Bar. That was his first encounter with Monsignor Bar, with whose help Pastor R. found a course run by the Benedictines in Leuven (September 1976- June 1977). This was followed by a traineeship in Dordrecht. The verdict of the traineeship supervisors at the School of Catholic Theology in Amsterdam was not positive, but those in Dordrecht stood up for him: ‘The difference of opinion arose from the fact that they had known him previously, and there were people of a more modern persuasion there. A number of clergy involved in the traineeship went to Rotterdam to stand surety for him.’

Following this traineeship an assessment was carried out to establish whether Pastor R. could be ordained deacon. There had been no influx of fresh priests to the Diocese of Rotterdam for a long time: no new priest had been ordained for almost ten years. Even then the Selection Committee for the Dioceses of Haarlem and Rotterdam was unwilling to risk it: on 25 June 1978 it recommended that Pastor R. should not be ordained deacon.

The negative recommendation elicited a detailed response from Bishop Simonis, who listed Pastor R.’s negative qualifications. The Bishop noted ‘that among the negative criticism there is always a good deal of stress on the many positive qualities of the candidate’s person and character, not least from those people who experienced and supervised him at close quarters and in person.’ Simonis noted that ‘apart from myself, not one assessor or assessing body monitored [Pastor R.] during his entire training period. I therefore consider this permits me to make a final judgement. In view of the foregoing I conclude that I can proceed to ordain [Pastor R.] deacon.’ After this episcopal decision the Committee decided to resign.

Pastor R. was ordained deacon in 1978, in the Heilig Sacrament Church in Sportlaan, The Hague by Bishop Simonis, who had been curate in this parish until 1972. At the same church Pastor R. was also
ordained priest by Bishop Simonis in 1979. He was then transferred to Zoetermeer in 1981, where he was pastor until his second arrest in June 1989.

How the Diocese of Rotterdam dealt with the sexual abuse by Pastor R.

Pastor R.’s first arrest resulted from a report to the civil authorities made by the victim’s mother on 1 February 1988, the boy being twelve years old at that time. Her son – so her report stated – had been repeatedly abused by Pastor R., who regularly visited the woman and her three children.

On 19 August 1988 the examining magistrate for criminal cases at The Hague District Court asked a psychiatrist to examine Pastor R. The examination of his mental capacity took place on 19 September 1988. The psychiatrist concluded that ‘the subject would suffer serious damage from any measures that could result in his paedophilia becoming known to his superiors or those in his immediate living and working environment, or more extensively than is currently no doubt the case.’ He recommended ‘that the subject contact a Roman Catholic neurologist/psychiatrist in the foreseeable future.’

Pastor R. was interrogated by the examining magistrate on 4 October 1988. He told the magistrate that he was now being treated at the Regional Mental Health Centre (RIAGG). He also mentioned the examination by the psychiatrist, who had referred him to a Catholic neurologist/psychotherapist: ‘I understood that I could contact the man in due course.’ Pastor R. had contacted his bishop: ‘Bishop Bär is aware of the case. I have talked with him and promised to let him know how my criminal case is progressing.’

Some time after 4 October 1988 the Public Prosecutor decided to drop the case subject to certain conditions, which were a ban on further contact with the victim, treatment by a psychiatrist and no further complaints for a period of two years. The fact that this was a Roman Catholic priest was not a factor in the decision to drop the case: ‘If at the time the suspect had been a social worker, for example, I would have taken a similar decision. The fact that he was a priest had no influence on my decision.’ The Public Prosecutor said that those were ‘in themselves pretty strict conditions at the time’. Whether any check was carried out on whether Pastor R. complied with the conditions is not known: ‘To be quite honest I don’t remember how the conditions were monitored at the time. Normally it would be up to the probation service, but I’m not sure whether the probation service had been informed. I seem to recall that I also sent a letter setting out the conditions to his superior in the Church, but I can’t be one hundred per cent certain.’

As part of his therapy Pastor R. had sessions with a psychiatrist in Leiden: ‘He went to the psychiatrist a few times. The psychiatrist’s final recommendation was that he should take drugs to inhibit his libido. He was not satisfied with the therapy. His problem is treatable, as he has proved over the past seventeen years. It is a question of choice and motivation. You need to be determined not to harm any more people. The therapy [from the Leiden psychiatrist] did not achieve this.’

Six months before the decision to drop the case the mother tried to contact the Bishop of Rotterdam, at that time Monsignor Bar. She phoned him and then sent him a letter. On 15 March 1988 the Bishop let it be known that ‘this all came as a complete shock to him, as there had never been the merest hint of a rumour concerning [Pastor R.] before.’ And yet the Bishop had supposedly taken steps: ‘You will understand that I have had to be strict with R.”

No such strict measures were taken, however. Pastor R. stated to the Commission of Inquiry that he simply continued working at the Nicolaas Church. Nor was he initially reprimanded by his superiors; the next time this did happen, namely two years later in 1990-91, when he was summoned to Vicar-General J.G.M. Zuidgeest.
On that occasion three boys had visited him and he had made advances towards one of them. The boy warded him off but was evidently so scared that the three of them went to the police to report him.\textsuperscript{82}

The report made by the three boys had consequences for Pastor R. The Diocese of Rotterdam relieved him of his pastoral duties, he left the parish straight away and through the mediation of Bishop Bär entered a Jesuit community in Zeist.\textsuperscript{83}

His discharge from pastoral duties did not amount to much, however. He assisted with the liturgy in the Zeist area and with the tourist ministry at various holiday villages in the Netherlands. From March 1990 to June 1990 he worked in the parish of Heilige Petrus in Zwijndrecht after the sudden death of the parish priest there. From November 1990 to May 1991 he worked two half-days a week as hospital pastor at Ruwaard van Putten Hospital in Spijkenisse.\textsuperscript{84} Monsignor Bar’s ban on pastoral duties, then, was non-existent – or Pastor R. did not comply with the order from his superiors to cease his pastoral work.

He was however tried for the ‘indecent acts with a person below the age of sixteen years, committed on various occasions’ perpetrated on 13 and 14 May 1989.\textsuperscript{85} On 25 January 1990 Pastor R. was given a fully suspended sentence of three months’ imprisonment with two years’ probation. On 30 January 1990, five days after the court judgement, Bishop Bär sent a letter to Pastor R. informing him that his case had been dealt with ‘to my great joy’. He described the sentence as lenient and offered him every assistance with making a fresh start.\textsuperscript{86}

Apart from a note on the oral judgement, the judgement and all the underlying documents (the official report) are missing from the judicial records,\textsuperscript{87} so it is no longer possible to ascertain whether the previous decision not to prosecute along with the two-year probation period (during which a fresh criminal offence was committed) played a part in deciding the length of sentence. According to the Public Prosecutor involved in the first case, this must have been the case: ‘Yes, a previous decision not to prosecute is certainly taken into account, especially if conditions are imposed. The criminal record is normally part of the case file.’\textsuperscript{88} Whether that did actually happen, and to what extent the previous decision not to prosecute influenced the sentence in the second case, cannot now be ascertained with any certainty. The file at the Public Prosecution Service is incomplete: ‘I was undoubtedly questioned about this case by my colleague. That is indeed customary, especially in an unusual case of this kind. Also (but I don’t have the judgement yet, so I can’t be one hundred per cent certain) the psychiatric report drawn up in the case that was dropped was undoubtedly used in this case. In those days the “personal file” in which such reports were kept was appended to the new case so that previous reports could be taken into account.’\textsuperscript{89}

Following this conviction Pastor R. attended group therapy\textsuperscript{90} combined with psychological treatment from Father E.J. Lampe. He sought and indeed obtained mentoring from a Jesuit father.\textsuperscript{91} The two therapies seemed to be sufficient – at least as far as the Archdiocese was concerned in 2002 – ‘to control his paedophilia, with the result that [Pastor R.] did not reoffend.’\textsuperscript{92} This was not the case, however.

On 28 January 1991 Pastor R. felt entirely capable of occupying a pastoral post once more, although he had broken off his treatment (he himself referred to it as ‘counselling’) in 1990: ‘A lack of trust had developed on my part, as a result of which I was no longer receptive to their advice.’\textsuperscript{93} As he discontinued his treatment, Rotterdam was unwilling, according to Pastor R., to risk giving him a new pastoral post in the Diocese. Pastor R. therefore offered his services to the Archdiocese of Utrecht. He already had his eye on a new post, that of parish priest in Zeist. At his temporary home with the Jesuits at De Breul in Zeist he must have been well aware of this vacancy. It can be deduced from
other sources that Bishop Bär of Rotterdam, after consulting some Jesuits, had ruled that he could be
reappointed in the Diocese of Rotterdam. According to Cardinal Simonis, the initiative to find Pastor R. a new post
emanated from his then spiritual adviser, a Jesuit father. The Bishop of Rotterdam’s opinion was then
sought. Simonis stated to the Commission that Monsignor Bär advocated the appointment of Pastor R. in the Archdiocese.

No longer welcome in the Diocese of Rotterdam but reappointed in the Archdiocese

The Archdiocese was given an additional nudge from the Diocese of Rotterdam: Vicar-General J.G.M. Zuidgeest informed his counterpart in Utrecht that the Bishop of Rotterdam had given Pastor R. leave to work elsewhere for a period of, say, five years. The letter from Zuidgeest concluded with the statement ‘Cardinal Simonis in fact knows R. quite well’. Cardinal Simonis qualified this in an interview with the Brandpunt television programme on 13 February 2011. He had not had any contact with Pastor R., so he told the Commission, between 1983 and 1991.

In December 1990 the BBC, the archdiocesan appointments committee, reviewed the text of a recruitment advertisement for a pastor in Amersfoort. Pastor R. was appointed directly by the BBC, however; there was no application procedure. Nor did any psychological assessment take place, so Pastor R. told the Commission.

On 22 March 1991, two months after his request for a post in the Archdiocese, Pastor R. was appointed to the parish of Sint Henricus in Amersfoort. With the Cardinal’s consent Pastor R. arranged his appointment with the Dean of Amersfoort and the parish council. He took up his post on 1 June 1991. With hindsight Cardinal Simonis considered that he had placed too much trust in the psychologist and Pastor R. In this he wrongly criticized the psychologist, and his memory failed him: the psychologist referred to by Simonis was asked to give an opinion on Pastor R. not in 1991 but not until five years later, in 1996. The archdiocesan Appointments Officer cannot remember any psychological assessment in 1991; in any event – so he told the Commission – he is not certain that an assessment was carried out. In 1991, however, he did contact Pastor R.’s mentor, who was said to be a self-employed psychologist or employed by a practice in Amersfoort.

The parish council was initially ignorant of the whole affair. The Appointments Adviser and the Dean talked to the chairman of the church council and the pastoral worker. In an interview with the Commission the Appointments Adviser stated that he assumed that he had explained [Pastor R.’s problems] at the time. Whether this tallies with what actually happened is debatable. In 1996 and 1997 the mother of the 1988 victim and the victim himself contacted the parish worker, informing her of the complaint to Hulp & Recht (which had meanwhile been upheld) and how the church authorities had dealt with the case. The parish worker’s conscience pricked her, so she contacted the local chairman of the parish council and the Deacon, who asked Pastor R. to clarify the situation on 17 June 1997.

According to Cardinal Simonis, Pastor R. gave his word of honour and was assessed psychologically. The assessment supposedly proved positive for him: trust had therefore been placed in him, claimed Cardinal Simonis on 13 February 2011 in the current affairs programme Brandpunt. Given this approach it was ‘perfectly sensible to give him a post in Amersfoort’.

There was – as we have seen – no psychological assessment in 1991. Five years later, when Pastor R. wanted to move permanently from the Diocese of Rotterdam to the Archdiocese, this was made conditional upon a psychological assessment: ‘After they were certain of my current suitability for
the parish priesthood as a result of a detailed psychological assessment, which I underwent at their request. The examining psychologist, Dr. J.A.S. van Spaendonck from Deventer was able to make a positive recommendation on the subject to the Archdiocese.\textsuperscript{105}

This assessment was already in the offing at the end of 1995. On 23 November 1995 Cardinal Simonis conducted an interview with Pastor R., at which Van Spaendonck’s name was mentioned.\textsuperscript{106} Three days later Pastor R. informed Simonis of his reservations about this psychologist: ‘It was only later that I realized it may well have been the same psychologist who had assessed me previously, in July 1973, in connection with the possibility of continuing on my path towards the priesthood at that time. Of course 22 years of development and growth can make a big difference, but I do not think it is right to be assessed by someone who knew me previously.’\textsuperscript{107}

This request by Pastor R. presumably played no part in the archdiocesan deliberations: it came too late, as it crossed the letter to the psychologist. The Head of Appointments Policy, G.H.A. Kruis, sent Van Spaendonck the Archbishop’s request to advise on the suitability of Pastor R. for the Archdiocese on 27 November 1995. As the conviction was not known in Utrecht, Van Spaendonck was not informed and could not therefore include it in his assessment. It was apparently a suspended sentence from the court in The Hague for sexual abuse in a pastoral relationship.

On 29 January 1996 Van Spaendonck sent in his assessment of Pastor R., who had undergone a remarkable change for the better compared with the conclusions drawn in 1973.\textsuperscript{108} He had become ‘much less agitated and more harmonious’. ‘If people wishing to remind him of a painful period in his life cross his path he is ready and waiting with a sensible response,’ said the psychologist. His final conclusion was as follows: ‘It may be that psychological growth in [Pastor R.] has been under way for quite a long time and the transformation process began before incidents led to a radical rethink. He has gained several months’ shop floor experience in various jobs, which has had a beneficial effect. In view of all this we see no objection to prolonging the appointment.’ This, of course, refers to Pastor R.’s incardination in the Archdiocese.

Between 1990 and 1995 seven or eight boys were allegedly victims of sexual abuse by Pastor R. in Amersfoort, including one from a family of asylum seekers who had been given shelter in the presbytery in Amersfoort for a few months. A total of 23 boys were abused according to Pastor R.\textsuperscript{109}

Two of his Zoetermeer victims lodged complaints with \textit{Hulp & Recht}. Both complaints were upheld. The first was lodged on 10 June 1996. Cardinal Simonis was informed of the verdict of the TAC [Review and Advisory Committee, the forerunner of the Assessment and Advisory Committee] on 7 April 1997: it considered that sexual abuse was proven.\textsuperscript{110} The TAC also concluded that there was a failure to offer any help to the victim, who should receive a reasonable payment to reimburse him for his expenses in that connection.

The second complaint was first lodged by the victim’s parents. In 2007 the victim himself decided to lodge a complaint, which was upheld. Pastor R. paid compensation, which the victim donated to a charity.\textsuperscript{111}

\textit{Transfer to the military ordinariate}

Soon after his incardination in the Archdiocese, on 5 October 1997, Pastor R. applied for a post as army chaplain in the military ordinariate, the Eighth Diocese. Chaplains have the same terms of employment as their military colleagues. They hold the rank of major and after a certain time are semi-automatically promoted to lieutenant-colonel. In their uniform, chaplains look just like servicemen, but they are not subject to military discipline and they do not bear arms. They have a position in the military hierarchy but do not have to obey superior authority.
There is a shortage of priests in the military ordinariate: when Pastor R. took job-related early retirement in 2010 he was the last but one priest working there. In his application letter he mentioned that his attention had been drawn to the chaplainship by a member of the church council, an ex-army officer. He was ready for ‘a fresh challenge, a new field of work, new colleagues, and hungry for new experience’. His move to the military ordinariate was discussed by the Cardinal, the Vicar-General and the archdiocesan Appointments Adviser in the appointments committee. It caused a certain amount of astonishment on the part of the Appointments Adviser, as Pastor R. had been incardinated in the Archdiocese less than two years previously and was asking to be transferred to the military ordinariate so soon. The move did not come as a surprise to Cardinal Simonis: ‘After six years Pastor R. was ready for a fresh challenge. Also, there were not enough priests available as chaplains for the dangerous mission to Afghanistan.’

On 19 November 1997 Pastor R. had an interview with the head of the armed forces chaplains. Whether it was mentioned during the interview that Pastor R. had had two brushes with the law cannot be ascertained with any certainty, as the handwritten notes of the Chief Chaplain do not contain any indications on the subject. Pastor R. told the Commission of Inquiry that he mentioned ‘his past in the area of sexual abuse’ at the time. Following the job interview the Chief Chaplain telephoned the Vicar-General of the Archdiocese. The Chief Chaplain understood from the Vicar-General that Pastor R. had had problems with paedophilia in the past: ‘In response to your telephone request I hereby inform you that a complaint was lodged against Pastor R. in 1988 in respect of paedophilia. The Bishop of Rotterdam then discharged him from pastoral duties and ordered him to take therapy. The charge was dropped.’

Remarkably, the conviction in 1990 was not mentioned. Evidently the Archdiocese was not aware of it. It did not come to the ears of the Archbishop until 13 February 2011: ‘The Archbishop refers to the fact that it was not known in the Archdiocese that Rev. [the Reverend] [Pastor R.] had interfered with three under-age boys in 1989 and been given a suspended sentence for this in 1990. Rev. [Pastor R.] reports that this was known at the time in the Diocese of Rotterdam and he had not raised the whole matter again last year at the interview. He had assumed that the Archdiocese was also aware of the fact.’

In his second interview with the Commission Cardinal Simonis said he was not aware of Pastor R.’s suspended sentence in 1990. Monsignor Bär cannot recall precisely whether he was informed of this second criminal case, but given the fact that he wrote to Pastor R. saying he was satisfied with the lenient penalty that must have been the case.

The impression that the current Army Bishop, Monsignor Dr J.M. Punt, has too is that at that time [2000] the only thing that surfaced was the complaint where it was decided not to prosecute. The involvement of the army bishop in personnel and appointments policy is different from that of a diocesan bishop. The army bishop does not usually know the candidates, does not carry out any job interviews and does not appoint any personnel. During Pastor R.’s application procedure Monsignor Punt was informed of the charge that had been dropped, a recommendation by the Archdiocese and the findings of a vetting procedure by the Ministry of Defence, which had not uncovered any problems. On 20 March 1998 the Municipality of Amersfoort issued a certificate of good conduct. Pastor R. was appointed Army Chaplain with the rank of major by royal decree on 22 April 1998.

The relatively short time between the issue of the certificate of good conduct and the signing of the royal decree is strange but explicable. In principle all posts in the defence organization are positions of trust requiring security clearance from the Military Intelligence and Security Service (MIVD). Before September 2001 an exception was made in the case of spiritual advisers, chaplains and
counsellors. Until then the appointment of these officials was based on vetting by the diocese, a certificate of good conduct and a psychological and physical check-up.

As far as the vetting procedure is concerned, the Army Bishop, Monsignor Punt, told the Commission that he ‘knows that a vetting procedure was carried out by the Ministry of Defence, which Pastor R. passed with flying colours.’ This was not the case.

The telephone call between the Chief Chaplain and the Vicar-General of the Archdiocese resulted in a letter from the latter which did not mention Pastor R.’s conviction in 1990. According to the Personnel Director of the Ministry of Defence the Archdiocese supplied a report indicating that Pastor R. was suitable: ‘It mentioned that a complaint about [Pastor R.] was lodged on account of paedophilia (ephebophilia). This was subsequently stated formally in the subject’s letter of appointment. The Diocese of Utrecht also stated that the case had been dropped.’

Pastor R. underwent a medical examination on 4 December 1997. When the certificate of good conduct was issued, particular attention was paid to the purpose for which it was needed. The rules for this type of appointment were changed after 2001. Since then the MIVD has vetted all proposed staff members, whatever the post.

Pastor R.’s promotion to lieutenant-colonel followed on 18 February 2000. At the time he was working in Seedorf, where the 41st Light Brigade of the Royal Netherlands Army was stationed. The officers and NCOs of this unit lived with their families in nearby Zeven. Until the camp was abolished Zeven had a primary school and a secondary school.

Pastor R. was asked to accompany the Dutch military mission to Bosnia-Herzegovina (SFOR-8) as chaplain. It was during this mission that the rumour machine started. Stories circulated about Pastor R. via a humanist counsellor and a social worker. He was repatriated on 19 June 2000. He returned to Seedorf pursued by the stories of abuse. He was transferred to educational work in the Netherlands, first in Heeswijk-Dinther, then in Huis ter Heide. Pastor R. talked to the Army Bishop about his repatriation and subsequent problems in Seedorf.

After that Pastor R. accompanied missions to Macedonia, Iraq and Afghanistan (twice). Security clearance was required for the Afghanistan missions. According to the Army Bishop, Monsignor Punt, this involved a ‘vetting procedure, NATO screening, which was very thorough. He passed it. The Archdiocese of Utrecht also gave its approval.’ Pastor R. did indeed obtain security clearance on 13 October 2006, not from NATO but from the MIVD. It entailed authorization to supply him with confidential information up to ‘NATO secret’ level. This is a standard procedure, not based on any detailed investigation.

Pastor R. then embarked upon his second stint as an army chaplain. On 26 April 2002 the Vicar-General of the Archdiocese of Utrecht informed his counterpart in the military ordinariate that Cardinal Simonis had given Pastor R. permission to sign up for a fresh stint at the ordinariate. Pastor R.’s new appointment followed one year later. There was no vetting procedure, as he had already served in the military ordinariate.

One of his victims working in the Dutch Royal Air Force heard in June 2003 that Pastor R. had become an army chaplain and made inquiries among his workmates. During an exercise in Poland he got talking to a humanist counsellor who knew Pastor R. and used his contacts within the defence organization to make inquiries. The victim finally heard from an MIVD officer that something had indeed surfaced from Pastor R.’s vetting, but it was not possible to say precisely what. In any event it was not serious enough to prevent Pastor R.’s appointment, so the victim was told. The victim ‘was then left with a feeling of betrayal and felt he had been done an injustice. The problems returned.'
Now even his own employer (the Ministry of Defence) had only considered the needs of [Pastor R.] and not those of [him].

Inquiries have revealed that the MIVD file on Pastor R. is incomplete. The MIVD sprang into action at various points. The first time was on 14 June 2002: ‘an application was then made for security vetting at C level. It is assumed that this had to do with the posting of [Pastor R.] in the context of ISAF [Afghanistan]. In accordance with the procedure the period prior to 1997 was checked. The feedback at that time was that the person in question did not have a criminal record.’ The MIVD file does not contain any copies of the documents relating to this investigation.

The second time that the MIVD vetted Pastor R. was in response to a conversation between the victim working in the air force and an MIVD officer: ‘After an MIVD staff member contacted the Regional Intelligence Service [of the police force] in Utrecht it came to light that the subject committed sexual offences in 1988, 1989 and 1990. This was then recorded by the MIVD in a ‘Reports and Staff Action’ report. That was in October 2003. In 2004 the MIVD checked the judicial records on Pastor R. They went beyond 1997, and it emerged that the subject had had a brush with the law, namely on 14 November 1988: the case was dropped, but the subject was placed on probation until 14 November 1990. During his probation the subject was convicted of the same offence by a single judge in The Hague District Court.’

On 8 October 2008 the Utrecht regional police telephoned the Army Staff Chaplain, J.C.M. (Jan) van Lieverlo. The Royal Military Constabulary had talked to Pastor R. at the request of the regional police. This may have been in connection with a fresh complaint from the 1980s. The police also interviewed Pastor R. at the time: ‘He said that this was another old case, in other words one that was mentioned elsewhere in the file. We were unable to clarify what this was about, how topical it was or the nature of the complaint, so I e-mailed to ascertain whether this was a fresh case or an old one, what it was about and whether the military ordinariate could do anything for the old victim, if there was one. It would also make it clear whether we needed to take internal action against the subject, as the complaint would have consequences for his present post. We received no reply to the e-mail. As far as I know there was no further action on the complaint. It does show how difficult it is to coordinate between the various authorities.’

Two further reports were made to the civil authorities in autumn 2009 and Pastor R. was again interrogated. One of the complaints was beyond the statute of limitations and the other could not be proved. It was decided on 21 December 2009 not to prosecute. On 1 June 2010 Pastor R. left the chaplainship, taking job-related early retirement.

A year later, on 7 October 2011, it was announced that Pastor R. had been arrested after being reported to the civil authorities by the mother of a fresh victim. He was alleged to have abused the woman’s son while on holiday in France. Meanwhile the Archdiocese had reported Pastor R. to the civil authorities on 6 April 2011. This was based on a prior investigation by the Archdiocese under Canons 1717-19 of the Codex Iuris Canonici. On 8 August 2011 it was announced that regional police of The Hague and Utrecht regions were investigating the identities of the 23 persons that Pastor R. had mentioned as having been the object of his sexual advances as minors. In this connection the Utrecht regional police asked to be put in touch with Pastor R. The Archdiocese passed on Pastor R.’s mobile phone number and informed him that this had been done. Shortly afterwards he was arrested on suspicion of abuse of a twelve-year-old Dutch boy on holiday in France. As a result of this arrest and the subsequent remand in custody it has not been possible for an interview to take place between the Archbishop and Pastor R. to apply for laicization.

THE THREE MAIN FINDINGS
1  The role of the Diocese of Rotterdam and the Bishops of Rotterdam responsible at the time, Simonis and Bär

Pastor R. was ordained priest against practically all the recommendations of experts. Instead of the university-level theological training customary for priests he followed an abnormal, solitary course of study largely mapped out by himself before being ordained priest by Simonis.

A bishop is within his rights to ignore recommendations, but the Commission of Inquiry considers that Bishop Simonis’s decision to ordain Pastor R. priest was unwise. The Commission considers it advisable in the case of candidates for the priesthood who have largely received their education elsewhere to be extremely cautious when considering whether to admit them to the priesthood. Such candidates should in any event be required to undergo a longer probationary period.

After the first arrest Bishop Bär announced strict measures, but in practice no such measures were taken. After the second arrest Pastor R. was sent to a Jesuit community. He was not deprived of his jurisdiction, as could have been done under canon law. This meant that he could be active in the Diocese of Rotterdam, and later in the Archdiocese, as a priest.

The Commission concludes that the ban on pastoral activities was an empty gesture, as he was not deprived of his jurisdiction. Thus not a single precaution was taken that could have made such activities actually impossible. The Commission is puzzled by the rather insouciant way in which the then Bishop of Rotterdam, Monsignor Bär, reacted to the conviction, as this made Pastor R.’s work in the Diocese of Rotterdam problematic.

The Diocese failed to supply information to the Archdiocese on Pastor R.’s transfer. His first arrest and the conditional decision not to prosecute were mentioned, but not the second arrest with the suspended sentence, thus wrong-footing the Archdiocese – and later the Ministry of Defence. Until the beginning of this year not only the then Archbishop but also the present incumbent were certain that only one case had been dropped following a report to the civil authorities.

The Commission would point out that it is clear from this case that openness and transparency are required between bishops in the case of priests with problems. The communication must emanate from the Bishop, as he can be held to account and should therefore play a pivotal role.

2  The role of the Archdiocese

Pastor R.’s transfer – initially intended as a temporary measure – to the Archdiocese went without a hitch: within two months he had obtained an appointment in Amersfoort. Based on its investigation, the Commission questions whether this transfer was subject to adequate safeguards. There is reason to doubt whether a psychological assessment was carried out at the time; no report of any such assessment has been found, in any event. An assessment of this kind was however part of the procedure for Pastor R.’s permanent transfer to the Archdiocese.

3  The role of the military ordinariate and the Ministry of Defence

Armed forces chaplains occupy a special position: in the legal sense they are civil servants, but they are not subject to military discipline or the hierarchy of the armed forces. Before 2001 chaplains did not need to undergo comprehensive security vetting either. Nevertheless there were sufficient opportunities for the MIVD and the Royal Military Constabulary to check and investigate Pastor R.’s past record. On the contrary, the military ordinariate regarded the way in which the Ministry of Defence dealt with often routine security checks and vetting as confirmation of its assumption that Pastor R. had only once kicked over the traces and that the case had been dropped.
5.11 The Dioceses of Haarlem and Rotterdam

5.11.1. From a single diocese to two dioceses

The Diocese of Haarlem originally covered both the Provinces of Noord-Holland and Zuid-Holland and the Province of Zeeland. In 1956 it was divided up, creating the completely new Diocese of Rotterdam alongside that of Haarlem. Zeeland was annexed to the Diocese of Breda, and the Archdiocese of Utrecht had to relinquish Woerden and Gorkum to Rotterdam. Haarlem was however compensated with Het Gooi, which was also taken away from Utrecht (giving rise to complaints of ‘mutilation’). All in all, however, Haarlem was reduced to a third of its original territory.

In 2009 the Diocese of Haarlem was renamed to Haarlem-Amsterdam, thus complying with the practice in the Roman Catholic Church of naming the diocese containing a country’s capital after the latter.

From 1945 the Diocese of Haarlem had five bishops:

1 Monsignor J.P. Huibers, 1935-60
2 Monsignor Dr J.A.E. van Dodewaard, 1960-66
3 Monsignor Dr T.H.J. Zwartkruis, 1966-83
4 Monsignor Dr H.J.A. Bomers, 1983-98
5 Monsignor Dr J.M. Punt, 2001 to present

The Diocese of Rotterdam was served by four bishops since its creation in 1956:

1 Monsignor M.A. Jansen, 1956-70
2 Monsignor Dr A.J. Simonis, 1970-83
3 Monsignor Dr R.P. Bär OSB, 1983-93
5 Monsignor Dr A.H. van Luyn SDB, 1994-2011
6 Monsignor Dr J.H.J. van den Hende, 2011 to present

Haarlem

Following the long episcopate of Huibers, who occupied the post for 25 years and built up a good name for himself, especially as a result of his active role in the war years, his successor Van Dodewaard died in 1966 at the age of only 53 and did not thus have to face the years of polarization that were to follow. He did however take a full part in the Second Vatican Council, where he was conspicuous for the active role he played.

His successor, Bishop Zwartkruis, had a particularly difficult time in the 1960s. Amsterdam with the Catholic University College, rebellious student pastors and priests who wished to say goodbye to celibacy and embark upon marriage, seemed to be the epicentre of the renewal movement in the Roman Catholic Church. This was opposed by a counter movement supported by Rome, which was keen above all to retain the Church’s old traditions and dogmas. Zwartkruis had difficulty with this and tried to act as a bridge-builder, keeping all the factions on board. He seems to have been fairly successful in this, but he was unable to prevent large numbers of priests leaving the priesthood to marry or cohabit during his episcopate. It was a bitter pill for the Bishop to swallow when Rome went over his head and appointed two Auxiliary Bishops, one of whom was promised the succession. This was another act by the Vatican to gain more control over what Rome saw as the rebellious Roman Catholic Church in the Netherlands. It was a heavy blow for Zwartkruis, who died two days after the appointments were announced.
Zwartkruis’s successor was Bomers, who held the episcopate from 1983 to 1998. He was well known as an unyielding man. At his funeral in 1998 his brother told the story that, when advised to water down the wine a bit, the Bishop responded with the comment ‘Then it isn’t wine any more!’ Bomers was succeeded by Punt.

Rotterdam

Jansen had the honour of being the first Bishop of Rotterdam, holding the office from 1956 to 1970. He took office in a period when it seemed that the Church was only growing and flourishing. When he resigned, the Church was an institution that was under pressure from within and without. It was unlike Jansen to polarize matters, and he tried as best he could to weather the storm.

That was not the case with his successor, Simonis, who headed Rotterdam from 1970 to 1983. This conservative bishop was appointed against the will of Cardinal Alfrink, who apparently once said in response to his appointment, ‘A bishop should be there for the entire flock, not just the conservative element’. In 1983 Simonis was appointed Coadjutor-Archbishop and left the port city.

Simonis was succeeded by his former Vicar-General, Bär. The new bishop had been brought up in the Dutch Reformed Church and had briefly been a member of the Old Catholic Church before joining the Benedictines in 1954. He was well known as a prelate who made contacts easily. He resigned as Bishop in 1993.

His successor, the former Provincial Superior of the Salesians, Van Luyn, took office in 1994 and remained in the post until 2011, when he retired on account of age. His last year as Bishop in particular was overshadowed by cases of sexual abuse coming to light in his congregation, although his name was never mentioned in connection with them. The Bishop of Breda, Van den Hende, succeeded Van Luyn on 2 July 2011.

5.11.2 Personnel policy: admission and appointment

Of prime importance in policy to prevent sexual abuse were the criteria laid down by the Dioceses of Haarlem and Rotterdam for admission to training for the priesthood and subsequent ordination. Appointments policy in the 1950s and 1960s did not amount to much. Bishop Huibers, for instance, took pleasure in appointing priests to parishes based mainly on their surnames rather than their qualities. A curate named Groot (‘large’) would be assigned to a parish priest named Klein (‘small’). The Grote Willibrord parish in Amsterdam thus came to be served by three priests all with fishy names, Steur, Vis and Haring (‘sturgeon’, ‘fish’ and ‘herring’), and the presbytery was nicknamed the Fish Bowl. There were a number of such parishes in the Zaandam area too, with the result that it was referred to within the diocesan organization as the Aquarium. When combinations of this kind were brought up, Bishop Huibers always used to say, ‘It was inspired by God, but even He makes mistakes occasionally!’

It was not until the 1970s, by which time Haarlem and Rotterdam were separate dioceses, that policy was transformed and appointments were dealt with in a more professional way. Various committees were set up in this area: both dioceses set up incardination committees to advise on the admission of priests from other dioceses, for instance. Candidates were interviewed by members of the committee, and reports of the interviews were drawn up. Information was also obtained on the candidates and their references were checked. Haarlem set the ball rolling in 1970 with the creation of a committee of this kind, and following its example the Diocese of Rotterdam set one up in 1971. This was abolished in 1986, when Bishop Bär discovered that it had not met for ten years because of the small number of applications.
In 1972 the two dioceses jointly set up a Selection Committee for the Dioceses of Haarlem and Rotterdam, whose remit was to advise the bishops on the admission of seminarists to the priesthood. This committee broke up in 1979 following disputes with Bishop Simonis on his admission policy. The Diocese of Rotterdam subsequently set up an advisory board (AVA, Adviescollege voor Ambtskandidaten), whose remit, like that of its predecessor, was to advise the Bishop on the suitability of candidates for the priesthood and other pastoral posts. Bär abolished it at the end of 1989 because he considered that he was receiving advice from elsewhere, inter alia from the senior staff of the Vronesteyn seminary in Voorburg.

The Selection Committee clashed head-on with Bishop Simonis when, very much against the will of the committee members, he pushed through the ordination of Pastor R. This case is described in detail above. This led the Diocese of Haarlem to resign from the Selection Committee. The other members of the committee then also resigned, giving reasons including the fact that Simonis had a fundamentally different opinion on candidates from the committee’s.\textsuperscript{143} It was not just this specific case: the committee also clashed with Bishop Simonis on the assessment of students from Rolduc. Simonis considered that the committee had no part to play in this, as Rolduc was a Church-approved seminary and he based his decisions on the recommendations of its senior staff.

Following the Selection Committee fiasco, Simonis set up the AVA the same year. After Bär took office as bishop in 1983 he, like his predecessor, overruled decisions by the AVA not to admit candidates to ordination on several occasions. Among them were five individuals who subsequently fell into discredit for sexual abuse of minors. In one of these cases, a mentally disturbed homosexual according to the Appointments Adviser, it was not only the AVA that objected to his ordination; the Council of Priests also raised serious objections to him.

Despite this the Bishop admitted him to the priesthood at the end of the 1980s. Another case was no different: when it was mentioned in the AVA that the parish priest from the same town as a candidate priest had aired his opinion that the latter ought never to be ordained priest, Bär waived this aside, commenting that he knew another parish priest who had a different opinion on the matter. In a third case doubts arose in the AVA about the person’s homosexual orientation, but he was nevertheless ordained priest in 1989. According to an ex-employee of the Diocese of Rotterdam it was the Bishop who pushed this through.\textsuperscript{144}

5.11.3. The role of Bishop Bär

The Commission of Inquiry has asked itself why Bishops Simonis and Bär went against advice and admitted men to ordination who turned out to be unsuitable and succumbed to committing abuse. As regards Monsignor Simonis the Commission would refer to the discussion above. It should be noted here, however, that as Bishop of Rotterdam Simonis was supported in his policy by Vicar-General Bär.

Appointments policy under Simonis – also under Bär – presented a mixed picture. On the one hand this was a period when personnel policy was being professionalized, with such things as selection committees being set up, references being obtained and candidates being psychologically tested. On the other hand, in spite of the professionalization, it was possible for the Bishop to ignore advice: although he was not authorized to do so, he was quite happy to take it upon himself.

In this connection the Commission also had to contend with a sensitive issue in relation to Bishop Bär, whose resignation in 1993 was surrounded with rumours of supposed homosexuality. At a press conference Cardinal Simonis stated that ‘it is not a problem if a bishop is homosexual, but under Catholic ecclesiastical law he is not permitted to maintain homosexual relations in his post.’\textsuperscript{145}
The Commission felt obliged to include the subject of Bishop Bär’s orientation in its investigation and the assessment of his administrative behaviour. In this the Commission was led by the question of whether his sexual orientation could have affected his appointments policy, both from the perspective of personal preference for particular candidates and from that of possible vulnerability that could have influenced his decisions in any way. If that was indeed the case, in the Commission’s estimation he would have been susceptible to blackmail.\textsuperscript{146} A number of ex-employees of the Diocese communicated similar views to the Commission.\textsuperscript{147}

According to one of these ex-employees of the Diocese of Rotterdam the Bishop in fact led a double life.\textsuperscript{148} He gathered around him a group of confidants who were admitted to ordination, including a remarkably high proportion of homosexuals. He also received seminarists in his private rooms in the bishop’s residence in the evenings.\textsuperscript{149} One of them later complained that he had met with advances from the Bishop in 1989.\textsuperscript{150}

The number of homosexual students at the Vronesteyn seminary in Voorburg was remarkably high. The names of five seminarists known to be homosexual were mentioned in the AVA during the 1987-9 period.\textsuperscript{151} One of them was a subsequent perpetrator who also consorted with the Bishop privately.\textsuperscript{152} Another perpetrator who owed his appointment as a priest to Bär was homosexual too.

The Commission, which discussed this matter in detail with Bishop Bär, is unable to draw any conclusions as to whether he took certain personnel policy decisions under pressure or threat – or did not take such decisions, particularly as regards possible sanctions against certain priests. The Commission does consider that he was vulnerable, but it has not been able to ascertain how many people – including perpetrators – were aware of that vulnerability.

\subsection*{5.11.4. Abuse of minors: the 1945-2010 period}

In the case histories we have distinguished between the 1945-65 period and the period from 1966 to the present day. The 1945-65 period is broadly characterized by certain typical behaviours on the part of those concerned. Parents of abused children were often more inclined to believe the priests than their offspring when the latter complained of misbehaviour. The bishops, in turn, confined their response mainly to a gentle admonition or transfer to another parish. They considered this would be sufficient to put an abuser back on the right track. All this took place in a climate where sexuality was virtually a taboo subject. Little if any education on the matter was given at the minor seminaries, where it was thought that the problem would not exist if it was not talked about. A telling example of this underestimation and ignorance is the case of OSC1, about whom the Master General of the Crosier Order wrote to the Bishop in 1955 that the perpetrator would not present any more danger to young girls now that he had turned the age of fifty.

In the post-1965 period the Church lost a lot of its authority and society was moreover more critical about the Church’s attitude to sexuality than in earlier years. The subject of sexuality was in any event no longer strictly taboo among worshippers and former worshippers, nor did they take the authority and sacrosanctity of priests for granted any more. This manifested itself in a more active approach on their part when confronted with cases where their children had met with sexual advances from priests or monks. Against this greater openness, however, the administrative response remained difficult.

\subsection*{5.11.5. Numbers}

The investigation revealed the following numbers of abuse cases.

\textbf{Diocese of Haarlem}
Secular clergy 1945-65 21
1966 to present 7
Total 28
Religious clergy 1945-65 29
1966 to present 5
Total 34

Diocese of Rotterdam
Secular clergy 1956-65 5
1966 to present 9
Total 14
Religious clergy 1956-65 None
1966 to present 4

It is understandable that the numbers in the Diocese of Haarlem are much higher than in Rotterdam, as the Diocese of Rotterdam was not created until 1956. Furthermore, it did not create any congregations of its own, so there are no traces of abuse by monks or religious brothers. The late creation of this diocese makes it difficult to compare the pre-1965 and post-1965 periods, but if we look at the Diocese of Haarlem we see that the number of abuse cases in the 1945-65 period was much higher than in the later period, namely fifty and twelve respectively. In percentage terms this means that 81% of the abuse cases found occurred during the 1945-65 period and 19% in the later period. This pattern differs significantly from the conclusions of recent American research, which on the contrary found sharp growth in sexual abuse of minors in the 1970s, explaining the phenomenon in terms of the influence of the sexual revolution.153

If we look at the domains in which the abuse took place, these are as follows in the Diocese of Haarlem:

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<tr>
<th>DOMAIN</th>
<th>%</th>
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<tbody>
<tr>
<td>Educational institutions and reform schools</td>
<td>49</td>
</tr>
<tr>
<td>Parish</td>
<td>30</td>
</tr>
<tr>
<td>Family and friendships</td>
<td>6</td>
</tr>
<tr>
<td>Other or unknown</td>
<td>16</td>
</tr>
</tbody>
</table>

In the domain of educational institutions and reform schools, boarding school life was particularly risky. Most of the abuse cases in this domain occurred in institutions where children lived round the clock. Of the total number of abuse cases, 36% occurred behind the closed walls of educational institutions and reform schools where children were entrusted to the care of these institutions 24 hours a day.

The findings for the Diocese of Rotterdam are different:

<table>
<thead>
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<th>DOMAIN</th>
<th>%</th>
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</thead>
<tbody>
<tr>
<td>Educational institutions and reform schools</td>
<td>0</td>
</tr>
<tr>
<td>Parish</td>
<td>41</td>
</tr>
<tr>
<td>Family and friendships</td>
<td>29</td>
</tr>
<tr>
<td>Other or unknown</td>
<td>29</td>
</tr>
</tbody>
</table>

A striking feature in the Rotterdam Diocese is the absence of abuse cases in the domain of educational institutions and reform schools. This reflects the trend that began in the 1960s, when the educational role of congregations declined and the minor seminaries were no longer boarding schools but normal day schools.
Over 80% of the reports received in 2010 by the Commission of Inquiry and other bodies related to educational institutions and reform schools. Although the proportion in this category in the Diocese of Haarlem is high (49%), it is still significantly lower than 80%. One conclusion could be that the media were responsible for a large number of reports, as they focused particularly on abuse at boarding schools and paid less attention to the other domains. Archive research has therefore proved to be a particularly valuable tool.

5.11.6. The Harreveld case: abuse in an educational congregation

Of the fifteen educational institutions and reform schools where any form of sexual abuse was found in the investigation into the Diocese of Haarlem, eleven cases related to boarding schools such as reform schools, children’s homes and minor seminaries. The fact that children were left to the tender mercies of their teachers, childcare workers and supervisors made them particularly vulnerable. This seems to have been very much the case with boys at reform schools, who were sometimes less resilient – for example because they had been abused as children or taken away from home for other reasons –, or in some cases were problem children, having been convicted in the juvenile courts.

Harreveld, which was governed by the congregation of Brothers of Our Lady of the Seven Sorrows, was an institution of this kind. The children’s home was in Lichtenvoorde in the Province of Gelderland. The Brothers, also known as the Brothers of Amsterdam, formed a congregation that had been under the supervision of the Bishop of Haarlem since 1853. They are considered separately in Appendix B (B5-6). Suffice it to say here that they concerned themselves with rearing and teaching poor and neglected boys. Although they were an educational congregation, they focused particularly on teaching technical skills, thus setting themselves apart from the other educational congregations. They prospered and set up technical schools with boarding facilities at various places in the Netherlands. From 1900 onwards they decided to look after children in correctional institutions as well. Later on Brothers were also sent out to New Guinea and Canada.

The next section describes a crisis at Harreveld. The term ‘crisis’ is in fact the conclusion reached by meetings of the General Council, which deliberated on the subject of Harreveld remarkably frequently. The board of the congregation made no secret of the fact that problems were encountered in this institution that were not so frequent or serious in the other institutions.

The only source for this description is the minutes of the General Council and some personal files on individual Brothers. Harreveld is thus seen from the perspective of the congregation. Other records such as those of the board of the institution or the Ministry of Justice, Zutphen District Court or Arnhem Court of Appeal have not or not yet been examined. The crisis, then, exists in the imagination of the Brothers of Amsterdam, but it is highly unlikely that other official bodies concerned would have regarded it entirely differently.

5.11.6.1. Crisis in 1955-56

The starting point chosen is the visitation organized in 1955 by the Archbishop of Utrecht, in whose diocese Harreveld is situated. The inspector was the Capuchin Father Nicasius. His report was not found in the archives of the Brothers of Amsterdam, but the response to that report, written to Coadjutor-Archbishop Alfrink on 27 May 1955, has been preserved. It indicates that the Brothers had been urged not only to improve their religious education but also to develop their professional qualities: ‘In recent years regular work has been done on education and the study of educational theory, psychology and religious issues connected with the work, especially by the younger Brothers.’ The author of the letter (the Superior General) accompanied this aspiration with a warning: ‘The young people of Harreveld are very dangerous to themselves and to the Brothers. This needs to be
pointed out regularly. Most boys come to Harreveld because they have had a very inadequate or wrong upbringing, with all that this entails.’

The answer also shows that the Superior General was critical of the then Superior of the community in Harreveld, Brother CSD1. He took good care of his appearance, but there were ‘comments’ about ‘faithful observance of religious duties’. The Order would have liked him to set an example, but all too often this desire remained unfulfilled. Brother CSD1 was moreover ‘inclined to allow some boys greater freedom. Given the nature of a home such as Harreveld, however, this is a bold experiment that requires more than usual from the group leaders.’

In July 1955 the General Council was forced to conclude that Harreveld ‘has a very poor reputation’ in Child Protection Agency circles, as had emerged from conversations with female inspectors in Rotterdam, Eindhoven and Nijmegen. In September 1955 the Council was informed that a Brother had asked the Father Superior for a transfer, as he could not reconcile himself to what was going on at Harreveld. He found it ‘noteworthy that so many Brothers have left Harreveld over the past few years’.

As a result of the criticisms made by the inspectors and the visitator it was decided to give the Brothers in-service training. In November 1955 the Council was informed that the doctor at Harreveld, Dr Herselle, had given various talks on sexuality in collaboration with Rector Linthorst. There was to be a meeting to which a psychiatrist and a theologian would be invited.

Dissatisfaction with Harreveld reached a climax in February 1956, when Brother CSD1 had to resign immediately as Superior of the Harreveld community on account of accusations of sexual abuse. The meeting of the General Council on 22 February 1956 was swamped with complaints about the boarding school. The Harreveld Brothers were neglecting their religious duties. ‘About half of the Brothers did not attend meditation and holy mass, and more did not participate in other exercises. More than half of them arrive late. They saunter in at meal times without saying where they have come from.’ The Rector at Harreveld said he had ‘no understanding of boarding schools’, yet relations between him and the boys improved.

The ‘immorality’, said an unknown speaker, ‘of the boys among themselves and with the Brothers beggars description. Harreveld is rotten to the core.’ The Father Superior added that ‘immoral things have happened on the farm that were very bad. The laity are aware of them.’ It was also ‘bad’ in the garden, where the boys, eighteen in number, roamed around unsupervised. Each new boy was abused sexually. Former pupils visited Harreveld on Saturdays and even on Fridays, presumably to spend their weekend leave as conscripts at the boarding school. ‘Bottles of wine and gin were consumed. Boys left the room drunk, slept with one another in groups of five or six. What happened there was really bad.’

Brother CSD8, who had meanwhile been appointed Superior of the Harreveld community – replacing Brother CSD1, who had fled – announced that the civil authorities would carry out an investigation at Harreveld ‘into moral conditions among the boys’. There was a female inspector from the Child Protection Agency ‘who wanted boys to be removed from Harreveld forthwith.’

In response to these events a delegation from the Brothers requested advice from a series of authorities such as Dr Van Delft, Father Boelaars, the Child Protection Agency in Enschede, Prof. D. van Eck (of the Law Faculty of Leiden University) and F.J. Féron (Vicar-General of the Diocese of Roermond). ‘It became clear from the various discussions that the removal of Brother CSD1 was justified in every respect.’ The valuable recommendations of the people consulted were discussed in detail at the General Council meeting on 14 March 1956.
5.11.6.2. Crisis in 1958-59

In February 1958 the General Council was informed that, during a visit to Harreveld by a juvenile court judge from 's-Hertogenbosch District Court, the Superior and Rector had been told about ‘a long list of all the bad things that had happened at Harreveld, true and untrue.’ The Rotterdam Public Prosecutor is said to have spoken at a meeting of juvenile court judges of ‘the most incredible enormities at Harreveld’. ‘It is alleged, among other things, that four hundred thousand guilders has been paid in hush money, [and there has been] fiddling with the organ fund! Miss Van Dungen is to write an article in De Telegraaf.’ The ‘s-Hertogenbosch Public Prosecutor ‘thinks he can level accusations all over the place, juvenile court judges seem to have the sole right to know and say anything; we are not allowed to see reports, so we cannot defend ourselves.’ The Council decided to bring ‘this slander’ to the attention of the Minister of Justice if necessary through the chairman of the Harreveld board, the then Secretary General of the Catholic Federation of Employers’ Associations and subsequently Minister of Agriculture and Fisheries and Prime Minister, V.A.M. Marijnen.

A few months later, on 20 May 1958, the Council was confronted with the fact that two Brothers from Harreveld, CSD2 and CSD3, had been convicted by Zutphen District Court. This gave rise to a lively discussion on the methods of supervision used at Harreveld. ‘According to the letter of the law,’ said Brother Dionysius, ‘a method needed for example for therapeutic purposes at De Widdonck [one of their other institutions] that could for example be desirable at Harreveld for some other reason is nevertheless illegal. The law makes us vulnerable in our work, even if the courts are not so strict.’

The Brother went on: ‘The affair came to a head when the Father Superior communicated the opinion confided in him privately by Dr Terruwe that men, i.e. Brothers, should not show affection towards boys, that this was very dangerous.’ The psychiatrist Dr Anna Terruwe had been consulted in connection with a psychological assessment of the two Brothers who had been charged. Brother Eymard, the then Superior of Harreveld, ‘felt the ground slipping away from under him and asked for the congregation to approve the approach adopted’. The Father Superior ‘said that there was no reason to lose such confidence. We did however feel that what Dr Terruwe had said was true: men should not do that, that’s precisely why we brought in the ladies, that’s the direction in which the boys should be guided. It is thought that there remains enough space, however, within which Brothers cannot avoid showing some affection.’ While this latter point was acknowledged, so the account continued, ‘there is still scope for coming up against the Public Prosecutors, who fail to include the psychological and therapeutic aspects of the work in their assessment. The work remains dangerous from that point of view.’

Brother Eymard wanted a ruling from the Council, as he thought he had heard doubts being expressed about the rightness of the approach at Harreveld. He saw himself faced with practical problems, such as how to meet a boy’s needs for affection if there was no female leader available to deal with them. Another Brother then pointed out that the Public Prosecutor ‘generally does take the situation into account, but in the case of Harreveld what has been said about its past has had a major influence. What we need to do is put forward some expert advice on the psychological background, get some big names on our side, give their findings to the lawyer and bring them to the Minister’s attention.’ The Father Superior thought ‘we are in a glass house and too much is going to be raked up’. The protracted discussion ended with the decision that two Brothers would approach Dr P.J.A. Calon, a child psychologist and Professor of Developmental Psychology at the Catholic University of Nijmegen.

In autumn 1959, however, the General Council again concluded that the frequency of sexual aberrations at Harreveld underscored the need for more than the usual degree of attention and for measures in the interests of both the Brothers and the board. The Brothers who had talked to Calon
pointed out that there needed to be a change in the organization: the closed groups should be broken up and Brothers should not stay at Harreveld too long. Others sought a solution more in enhanced religious awareness and community life: ‘It’s like a happily married spouse, who is stronger in circumstances of temptation than a lonely, unhappy one.’

The General Council expressed disappointment at the fact that so soon after the visitation on behalf of the Archbishop of Utrecht ‘matters are not safe’. Evidently a lot of things were hidden from a visitor’s view, and that indicated how relative its value was.

One of the Brothers thought that the Father Superior was playing down the matter, but he denied this: ‘The fact that he would ideally like to evacuate Harreveld proves that this is not the case.’ He considered that not enough suitable people could be found to do the work, mentioning a Brother who was a favourable exception. Ironically, this man was convicted of a sexual offence a few years later.

On 30 October 1959 the General Council discussed a plan for the reorganization of Harreveld, devised under the supervision of Brother Lioguori, the Deputy Superior. The document was in two parts. The analysis of the situation at the time indicated that a feeling of fatigue and boredom had been noted among the Brothers, as if their contacts with On High had had no effect. A general framework was lacking, with the result that everyone, both the Brothers and the boys, were given too much freedom at the expense of the necessary discipline. Moreover, the boys were offered hardly anything beyond their formal education: in effect they were simply kept off the streets.

The reorganization revolved around appointing a general manager (possibly the Superior) with a senior staff (based on the model of De Widdonck, the Brothers’ other institution), the main feature being that the senior staff had no direct involvement with the boys. Among them heads of sections and schools would have to be appointed, including a boarding school governor, who would provide leadership for the three main teachers. At the bottom of the pyramid were the group leaders. This reorganization was expected to produce some improvement, as was removing boys who were too difficult and simply did not fit into a framework offering too much freedom.

5.11.6.3. Criminal investigation 1960-61

In 1960 Harreveld was the subject of an extensive criminal investigation. Detectives interviewed various people in and around the institution on the instructions of the Procurator General of Arnhem Court of Appeal and with the knowledge of the Public Prosecutor at Zutphen District Court. The result was that twelve Brothers were interrogated. Three of their cases were dropped, and in a fourth the lawyer’s notice of objection was accepted. Finally three Brothers had to appear before the court in Zutphen, where at the end of 1961 two of them were given suspended prison sentences and one was acquitted. The Public Prosecution Service appealed. Arnhem Court of Appeal upheld the suspended sentences and the acquittal in March 1962.

The criminal investigation came as a shock to the congregation. At the first meeting the General Council held on the matter, on 17 October 1960, the conclusion was that ‘the continual mistrust of Harreveld on the part of the judicial authorities is reason for us to give up the work there’. What prevented them from putting this conclusion into practice was the realization that the congregation ‘must have done something vis-à-vis the three Brothers for them to be able to be charged.’

The institution called upon the aid of a lawyer. It is unclear from the minutes whether it was the board that took this initiative or the congregation. In a memorandum intended for the Secretary General of the Ministry of Justice the lawyer referred to the criminal investigation as ‘biased’ because of the ‘personal interrogation, the interference in non-criminal matters, going over the heads of the
board and ordering people to keep silent’. The investigation was also described as ‘ill-judged’, as it had set people against one another with all sorts of insinuations and exerted pressure to confess. Lastly it was described as ‘high-handed’, as it had been conducted with no understanding of the situation, going over the heads of the board and also the Inspectorate of the Ministry’s Seventh Division, which was the appropriate authority in this case. There were not even any inquiries into the authority and reliability of the witnesses.

In November 1960 a meeting took place at the request of the Harreveld board with the Secretary General of the Ministry of Justice. This was attended by the Procurator General of Arnhem Court of Appeal and the Public Prosecutor at Arnhem District Court as well as the board, which subsequently concluded at the General Council meeting on 21 November 1960 that the Secretary General evidently could not drop the case but he was willing to ‘keep the matter within small proportions if the congregation does something before the three cases are heard’. The congregation would have to act in such a way that the Public Prosecutor could say that the three Brothers concerned were no longer working with the boys, in which case the matter might not go beyond these cases. There were some murmurs in the General Council, but the result of the consultations was that the three Brothers were transferred. None of them were still working at Harreveld at that time; they were reassigned from the work they were doing. ‘We need to accept this minor evil in order to avoid a worse one.’ The Public Prosecutor at Zutphen District Court acknowledged this decision by informing the three Brothers that they would not be prosecuted subject to certain conditions.

Various Brothers ‘who had not confessed anything’, according to the minutes of the General Council meeting on 2 February 1961, had to appear before the examining magistrate. Finally, as already mentioned, three of them were summoned to appear before the court.

5.11.6.4. 1961: final meeting on Harreveld

On 28 August 1961 the General Council met once more to discuss Harreveld. The item on the agenda was optimistically entitled ‘Final meeting on Harreveld’.

The reality was less rosy. Visits to Harreveld had revealed that ‘not all the Brothers are under the authority of the Superior, many things go on over his head: use of the car and alcohol were mentioned. It could be said that there are several Superiors, and these senior staff do not get round to fulfilling their religious obligations. The Superior takes a gloomy view of the matter. Even though, as many people think, he ensures that regularity is preserved, he distances himself completely from everything that happens there, which makes the atmosphere even more unpleasant. There is a feeling that restoring religious relationships is a prerequisite for living in a religious community; human relationships cannot act as a substitute, but they are included. The Council considers that the Superior must be replaced.’

Brother Dalmatius became Superior General in 1962. His election had at least two consequences for Harreveld: the Brothers were removed and formed a new community in the residential area of the village of Harreveld, and the minutes of the General Council henceforth became a list of decisions with no reporting of the various – sometimes revealing – discussions.

The problem had still not been solved, however. In 1964 a visitator on behalf of the Diocese of Utrecht, W.J.J. Grondhuis, visited Harreveld. He found the situation at the institution alarming. He came to the depressing conclusion that Harreveld was ‘sick, seriously sick’. The Brothers working there were often lonely, unhappy and poorly prepared for their work, and there was scarcely any leadership. Grondhuis pointed out that Harreveld had had no less than six Superiors between 1953 and 1961, several of whom had even left the congregation and one, CSD1 (mentioned above), had
even been forced to leave. Harreveld consequently had a bad reputation with the Child Protection Agency, which only sent boys there when all the other options had been exhausted.

This was the fault mainly of the congregation: ‘I expressly wish, most seriously and with the greatest emphasis, to blame the training that this Congregation gives juvenists and novices. (...) I would certainly not dare take responsibility for advising any boy or young man to enter the Congregation of the Brothers of Our Lady of the Seven Sorrows.’ He had also noted to his amazement that the former Superior, Brother CSD1, need not have left the congregation: ‘Precisely who is responsible for this I do not know, but why Brother [CSD1] is currently living in Canada, still as a member of the Congregation, is a mystery. I would even be inclined to protest about it, after everything I have heard about him.’ The visitator found the situation at Harreveld so alarming that he had only one recommendation to make, namely to gradually disband the congregation. This should be done by no longer admitting new juvenists or novices and by contacting other congregations to which any Brothers of Our Lady of the Seven Sorrows so wishing could be transferred.154

The Brothers of Amsterdam continued to exist, albeit they were gradually decimated. They withdrew from Harreveld during the 1980s. While their technical schools had been a success, their youth work in a penal institution had given particular cause for concern. A brother who taught technical skills was not a youth worker. And if he therefore went to study at a social work college he would often leave the congregation. In any event a relatively large number of Brothers had turned out not to be able to resist temptation in personal contact with boys who had been taken away from home.

5.11.6.5. Abuse elsewhere: Hageveld minor seminary

Unedifying things could also occur at normal educational institutions such as the Hageveld minor seminary in Heemstede. A lay teacher was appointed there in 1963, HA1, who subsequently occupied a supervisory post. He was popular among the pupils; only one or two of them were aware that he was a paedophile who seriously abused pupils. As far as can be ascertained no steps were taken against him.

Complaints were also lodged against other people employed at Hageveld, including a person whose behaviour was mainly intimidating with a sexual undercurrent. But HA1 was by far the worst and may have victimized dozens of pupils. One ex-pupil described it tellingly: ‘Each year fresh meat came in to be hunted.’155

5.11.7. Abuse in the context of family and friendships

Compared with abuse in educational and pastoral settings, abuse in the family domain or involving children from families where the priest had become a kind of family friend was less common. What is striking is that abuse in such settings often took on very serious forms and furthermore was rarely if ever confined to a single occasion but could sometimes even go on for years.

The pattern seemed to be constantly repeated, with variations: the priest regularly visited a family – perhaps a broken family –, gained the confidence of the parent(s), moreover showing himself to be a warm, genial lover of children whom the children liked to visit, staying with him or even going on holiday with him. Sometimes the parent(s) sent children with problems to the priest, who took care of them as a therapist. One girl had been sent to the priest by her mother after attempting to commit suicide. He gradually managed to ensnare her, made her dependent and abused her for years. A minor seminarian who had been abused at Hageveld told a similar story: once the boy was back home, Father OSC2 soon realized that things had happened there that were not to his liking, after which he continued HA1’s practices for years, this time outside Hageveld.
In most cases the parents had no inkling of the abuse. An exception was parish priest HA2, who abused the children of the woman with whom he was in a relationship with her knowledge.

5.11.8. Abuse in a parochial setting

If a parish was served by a paedophile priest, altar boy work could be a risky pastime. Especially while changing before or after mass, an altar boy could be the object of unhealthy attention from the priest or curate. Cases of abuse in situations where the priest removed his chasuble were fairly common. Often the priest also had a special interest in youth work activities, and things could go seriously wrong in that setting: Curate HA3 interfered with a pupil during a school camp for sixth-year primary school pupils, for instance. Another priest was very interested in the boys’ ward of the hospital where he carried out pastoral work, and yet another had a very special way of mentoring the girl scouts. Only a few cases of abuse resulting from confessions in the confessional were found in the archives, an example being curate HA4 from Amsterdam.

5.11.9. Complaints to the Bishop and the police

Parents frequently turned to the Bishop with complaints of improper conduct by priests. In one case a father even warned the Diocese of possible future dangers before anything had happened: this was the case of a headmaster from Volendam in 1951 who had been observing the Franciscan Father OFM1, who held retreats for boys over compulsory school age. Mindful of a recent abuse case in Volendam, he noticed that the Father ‘(...) is very friendly with the boys. Not only makes jokes but repeatedly sets off minor horseplay, which he participates in himself. (...) He doesn’t do anything dishonourable, but I’m scared that something could develop in the long run. We teachers, husbands and family men, all know how extremely careful we have to be in class, while a priest does not have the inhibiting support of a family of his own and is therefore in even more danger.’ His warmth, said the headmaster, might develop in a dangerous direction. What was done about this letter is not known, but he wrote it while on retreat at a monastery during his vacation, on the advice of a priest, who evidently also realized the seriousness of the matter.

The Commission of Inquiry has not previously encountered an early warning of this kind. More often the Bishop or the police was alerted once the harm had already been done; nor did that always result in steps being taken. When Bishop Zwartkruis received anonymous letters about a priest, his policy was to destroy them immediately and not do anything about them. In the case of the perpetrator HA2 he took a different approach. In 1971, when he received an anonymous letter complaining about HA2 from a parishioner in Nederhorst den Berg, he sent it on to the parish priest with this covering note: ‘As you will understand, I do not attach any value to an anonymous letter, but I thought I ought to inform you of the content of this letter.’

How often and why parents did not dare report to the civil authorities when they found out that a priest had been abusing their children we shall never know, precisely because this was not reported. Often victims would say afterwards that the priest or Brother was so highly respected by their father and mother that they would simply not be believed. For example, the under-age daughter of Family [X3] was grounded for fourteen days for lying, because she had complained about the improper behaviour of the Secretary of the Diocese of Haarlem, who was a friend of her parents’ family. But even if parents did believe their children they might have reasons for not complaining. That was the case, for instance, in Family [X4], where there was a fear that the family would not only be given the cold shoulder in the village but especially that the breadwinner, who taught at a Roman Catholic advanced elementary school, would immediately lose his job for defamation and slander. Parents would also decide not to report to the civil authorities so as not to discredit the Church. This was the case, for example, with a father who decided not to lodge a complaint against HA3 in 1974 because he did not want to harm the Church. When the parish priest refused to remove his curate from youth
work because he thought he should fully support him, the father turned to Bishop Zwartkruis, who then transferred him to another parish. A mother had the same reason for not lodging a complaint with the civil authorities in 1959: she decided not to do so ‘(...) because she is a good Catholic.’

Nevertheless there are also examples where parents did find the courage to lodge a complaint, not only with the Bishop but also with the civil authorities, when confronted with sexual abuse of their children.

5.11.10. The perpetrators’ backgrounds

The question is to what extent perpetrators themselves were victims of sexual abuse or some other form of maltreatment when they were children. Details of their childhood have emerged in the case of two priests. Curate HA5 had a terrible childhood. His father was an alcoholic and separated from his mother. In his early years he was sexually abused, by his own brother and an elderly man. Curate HA6 did not have an easy time at home either. His father was temperamental and unable to handle money, with the result that he was fired from his job on various occasions. He too later abandoned his family.

What a number of perpetrators had in common was that they had problems in other areas as well as sexuality. Alcoholism was common, and they often had great difficulty adapting to other people and neglected their pastoral duties. Conflicts with other people were consequently frequent. A host of complaints were made about HA2, HA7, HA8 and HA3 and their drink problems. In 1988 HA3 even obtained treatment from the Alcohol and Drugs Clinic. This was probably not very successful, as he was arrested by the police for being drunk and disorderly in 2005. HA2, SCJ1 and HA8 in particular had problems adapting and came into conflict with other people. In the various parishes where HA2 served, complaints reached the Bishop that he was lazy, a parasite and always moaning. Similar complaints were made about HA8, who failed in his pastoral duties and was sometimes very rude. He said goodbye to the sixth year of primary school, for instance, saying: ‘You’re good for nothing and so are your parents.’ He also cast suspicions on parishioners in a manner ‘verging on coarseness’.

To what extent did priests feel accountable for their deeds to themselves and to others, such as their victims? Remorse and a sense of guilt emerged in two cases in these two dioceses. The therapist treating HA3 wrote in 1988 that he was weighed down by ‘(...) feelings of shame about past events’.

At the end of his life HA5 drew up a spiritual testament in which he asked forgiveness for what he had done wrong. More often, however, perpetrators would deny the seriousness of their deeds, play them down or be very reluctant to apologize. One of HA2’s victims, for instance, was sent a ‘sorry’ note with four fifty euro notes. Father OSC2 wrote to the Vicar-General of Rotterdam quite simply that he had never abused minors in a pastoral relationship. When the Vicar-General expressed astonishment at this denial, the answer he received was that the abuse of which he had been accused was not in a pastoral relationship but a friendship. Another perpetrator judged his abuse of an under-age girl in the same way: ‘We had a good time together.’ At best abuse was admitted in terms of ‘not having been sufficiently prudent’ or ‘I ought to have held back a bit more’.

In addition to those who were removed and forced to leave the religious life (see below), fifty perpetrators went ‘back to the world’. In the case of three perpetrators (Brother CSD4 in 1952, Brother CSD5 in 1983 and Brother CSD6 in 1969) it is unclear to what extent their congregation (Our Lady of the Seven Sorrows) had insisted on this. It was clear from the correspondence, though, that their departure was not particularly regretted. In any event, the cleric HA9 (1972) and curate HA4 (1970) left the priesthood voluntarily: both of them wished to marry, and their resignation took place at a time when numerous priests turned their back on the Church.
Lastly, the Commission of Inquiry came across a case that shows a completely different side to the problem of sexual abuse. A member of the congregation of Brothers of Our Lady of the Seven Sorrows asked the Bishop to dismiss him precisely so as to protect the young people entrusted to his care. This teacher had previously asked for a transfer from the Harreveld boarding school to a school with only day pupils, hoping that he would then no longer present a threat to the pupils. He continued to feel uneasy, however, so he eventually took the step of asking the Bishop to dismiss him. This incident shows that there can sometimes be unexpected nuances to the pattern of perpetrators.

5.11.11. Measures against perpetrators

When discussing measures that the bishops took against perpetrators once abuse had been discovered we need to differentiate between priests working in the Diocese and men who were members of a congregation. In the latter case it was mainly the Superior who would make a proposal, which was usually adopted by the Bishop.

When it comes to measures against secular priests it would seem that bishops took a rather long-suffering or forgiving attitude to perpetrators among their priests, especially in the early years. They were hardly ever suspended, for example. Only curate HA5 was suspended in 1945, but that seems to have happened mainly because it was the condition laid down by the Public Prosecutor if he were not to prosecute, and the suspension was soon lifted. Curate HA10 also lost his jurisdiction, but whether this was due mainly to the fact that he had been caught by the civil authorities is unclear. Generally the harshest punishment was merely transfer to another parish plus a gentle admonition. This happened to curate HA3 twice, following complaints about improper sexual conduct towards children, and even a third complaint in 1983 did not tempt Bishop Zwartkruis to impose more far-reaching sanctions. Father OSC1 even had to serve a different parish every year after falling into discredit in 1948, on top of which he had to undergo a short retreat at his monastery once a month. Only later – ‘perhaps the danger is less now that he has turned fifty’ – was he allowed to work in a parish for a longer period.

Priests who had gone off the rails were however placed under treatment with some regularity, using mainly the Sint Willibrordusstichting psychiatric hospital in Heiloo. Sometimes treatment was a precondition for non-prosecution, or the Bishop hoped that a measure of this kind would incline the court to leniency. On top of this, moving the perpetrator to an institution restored calm in the parish. It goes without saying that there was also an expectation that the treatment would result in no more abuse occurring. A striking case is that of the curate already mentioned who had been deprived of his jurisdiction and was sent to Heiloo, where he remained from 1960 until his retirement in 1967. In effect he was kept there because he was no longer manageable anywhere else. On this occasion, then, Heiloo was a place of exile for a hopeless case.

The question is, how is it that earlier generations of bishops reacted to perpetrators with so much more understanding than the generation that came into office from the 1990s? Bishops like Huibers, Jansen, Van Dodewaard and Zwartkruis came from a tradition where bishops behaved towards their priests as a pastor pastorum, a shepherd of the shepherds. They felt responsible for their fellow priests, and if the latter went off the rails they were more likely to be offered a listening ear than subjected to harsh sanctions following abuse. Very typical was Bishop Jansen’s response to the arrest and conviction of curate Rdam2 in 1965. On 27 May, when Rdam2 was at the Sint Willibrordusstichting in Heiloo, he wrote him a letter of encouragement, promising that once it was all behind him he could go back to work as a priest: ‘(...) truly, as if nothing had happened’. On 14 August, when the court judgement was worse than expected, the Bishop tried to cheer him up again: ‘Having served your punishment before God and man you must feel free again and start living afresh as it were. (...) For me the whole case will be closed then. Over and done with! (...) The case will be
finished then, but as far as I’m concerned you won’t be finished.165 There are plenty more examples of this kind. When the complaints against Priest HA8 piled up and he was no longer able to function in his parish, Bishop Zwartkruis wrote to him: ‘You can take it as read as far as I’m concerned that I see no reason whatsoever to regard you, once you are cured, as any less than any other parish priest.’166

In later years we find cases where bishops such as Punt and Van Luyn did take more far-reaching measures. By that time the climate surrounding sexual abuse had changed dramatically and it had become a social issue that even Rome could no longer ignore. Five priests were suspended by these bishops in recent years, and the Diocese of Haarlem even went so far as to publish the suspension of parish priest HA2 in its periodical Samen Kerk. Another priest, HA11, was forced under pressure from Bishop Punt to cancel the widely publicized celebration of his fiftieth anniversary in the priesthood in 2010. In 2010 Bishop Van Luyn was the first to report a priest, Rdam3, to the civil authorities for sexual abuse of minors on Sri Lanka, as well as embezzlement of aid money. Bishop Punt was also prepared to support a complaint to the Public Prosecution Service against parish priest HA2.

An exception was Bishop Bär, who showed understanding in 1990 when Pastor R. was convicted. ‘To my great joy’, he wrote to Pastor R., the case had now been dealt with. He expressed his pleasure at the lenient sentence (three months suspended) and promised him every assistance with making a fresh start.167

The pattern in the orders and congregations active in or based in the two dioceses is somewhat different. Here we find that much stronger action was taken in the earlier period when sexual abuse was discovered. There was no fatherly attitude here on the part of the Bishop as the pastor pastorum, shepherd of the shepherds. When a Superior General proposed to the Bishop that a Brother be relieved of his ordination, the Bishop would usually acquiesce without hesitation. Perpetrators were sometimes removed after repeated abuse for which they had previously been transferred and warned, but more often they had to leave immediately. If they were lucky they were given the option of requesting discharge from ordination themselves (i.e. ‘forced to leave the religious life’) instead of being removed, thus limiting the loss of face to some extent. In the congregation of Brothers of Our Lady of the Seven Sorrows in particular the number of removals or enforced requests to be discharged from ordination was substantial, namely seven, which occurred mainly in the period between 1945 and 1965. In a few cases, such as that of Brother CSD7, the person removed was allowed to rejoin the congregation later, although it was stipulated that the Brother ‘(...) should never be placed with boys again.’168

An explanation for the stronger action by this congregation is that the interests of the collective were felt to be paramount. The congregation should not fall into discredit as a result of mistakes by individual Brothers, and if there was a danger of that, removal was the only remedy. A bad reputation in this area could of course also jeopardize the educational and correctional work, as the authorities might intervene. A bad reputation could also affect intake. An illustration of this is the circumstances surrounding Brother CSD8, who worked at the Eemland boys’ boarding school. The Superior General of the congregation urged the Bishop to see to it that the Brother left the congregation as soon as possible, ‘(...) as the civil authorities have asked me some questions that I would prefer to answer once Brother CSD8 is no longer a member of the congregation’.169 In other words, it was so much easier for the congregation to be able to report that the Brother was no longer among its ranks – a practice of which the Commission found examples in other educational congregations too. The policy was set out clearly when the subject arose of the dismissal of two
Brothers who had been convicted in 1958 of abuse at Harreveld and were now imprisoned in Arnhem.

Removal was the obvious solution, but the Brothers begged the Superior General to be allowed to remain members of the congregation. The congregation’s General Council, which had the last word on the matter, noted that ‘(...) in earlier years removal would have been the consequence without further ado’. This time, however, the Council was prepared not to remove the Brothers as there was no public scandal, since the court case had been held in camera, hence there had been no harm to the congregation. Precisely because there had been no public scandal the Council was able to exercise clemency, otherwise removal would inexorably have taken place.\(^{170}\)

5.11.12.  **A culture of silence**

To what extent there was a culture of silence in the two dioceses is difficult to say, partly because of the length of the period under review. There are cases that suggest that church administrators did everything in their power to ensure that a particular case did not become public. This was the case, for example, with the abuse by an unknown teacher at the Hageveld minor seminary at the end of the 1940s. The Regent, C.J. Henning, implored the victim never to talk about it, ‘(...) not even to the Bishop’.\(^{171}\) In a word, in this case the culture of silence extended even as far as the Bishop. The attitude of the congregation of Brothers of Our Lady of the Seven Sorrows when abuse at Harreveld became known in 1956 is also in line with this pattern. What the congregation held against the Brother most was not so much the abuse itself but the fact that he had also confessed it to people who were not members of the congregation. In other words, the abuse case needed to be kept private in order to avoid a scandal.

A more extreme example of this attitude was seen after curate HA6 in Amsterdam had abused an altar boy over a lengthy period. The victim recalled: ‘Some time later (in 1962 or 1963, I think) there was an interview at the presbytery where I appeared (with my mother) before a kind of tribunal. I had to promise never to talk to anyone about it, as it would not be good for the Roman Catholic Church and it would cause Our Lord an awful lot of sorrow. I took that injunction very seriously, as God sees everything.’\(^{172}\)

It is a fact that, once abuse had been discovered, bishops did not go to the police but instead tried to resolve the matter internally. Nor did they forbear from getting a case dropped by the Public Prosecutor if they were able to exert any influence. The question, however, is whether this course of action was due solely to fear of a scandal, albeit that was always a major factor. The attitude of the earlier bishops in particular was no doubt due partly to the role laid down for them historically and under canon law, in which they watched over the fortunes of their priests like a father or shepherd.

5.11.13.  **Prosecution by the civil authorities**

In the two dioceses we found the names of fifteen perpetrators, namely eight secular and seven religious clergy, into whom the civil authorities carried out investigations. Of these fifteen, ten were convicted, four cases were dropped and in one case it is not known whether the result was a conviction or non-prosecution.

Among the secular clergy there were nine cases, six of which resulted in conviction and three of which were dropped. Among the religious priests there were seven cases, five of which resulted in conviction, one of which was dropped and one of which had an unknown outcome.
The case that was dropped was that of Brother CSD1. It may be that this was done because he was the Superior at Harreveld. In all the other cases (apart from one unknown) the individuals who were investigated were actually brought before the courts and their cases were not dropped.

The pattern sometimes cited in the public debate, that the involvement of the civil authorities usually ended in non-prosecution, does not tally with the pattern found in the cases examined in the Dioceses of Haarlem and Rotterdam: in the vast majority of cases there were court proceedings. A number of cases were dropped, but this was almost always done subject to certain conditions, as we found in a few cases in other dioceses too. The conditions could be a promise of transfer, therapy, deprivation of jurisdiction or an undertaking to remove the perpetrator from youth work, for example – often it would be a combination of these.

On the other hand, in two cases the bishops did not by any means abide by their promises. Bishop Huibers promised to the civil authorities in 1945 that a particular curate would never again be entrusted with youth work and would also be suspended. He was soon restored to office, however, and a year later he was again giving catechism lessons to three groups of boys. The case of another priest was no different: in his case in 1965 the Bishop (Monsignor Van Dodewaard) tried to reduce his sentence by promising to the presiding judge of the Amsterdam criminal section that he would not be given any more youth work once he was released. In 1968, however, he was appointed as a religious education teacher. It has not been possible to ascertain whether there was any contact with the civil authorities on the matter: in any event there are no indications in the records that this was the case.

5.12 Diocese of Roermond

5.12.1. Institutional

During the period from 1945 to the present day the Diocese was run by five bishops and their senior staffs.

Monsignor Dr J.H.G. Lemmens (Bishop from 1932 to 1958) was assigned a Coadjutor-Archbishop in 1947 in the person of Prof. J.M.J.A. Hansen, who effectively ran the Diocese with Vicar-General Feron. Hansen was the next Bishop of the Diocese of Roermond (1958). Soon after he took office he suffered serious kidney disease, from which he died. His successor was Monsignor P.J.A. Moors, who was the point of contact for all priests until 1972. His pillars of strength were the Vicar-General, Monsignor P.J. van Odijk and the Auxiliary Bishop and second Vicar-General, Monsignor Dr E. Beel (from 1965).

Until 1967 an annual prosynodal assembly took place under the chairmanship of the Bishop in the presence of the Coadjutor-Archbishop, the Vicars-General, the Deans, the President of the major seminary and the professors, the Chief Chaplain, the Education Inspector, the canons and honorary canons – 44 persons in 1961. A regular item on the agenda was what had been discussed in the congregations pastorum, a meeting of parish priests in each deanery on questions put forward by the Bishop. The reports were collected and then discussed at the prosynodal assembly.

Under Bishop Moors this organization was changed in 1967 and made more democratic, influenced partly by the Second Vatican Council, which ended in 1965. All matters concerning the priesthood, however, remained the sole province of the weekly presidium, comprising the Bishop, the two Vicars-General and the Secretary General. Any matters that required steps to be taken were dealt with by the Vicar-General, Van Odijk, who consulted the various orders and congregations, the church and civil authorities, attending physicians (psychiatrists) and the Public Prosecution Service.
With the arrival of Monsignor J.B.M. Gijsen the previous Bishop's entire senior staff was replaced. Auxiliary Bishop Beel, a brother of the ex-Prime Minister and ex-Vice President of the Council of State, became a parish priest in Bemelen, at the time with under four hundred inhabitants the smallest municipality in the Netherlands, within a stone's throw of Maastricht.

The current Bishop, Monsignor F.J.M. Wiertz, was Dean of Heerlen until his appointment in 1993.

5.12.2 Responsibility structures

The Bishop is formally responsible for the conduct and misconduct of priests working in his Diocese – not only those incardinated there but also those from a different diocese or an order or congregation who are working for the Bishop in the Diocese and have been granted jurisdiction by him. The Bishop also has a supervisory role over the diocesan congregations (see below).

In practice this responsibility is exercised by the Vicar-General. In the event of a complaint, which can reach the diocesan administration in various ways (rumours, letters to the editor, the parish priest or dean, colleagues, family, etc.), he acts on behalf of the Bishop. This was certainly true during the time of Bishops Lemmens, Hanssen and Moors; under Bishop Gijsen the situation was unclear.

5.12.3. Forms of supervision and monitoring

During the terms of Bishops Lemmens and Hanssen (1945-58) supervision was organized via the normal church hierarchy. It was the parish priest’s job to supervise his assistants. The Deans in turn supervised the parish priests in their deanery. Complaints were passed on to the Diocese. Under Monsignor Lemmens the Bishop himself would sometimes intervene, but this was usually left to the Vicar-General. Vicar-General Feron had an important position of trust, partly because as President of the major seminary he knew the priests in the Diocese well. He had a fatherly approach. After his death in 1958 this role was taken over by Vicar-General Van Odijk, who took a much more detached and stricter approach: clergy often went in fear of him.

Under the regime of Bishop Moors (1959-72) Van Odijk was the main man in matters concerning the priesthood; he also professionalized diocesan personnel policy, setting up a separate Personnel Department in 1964 headed by Dr W.H. van Kempen PRB. The Department’s remit was to survey the workforce, periodically review staffing, draft appointments policy and organize courses of study and career planning. Van Kempen and Van Odijk held weekly meetings at which any problem cases were discussed. Van Odijk took action personally, both against those concerned and vis-à-vis the civil and spiritual authorities and therapists.

In 1970 Van Kempen and Van Odijk presented a document to the senior staff meeting on ‘Assistance to priests who are performing unsatisfactorily’, the idea being to have a system of supervisors to mentor priests in their work. The supervisors were trained nationally, but a start was made in Roermond by Father Andriessen. ‘Assistance to priests’ did not include a single word about sexual abuse, although it did cover unsatisfactory pastoral care and cooperation in a broader context.

With the arrival of Bishop Gijsen (1972-93) this organization was largely disbanded. Van Odijk, Secretary Moonen and a number of Deans resigned. Auxiliary Bishop Beel became a parish priest in Bemelen, at the time a municipality of over three hundred inhabitants. The Bishop and the new Vicar-General, Monsignor A.M.H.A. Castermans, took over the administration. To begin with they did not have a good grip on the organization and they met with a lot of opposition from the parish priesthood. The Chapter had every department questioned about its activities and desires, so that they could be presented to the new Bishop. The Personnel Department said that they wished to report, as they had done traditionally, directly to the Vicar-General, who had all personnel matters
under him. This was not to Bishop Gijsen’s liking, and the head, Van Kempen, resigned. The Department was formally abolished. Appointments became the personal responsibility of the Bishop, assisted by his Secretary. Very little was put down in writing.

At that time, and even before then, priests were leaving the Church en masse, as a consequence of the nationwide secularization that was manifesting itself. It was not until the appointment of a second Vicar-General, Dr H. van der Meer S.J., who also became Director of the new seminary at Rolduc, that more attention was paid to mentoring priests.

In line with a decision by the Conference of Bishops on 13 March 1973 a diocesan committee on admission to the priesthood was set up. It was also responsible for dealing with any cases of applications for incardination in the Diocese and advising the Bishop on the matter.

The committee’s remit was described as follows in the minutes of the Conference of Bishops: ‘To draw up standards for admission to the priesthood in consultation with the Bishop and advise the Bishop on the application of the standards to individuals.’

The first meeting of the Roermond committee took place on 25 January 1974. Its members were the Vicar-General, H. van der Meer (Chairman), J. Frantzen (Secretary), Dean L. Pelzer, J. Huyben and C. de Quay (a psychologist at DSM). The committee discussed incardination cases in detail, obtaining outside opinions on the individuals concerned. ‘Standards for admission to the priesthood’ were discussed at the meeting on 9 March 1976: they were expected to correspond with the Ratio Fundamentalis and the Ratio Neerlandica. The committee did not deal with any problem cases, it merely acted in a preventive manner.

Under the regime of Bishop Wiertz (1993 to the present day) attention was paid to tackling problem cases, owing to the growing media interest in sexual abuse by clergy, which resulted in the setting-up in 1995 of Hulp & Recht. A complaints desk for victims was set up and confidential counsellors appointed, along with a confidential counsellor for perpetrators.

Both the Large Staff, comprising the Bishop, the Vicars-General, the Treasurer, the Press Officer and the Rector of the major seminary, and the Small Staff (the Bishop and Vicars-General) discussed the priests. The Vicar-General, Monsignor R.H.M. Maessen, looked after personnel matters. During those years the Diocese was faced with media reports of sexual abuse by clergy, such as the Roe1 and Roe2 cases.

Since 2000 the Deans have held individual welfare interviews with priests every two years: these are not appraisal interviews but intended solely to ‘encourage the parish priest/deacon in his work and life and help him find solutions to any problems’. Since then the Diocese has also employed a pastoral psychologist.

In June 2001 the Staff adopted a proposal by Vicar-General Van der Meer to cover itself in respect of liability in the area of sexual intimidation or inappropriate behaviour by diocesan clerics. It was important to organize the following: a complaints scheme, a diocesan confidential counsellor, a protocol setting out how to act if a case occurred and regular discussion of this subject. If these were put in place it was thought that it would be enough to meet the duty of care in this area.

In May 2002 Van der Meer, as delegatus episcopi pro rebus iuris canonici, produced an unsolicited recommendation on how the Bishop should deal with cases of sexual abuse. This was in response to the Bishop systematically avoiding saying in the media that he would always report cases to the civil authorities where this was required by law; instead he would let it depend on the victim’s wishes. The recommendation was to have a legal survey carried out of when reporting was required and how
the civil legislation related to ecclesiastical law. The most recent measure is a protocol on pastoral workers drawn up by the Chancellor, Monsignor G.H. Smulders, on 19 February 2009, which includes a scheme for complaints of sexual abuse.

5.12.4. Responses of responsible persons to abuse cases

Based on the identification of perpetrators it is clear that the Diocese had no system for supervising the pastoral clergy: virtually all perpetrators were detected by chance, through rumours and reports to higher ecclesiastical authorities and the civil authorities. In a few cases the parish priest or Dean did not even pass on cases discovered or complaints to the Diocese.

One such case was that of a parish priest in Central Limburg, on whom the Dean had received a lot of complaints of sexual abuse. He did not inform the Diocese but was able to arrange for the priest to be transferred to a neighbouring village. There he went off the rails again, but this time the victim’s father reported it to the police. The day before he was required to report to the police he apparently committed suicide by driving his car into a tree. The Diocese was unaware of all this: the Bishop even led the funeral cortège.

If a case was prosecuted by the Public Prosecution Service, during the terms of Bishops Lemmens and Moors the Vicar-General (Van Odijk) would contact the civil authorities and try to deal with the case internally. The Public Prosecution Service was often sympathetic, provided the Diocese took adequate measures, such as placing the suspect under psychiatric treatment, transferring him to another workplace where the risk of re-offending was low. Other important preconditions were that the victim did not wish to press charges and that the case had not yet become public knowledge.

Of the known cases of sexual abuse of minors in a pastoral context, thirteen were dealt with by the Public Prosecution Service. In five cases this resulted in conviction with a sentence of imprisonment, suspended or otherwise; six cases were dropped subject to certain conditions, with the Diocese playing a mediating role; one case was dropped on account of lack of evidence; and in one case the perpetrator fled abroad to escape prosecution. All these non-prosecuted cases occurred in the 1950s and 1960s. We may conclude that a small majority of cases involving a cleric were dropped.

The general policy was the same in the case of complaints that did not lead to criminal proceedings.

Little indication was found in the archives that aftercare was provided for victims: this was evidently not part of the procedure for dealing with cases.

In virtually all cases a psychiatrist was brought in. Van Odijk had regular contacts for this, such as the attending physicians at the Sint Willibrordusstichting psychiatric hospital, Professor J.J.G. Prick in Nijmegen, Dr H. Marres in Nijmegen, Dr G. Janssens in Vught, and Dr A.A. Terruwe in Deurne (North Brabant).

During Bishop Gijsen’s term of office, in cases where the facts were clear the case was reported to the police or advice was obtained from them, according to Monsignor Gijsen in his interview with the Commission of Inquiry. 180

Under Bishop Wiertz all cases of sexual abuse of minors were not only reported, the perpetrators were also removed from the priesthood. This only happened after the Bishop had initially hesitated to report a case against the victim’s wishes, leading to some indignation in the media. This case related to years of sexual abuse by a parish priest which the victim reported to Hulp & Recht. The complaint was upheld, whereupon the Bishop removed the priest from office and forced him to pay
compensation. The victim considered this inadequate and made a civil liability claim against the Diocese.

The Diocese’s new hard line is a direct result of the hard line adopted by the Vatican since March 2010: abuse of children by priests must always be reported to the police.\textsuperscript{181}

So far the Diocese has never paid compensation to a victim; it takes the view that the perpetrator must pay. It also rejects any liability as employer, as according to the diocesan lawyers the relationship between the diocese and a pastoral worker does not qualify as an employment relationship under the Dutch Civil Code. To date there has not been a case where this position has been able to be tested by a court. A number of other dioceses have paid compensation (Utrecht, Rotterdam and Haarlem-Amsterdam).

5.12.5. The communication culture in the Diocese

On Church Councils Day in Venlo on 4 May 2002 Bishop Wiertz stated that sexual abuse within the Church is absolutely reprehensible, and he advised priests and sextons not to stay in the same room as a child so as to avoid the slightest suspicion of abuse. This led to many reactions in the press, and the Kruispunt television programme even broadcast an interview with the Bishop, on 12 May 2002. The Diocese also received many letters from individual priests, who were not entirely enthusiastic. Some parish priests considered this as a public statement that the Bishop did not trust them.

5.12.6. Rules and guidelines

Apart from the general celibacy requirement and the vow of chastity (no sins against the Sixth Commandment, also referred to as the sextum), the Diocese did not have any particular rules or guidelines in this area.

5.12.7. Evaluation and observation

5.12.7.1. Numbers of mentions of perpetrators found in the archives of the Diocese of Roermond\textsuperscript{182}

<table>
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<td>3</td>
<td>9</td>
<td>0</td>
<td>18</td>
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<tr>
<td>Unknown</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>66</td>
<td></td>
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5.12.7.2. Broken down by domain

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<td>Schools</td>
<td>5</td>
</tr>
<tr>
<td>Care</td>
<td>0</td>
</tr>
</tbody>
</table>
The vast majority of the abuse cases took place in a parish context. The number of perpetrators in schools is remarkably small, despite the fact that the Diocese of Roermond had four large secondary schools with boarding facilities (Rolduc, Sittard, Roermond and Weert), which certainly until the 1960s employed a majority of secular priests as teachers and supervisors. Only three cases of abuse in these ‘episcopal colleges’ are known (Roe3, Roe4 and Roe5); the other two cases relate to a seminary and a minor seminary of a congregation.

This is not entirely correct: the Commission of Inquiry and Hulp & Recht received six other reports of sexual abuse at the Rolduc minor seminary. The possible perpetrators are not named, however, so we have not included these in the count. The remaining case relates to a priest who worked at the diocesan office.

**RELIGIOUS NON-PASTORAL**

Schools 12  
Care 6

5.12.8. Case 1: the Brothers of St Joseph

As part of its remit the Commission of Inquiry carried out archive research at the Brothers of St Joseph, a congregation under episcopal law. This revealed that sexual abuse of mentally handicapped minors took place at two of the Brothers’ institutions. In the archives the Commission also found documentation that it has reported to the Board of Procurators General under its agreement with the Public Prosecution Service.

This congregation, founded in 1878 by the priest of the Diocese of Roermond, Monsignor P.J. Savelberg, focused on caring for the elderly and mentally handicapped and taking in young people through the probation service, guardianship agencies and the Child Protection Agency. Its mother-house, Huize Savelberg, is in Heerlen, and it also served Huize Savelberg in Helden, Huize Meeressenhoven in Itteren, Huize St. Joseph in Heel, Stichting Landkolonie Koningslust for juvenile delinquents and Huize Providentia in Sterksel for epileptics.

It is a diocesan congregation, and the Diocese regarded it as rather weak. During the regular visitations the ad hoc visitator was expected to pay particular attention to sexual abuse of boys in its care (so it was reported in the 1950s and 1960s). The congregation still has six Brothers in the Netherlands, with a seventh in Chile.

The diocesan archives show that there were a lot of problems in the congregation’s management in the early 1950s, which eventually escalated in the ensuing ten years.

A pivotal role in the drama, which caused a great deal of damage to the congregation’s reputation, was played by Brother BHJ1, who was the congregation’s Treasurer in 1949. He came into conflict with the governing body, headed by the Superior General, Corbinianus. He was accused of disobedience, being headstrong (e.g. drawing up building plans without consultation) and exerting a wrong influence on the young Brothers. In February 1950 he received a *monitum* from the Bishop, who also stipulated that he should not accept a position as Superior for the time being. This caused a major split in the congregation, between the younger and older members. Meanwhile, as Superior General Corbinianus had made even more enemies, including the person of Brother BHJ2, Superior at Sterksel, whom he had reprimanded for alcohol abuse.
In 1950 Superior General Corbinianus was transferred as House Superior to Huize St. Joseph in Heel (though this was entirely in line with the rules of the congregation, which set a time limit on the term of a Superior General). Brother BHJ2 was appointed as his successor – as we have seen, no friend of Corbinianus – and only a year later, in 1951, BHJ2 got even with him. There were complaints about Corbinianus as the Superior: according to BHJ2 he had allowed everything to get into a mess and not taken steps against weak Brothers. The result was that the episcopal delegate, Rector T. Berkhout C.Ss.R., dismissed Corbinianus on behalf of the Bishop.

As a consequence Corbinianus suffered a nervous breakdown and fled to his family in Oss. Vicar-General Feron investigated the matter on behalf of the Diocese, in particular Corbinianus’s accusation that BHJ2 drank too much. BHJ2 was examined by Professor Prick in Nijmegen, who took Corbinianus’s side completely and likewise accused BHJ2 of alcoholism (potator) with a psychopathic personality.\(^{183}\) This had no consequences, however: BHJ2 and Brother BHJ1 were rehabilitated. This was the work of the episcopal delegate, Father Berkhout. Corbinianus was told to obey and return to his monastery. He appealed against this decision to the Nuncio, who however rejected his complaint. Corbinianus then became Novice-Master at Heerlen.\(^{184}\) Revenge was sweet for Brother BHJ1 too, as after his rehabilitation by the Bishop he succeeded Corbinianus as Superior at Heel.

Brother BHJ1 played an exceedingly nasty role in the congregation, both then and subsequently. In 1954 the Labour Inspectorate, in the person of Mrs D.G. Geraedts, investigated complaints from within (group leaders) about the working conditions for the boys at Heel. It was alleged that they were forced to do night work (carrying out simple assembly jobs for Philips at the institution). There were also complaints of maltreatment, and there was alleged to be sexual abuse. The Diocese investigated the complaints in consultation with the Guardianship Board and the Catholic Confederation of Child Protection Agencies, which had sent various boys in care to Heel. The finger was pointed at the Superior, Brother BHJ1, who was said to have turned the institution into too much of a business and moreover made a sly, unpleasant impression on the Diocese.

He also caused a split between the older and younger Brothers by nurturing closer ties with the latter. Under pressure from the Diocese Brother BHJ1 was dismissed from Heel. Later, in 1959, at his trial for sexual abuse at Huize Meerssenhoven, it emerged that Brother BHJ1 had abused at least one boy during his time at Heel. But that was not known at the time, at least the Diocese did little to investigate the complaints of sexual abuse, indeed it played them down.

5.12.8.1. Suspicious deaths at Heel

Evidently little was done about the complaints about working conditions at Heel, as some employees of the institution brought in the Labour Inspectorate (Geraedts) in 1959. This time she sent her findings not only to the Diocese but also to the civil authorities concerned.

In the report the Labour Inspectorate mentioned the deaths of 34 young persons in care in the space of a single year, along with many more complaints of maltreatment and abuse. The Vicar-General made inquiries based on the report. He learned from the Medical Officer that 34 young patients had indeed died during the 1952-54 period. No action had been taken on the matter, as the Medical Officer considered that there had not been any wilful intent. It is probable, bordering on certain, that the Medical Officer, who was also a general practitioner, informed the Regional Health Inspector, as a letter addressed to him was found in the archives of the Diocese of Roermond.

The Commission checked the information obtained against deaths in the Municipality of Heel’s register of births, marriages and deaths, from which it emerged that 34 young patients died in the period from June 1952 to January 1954, 24 of them in 1953. That makes the total mortality rate at
the institution during those years over 72%. After that period the total number of deaths fell
dramatically, to an average of seven per year, including a few minors.

The young patients in question were part of a group transferred to Heel in summer 1952 from a care
home for severely epileptic and severely mentally handicapped children in Schinnen. They were
housed in a separate department, for which the said infirmarian was responsible.\textsuperscript{185}

Because of the alarmingly high death rate in that department the transfer of patients from Schinnen
was discontinued at the beginning of 1954 and the infirmarian was transferred to another of the
congregation’s institutions at Koningslust.

The infirmarian in question left the congregation a few years later and entered the Trappist order. He
took the opportunity to write an autobiography, describing his experiences at Heel in guarded terms.
The autobiography is kept in the archives of the Brothers of St Joseph in Heerlen. After his novitiate
in Heel this Brother was responsible for looking after the most severely impaired patients, who only
ate and slept and were incapable of any other activities. He did not receive any help from the other
Brothers. When he asked a fellow Brother how to set about the work, the latter said he would have
to find out for himself, just as he had done in the beginning. The infirmarian had then got on with it
as best he could. It is also clear from his life story that the Medical Officer, Verstraelen, only attended
the department when called in.

Those concerned – the Brother Superior, the Medical Officer and the infirmarian – are now dead.

The foregoing – which is merely the result of an exploratory investigation – led the Commission of
Inquiry to inform the Public Prosecution Service. The Commission handed over the information it
collected to the Service, which has initiated an investigation, the results of which had not yet been
made known when this report was finalized.

5.12.8.2. Meerssenhoven
Brother BHJ1’s spirit of enterprise was in no way tempered, in spite of the problems outlined above.
In 1955 he persuaded the congregation to buy Huize Meerssenhoven in Itteren from the Municipality
of Maastricht. It was turned into a hostel for working boys, approved by the Ministry of Justice. The
intention was to transfer suitable boys following observation at St Joseph in Heel to Meerssenhoven.
It was designed to provide a transition to the real world for them. It started with thirty boys aged
twelve to sixteen. Brother BHJ1 became the first Superior. Among the boys there was one who had
already been sexually abused by BHJ1 at Heel, as became clear during his trial. The abuse was to take
on serious proportions at Meerssenhoven: it was subsequently committed by a few other Brothers as
well as BHJ1.

In October 1958 a boy blew the whistle to the civil authorities. After an evening out it was alleged
that he had reported to Brother BHJ1’s bedroom and BHJ1 had interfered with him. The Brother was
immediately taken into custody after being interrogated by the police. The Brothers were told about
this by Rector Berkhout in a general announcement, which was fairly uncommon in the congregation:
the aim was to quell speculation, especially since Brother BHJ1 was regarded as one of the
congregation’s top men.\textsuperscript{186}

In November 1958 the Superior General wrote a letter to Havermans, who as the psychiatrist had
been ordered by the court to produce an expert report on BHJ1. In it he argued in favour of BHJ1 by
extolling his merits and stressing the malignity and immorality of the already difficult boys (among
whom it was alleged that a lot of indecency took place) – but in vain.\textsuperscript{187} His case came up before
Maastricht District Court in December 1958. The Public Prosecution Service demanded a two-year
non-suspended sentence, but he was eventually sentenced to one year’s imprisonment less the time
he had already spent in pre-trial detention. As BHJ1 had admitted that he had abused other boys as well, whose names he claimed he could not remember, the Public Prosecutor considered the sentence too lenient. On top of this, the psychiatrist had assessed him as being almost entirely criminally responsible. The Public Prosecutor appealed, again demanding two years less pre-trial detention plus a six-year ban on exercising the profession of administrator, teacher, official or servant at a correctional institution or charitable institution. The judgement of 1 July 1959 set the principal punishment at one year less pre-trial detention and the ban was imposed as demanded.\footnote{188}

Interestingly, it was claimed before the District Court and the Court of Appeal that until the abuse at Heel he had never had any sexual experience, he had not even been tempted to self-abuse. It was the boys who had taken advantage of his originally selfless and pure love and eventually enticed him to engage in physical love. Although he was a perpetrator he was also the victim of these immoral youngsters. In view of the harshness of the sentence, neither the District Court nor the Court of Appeal was receptive to this plea in mitigation.

A few years later two other Brothers would be equally harshly sentenced for the same offences with boys at Meerssenhoven: Brother BHJ4 and Brother BHJ5 (who left the religious life in 1962 and 1961 respectively). Brother BHJ5 had succeeded Brother BHJ1 in 1958 as the Superior at Meerssenhoven, when the latter was in custody. Brother BHJ5 was guilty of taking boys to Amsterdam on sex trips in 1960. These Brothers were also given non-suspended sentences and incarcerated at the prison in Arnhem. There the congregation made attempts to pay one of them hush money so that he would not bring any more excesses into the open. When this was discovered, the congregation defended itself by saying that its only aim in trying to pay him the money was to give the Brother a chance of a fresh life after his imprisonment.

One perpetrator escaped the clutches of the law, Brother BHJ6, a tailor at Meerssenhoven. He had already received a monitum in 1954 for sexual abuse elsewhere, with the threat of removal. But in 1960 he really pushed the boat out at Meerssenhoven, with four boys, who threatened to go to the civil authorities. He was forced to leave the congregation, which then supported him until he found work elsewhere. The Diocese (Vicar-General Van Odijk) described that as ‘very generous’, though it is noteworthy that Van Odijk did not force the congregation to report him to the civil authorities.

In spite of his conviction, Brother BHJ1 was not removed from the congregation. After serving his sentence he briefly returned to the monastery, but then fled to Spain, as he felt completely broken mentally, so he told the Superior. On his return he was found accommodation through the offices of a probation officer. He was embittered and did not return to the monastery but lived in Valkenswaard as a private individual. He did not leave the congregation until 1962. After working for many more years in Eindhoven he died in 1994, at the age of 87, at his birthplace, where he lived with his sister.\footnote{189}

As a result of this series of incidents at Meerssenhoven in the space of less than five years, plus the fact that the institution was no longer financially viable, the congregation vacated the premises. The institution was taken over by the Catholic Confederation of Child Protection Agencies, which transferred responsibility for the boys to the Franciscan Friars, who ran Meerssenhoven until 1979. After that the complex was sold and it is now in private ownership.

5.12.9. Case 2: the three-way Church-judicial-psychiatric system in Limburg

In Chapter 4 the Commission of Inquiry drew attention to the way in which the three-way consultations worked between (a) the Public Prosecution Service and the courts, (b) the Church and religious superiors and (c) psychiatrists as advisory experts, based on an example from the 1950s. We now consider a case from the 1980s, which shows how the three-way system worked at that time. It also illustrates the changed social climate, manifested among other things in the much stronger presence of victims, parents and the social institutions concerned.
5.12.9.1. Background

In parishes in the Diocese of Roermond Lazarist priests performed duties as part of an episcopal mission. How did the Diocese and the Lazarists deal with sexual abuse of minors in such cases? What approach did they adopt, and what communication took place between them? How were other parties (the Public Prosecution Service, psychiatrists) involved in tackling this abuse?

In 1903 the Lazarists, the Congregation of the Mission, established a novitiate and a major seminary in Panningen. The official title ‘Congregation of the Mission’ is incorrect under canon law, where it refers to a society of apostolic life. In 1953 there were a hundred priests, Brothers, seminarists and novices. One of the priests was Father CM2, then aged just under 30. He was appointed curate in Rumpen-Brunssum in 1956. On Monday 17 December 1984 at 12:15 he was arrested by Brunssum Municipal Police, with the assistance of Landgraaf Municipal Police, in the latter municipality on suspicion of offences under Articles 247 and 249 of the Dutch Penal Code (indecent acts with persons below the age of sixteen years entrusted to his care).

Father CM2 moved to the mission house in Panningen: ‘In 1984 he was appointed to Panningen to run administrative services there for a few years.’ From the mission house he assisted the small community of Brothers of Our Lady of the Seven Sorrows at De Widdonck in Heibloem, and in the parish of Panningen when the parish priest was away.

On 12 July 1985 the Public Prosecutor signed the conditional decision not to prosecute, whereby Father CM2 avoided a court case and possibly a custodial sentence. Was there – as Joep Dohmen claims in his book *Vrome Zondaars* (Pious Sinners) – a conspiracy between the senior staff of the Lazarists, the Bishop and the Public Prosecution Service to avoid a prison sentence?

5.12.9.2. The report to the police

On the evening of Monday 13 December 1984 Father CM2 was reported to the police. As regards what led up to this, the recollections of those involved in reporting him differ: one version is that it followed on from a quarrel among the leaders of the scout group where Father CM2 was chaplain. Another version is that a number of scouts exchanged their experiences with Father CM2 and that started the ball rolling. What is clear in any event is that the leaders of the scout group met various parents on 13 December 1984, and at the end of the evening one of the leaders went to the police: ‘In consultation with the various parents and victims I have compiled a list of the names of the victims known at present, which I now hand over to you.’ The Municipal Police started interviewing parents and victims the same night. These interviews, fourteen in total, resulted in the arrest of the curate on 17 December 1984. Father CM2 was interrogated five times. On 21 December 1984, at the fifth interrogation, he made the following confession:

‘I admit to committing the offences with which I am charged in the order for remand in custody. I regret them. I have been working as a priest since 1952. I have been a chaplain since 1956. I did not have any problems of a sexual nature until 1969. I have never had problems with my celibacy. I can now go to the provincial monastery in Panningen. I request discharge from or suspension of pre-trial detention. I am willing to cooperate with a psychiatric assessment.’

On the day of his arrest, four days before his confession, a lawyer was engaged through one of his fellow curates.

The next day the lawyer telephoned the Provincial Superior, Father P.V.M. Groetelaars. A handwritten note of the conversation by the Provincial Superior is preserved in the archives of the
The following can be deduced from this note and a letter written the same day by the Provincial Superior to Father CM2’s lawyer.

Father CM2’s case looked serious, according to the lawyer: in addition to the report by the group leader, reports had been made by another seven scouts. There had been vehement reactions to the arrest. The lawyer would talk to the Public Prosecutor the next day. In this connection a statement was needed from the Provincial Superior that the curate would be taken into one of the congregation’s houses: that might help to avoid a severe penalty for contravention of Articles 247 and 249 of the Dutch Penal Code.

The 18th of December 1984 must have been a busy day for the Provincial Superior. After the telephone conversation with the lawyer, Father CM2’s brother and sister-in-law came to see him. The Provincial Superior then spoke to the Rector, who was in charge of the parish in Rumpen-Brunssum. Father CM2’s misconduct, the Rector said, had allegedly extended over a period of at least fifteen years, i.e. until 1969. It involved ingenious arrangements with a special group of scouts, the ‘Speurzoekers’ (trackers), relating to holiday trips that Father CM2 organized and partly funded. On these trips to Leysin, Fiesch or Griemans in Switzerland the company stayed in two rooms and one of the boys had to sleep in Father CM2’s room. His modus operandi was to put his arm around the boy in his bed during the night (usually in the morning) and eventually fondle his sex organ, leading to mutual masturbation. Another method Father CM2 employed was giving first aid lessons, in which one of the boys had to apply pressure to close an artery. Eventually the groin area was reached and Father CM2 ensured that he was masturbated.

After the Rector’s visit the Provincial Superior wrote the desired letter to the lawyer: ‘Following our telephone conversation this morning I hereby certify that Father [CM2], as a member of our community, is welcome at one of our houses. It had already been agreed with him before the police took him away that, after a short stay with his brother, he would not return to Brunssum but would come to Panningen.’ The move to Panningen would have an additional advantage: ‘Having heard how long Father [CM2] has evidently been having problems and the seriousness of the charges, in my opinion he will still need expert psychiatric treatment or psychotherapy if he stays here.’

After signing this letter the Provincial Superior rushed over to the lawyer’s office at Raadhuisplein in Heerlen, seventy kilometres away, where he put the letter in the mailbox that evening.

**5.12.9.3. The role of the Public Prosecution Service**

The next day Father CM2’s lawyer reported to the Public Prosecutor in Maastricht, H. Marquet Scholtz, who described the nature of the charges as follows: ‘Curate [CM2] went camping abroad with the group [of scouts]. His favourites in the group were allowed to sleep with him. According to the official reports and curate [CM2]’s confession, all that really happened was ‘feeling up’, as they called it. Apart from some fiddling around and hanky-panky there was no question of sexual penetration. [CM2] himself got aroused from it.’

The examining magistrate remanded Father CM2 in custody but released him on bail, making this decision after taking cognizance of the letter from the Provincial Superior. The Public Prosecutor was not given access to the letter until afterwards; he was then left with the psychiatric assessment of Father CM2 demanded in the preliminary investigation.

**5.12.9.4. The role of the psychiatrist**
The report of the assessment by the psychiatrist, Dr A.M.H. van Leeuwen, was finalized on 1 July 1985. It concluded that Father CM2 had highly diminished criminal responsibility.\textsuperscript{199}

Van Leeuwen’s assessment was based on a detailed report produced earlier by the Probation and After-Care Association in Venlo dated 3 April 1985.\textsuperscript{200}

The psychiatrist had visited Father CM2 three times at the provincial monastery in Panningen and discussed the abuse with him: ‘They were all boys aged about thirteen or fourteen. What actions? Touching, fondling. In response to further questions from me he also mentioned fondling the sex organ. He usually did it on the boys, occasionally vice versa, but the latter certainly not often.’ There was no question of any sense of guilt: ‘He did not think he was sinning. What may have helped was the fact that weekly confessions had been abolished.’

The psychiatrist had also looked at the priest’s specific Roman Catholic background: ‘At the same time I would stress that we should not think of the criminal case in terms of relatively simple monocausal connections, also in the subject’s case. The obligation to live in celibacy as a priest is certainly one of the causal factors here, but certainly not the only one.’

Lastly, the psychiatrist addressed the examining magistrate: ‘Furthermore, the risk of repetition of the offences with which he is now charged is virtually nil. Recommendation: defer the decision on whether to prosecute by one year. If the subject does not re-offend within that year, which would seem to be more or less certain in this particular case, it could then be decided to drop the criminal case.’

5.12.9.5. The role of the Bishop

On 12 July 1985 the Public Prosecutor signed the conditional decision not to prosecute.\textsuperscript{201} Neither in the run-up to demanding remand in custody nor in the run-up to the decision to drop the case did Marquart Scholtz contact Father CM2’s employer. Nor was there any contact in this case with the Dean or the Diocese.\textsuperscript{202}

Gijsen, the then Bishop, also categorically denies that any attempt was made to contact him. He informed the Commission of Inquiry that he did not hear about the case until 2010.\textsuperscript{203} That there was indeed no direct link between the Diocese and Father CM2, who was working in a parish, is debatable as far as the Commission is concerned. Although Father CM2 was mainly active outside the parish (with the scouts and teaching religious education at the Roman Catholic lower vocational technical/junior secondary commercial school in Brunssum), he had an episcopal mission for the latter.\textsuperscript{204}

5.12.9.6. The role of the Provincial Superior

On 18 December 1984 the Provincial Superior was informed by Rector Haazevoet of the parish in Rumpen-Brunssum that these ingenious arrangements had been going on for fifteen years. What was concealed at the time was that the problems of sexual abuse by Father CM2 had started much earlier, in the second half of the 1950s. Rector Haazevoet was then aware of two of the three sexual abuse incidents now known to have taken place during that period, involving two minors, a girl and boy.

On 20 November 1959 Rector Haazevoet\textsuperscript{205} sent an alarming letter to his Provincial Superior:
'We are in a quandary at the moment. Mr [CM2], who has attracted our attention and concern from the start, but has been functioning better as a priest in recent months, has presented us with the following surprises.

In August he went on a hike around the Netherlands with a group of scouts, and at the station in Gelderland, at the house of a brother of Mr [CM3], he took one of the boys – not exactly the roughest and ugliest one – into bed with him.\(^{206}\) This case was satisfactorily discussed by him and Mr [CM3], and Mr [CM2] was found actually to have only good intentions and pure thoughts, and the two men enjoyed the nocturnal peace and quiet like little tin soldiers. This case is being carefully investigated to get to the bottom of it.

The main thing is this, which is why we feel obliged to study the previous case as well: this week a fifteen-year-old girl poured out her grief to her mother. The child had not slept for months because of it. She was one of Mr [CM2]’s ‘stars’. We had warned him about this on several occasions.

This is what happened: he repeatedly enticed the child into the interview room and the youth club to hand out punishment exercises to her for supposedly talking in church. From these punishments he progressed to smacking, which was usually administered to the naked buttocks. To start with the child was crazy about [CM2], subsequently completely mesmerized, she also put up a fight against him and hit back, but was then scared of his terrible appearance. Once\(^{?}\), when the child was complaining of stomach ache, he examined her, \textit{in statu simplici}, not forgetting \textit{en passant} to fondle her genitals.\(^{207}\)

On 10 December 1959 the Rector wrote to the Provincial Superior that Father CM2 was abnormal: ‘He is a man who weeps hot tears without remorse. He is lacking in any true piety.’\(^{208}\) According to the Rector he was a man who was only prepared to do something if he detected some eventual advantage to himself.

The abuse of the fifteen-year-old girl came up in a subsequent passage in the letter to the Provincial Superior:

‘What angered us more than the stupid things he did was his innocent reaction. He follows you around then like a dog, though he feels bad in his heart, but he’s immediately able to go off to a football match perfectly cheerful. This short description does not lead to the expected conclusion that we can manage him here (...) provided the family in question does not make too much fuss. It’s a very good family, but for them the question is, what should we do with our children? Still let them go to the youth club? Should we take them away from his confessional, should we still go to church in Rumpen where we shall see and hear him?’

As far as the Commission has been able to ascertain, the Rector was not aware of a third case of sexual abuse during that period. This involved another under-age girl, the daughter of an ex-seminarian from Wernhoutsbrug, where the Lazarists had a minor seminary until 1967. Father CM2 went around a lot with the girl’s father. At a certain point Father CM2 started testing the girl on her French homework.

Initially the girl did not dare to tell her parents about the caresses and somewhat later the fondling of her lower body. Once Father CM2 had raped her she had the courage to inform her parents. Her father was furious, did not believe his daughter and gave her a thrashing.

The abuse of this girl presumably went unnoticed by the Rector, but that of the other girl and the boy called for steps to be taken. Should curate CM2 be transferred? There were not many options: ‘So I
told him to go on working and wait and see. The possibility of keeping an eye on him was also a factor in the decision not to send CM2 away from Rumpen: ‘Indeed, we would envisage a lot of disadvantages in his leaving, quite aside from the problems that it would cause for the Province. Also, he is under fairly heavy surveillance here, if I can put it that way.'
6 ORDERS AND CONGREGATIONS

6.1 The Jesuits

6.1.1. The Society of Jesus
The Society of Jesus was founded in the early sixteenth century by the Spanish priest St Ignatius van Loyola. It is better known as simply ‘the Jesuits’. Much has been written elsewhere about this important and very influential religious order, whereby we may confine ourselves to a brief overview.1

At its height, in the sixteenth to late eighteenth centuries, the order enjoyed considerable social and political influence in all Catholic countries. This was due to the sheer number of members (over twenty thousand in 1750), the order’s academic and educational activities, its missionary work, its prominent role in the counter-reformation movement, and as bastion of conservatism in the face of ‘enlightened thinking’. In 1773, the order was suppressed by Pope Clement XIV (under pressure from various European powers), only to rise again in 1814 when re-established by Pope Pius VII. Throughout the latter half of the nineteenth century, the Jesuits once again enjoyed substantial power and influence, despised by all with vaguely progressive leanings and feared as the Vatican’s ‘front line troops’. Until the 1960s, the order continued to represent a very influential conservative faction within the Church, running a growing number of secondary schools, colleges and universities which catered to the Catholic well-to-do. Worldwide, its membership grew from some fifteen thousand in 1900 to approximately thirty thousand by the late 1950s. By virtue of its international character, high intellectual level and broad range of religious and social activities, the order was undoubtedly the most important religious organization within the Roman Catholic church.

During the post-war period, the order was led for many years by the conservative Belgian Fr. Jean-Baptiste Janssens (1946-1964). He was succeeded by Fr. Pedro Arrupe (1965-1983), who was destined to lead the order through a particularly turbulent period which saw serious internal conflicts between the orthodox and more progressive factions, as well as severe tension between the order and Pope John Paul II. The number of entrants showed a serious decline, coupled with an increase in the number of members who resigned, retired or died. This situation was not unique to the Jesuits but was seen among all other orders and congregations. By 1980, membership had fallen to 27,000 and continued to shrink thereafter, reaching 18,500 at the end of 2008. In 1983, Arrupe was succeeded by the Dutch priest Fr. Peter Hans Kolvenbach.

6.1.2. Organization and governance
The Society of Jesus has a strict hierarchy. At its head is the Superior General (Praepositus Generalis), sometimes nicknamed ‘the Black Pope’. The Superior General is elected by the general congregation of the Society, convoked upon the resignation, retirement or death of the incumbent. The position is for life and almost all Superiors General all have served until their death, the sole exceptions being Arrupe and Kolvenbach. Immediately below the Superior General are a number of Assistants (each in charge of one of the ‘Assistancies’ into which the world is divided), and below them are the Provincial Superiors, usually referred to as simply ‘Provincials’, who play a more direct part in the running of the order at the national level. The Provincials are appointed by the Superior General and they in turn appoint the members of the provincial council known as the ‘Consult’ (its members are ‘Consultors’), subject to approval from Rome. The Provincials also appoint the superiors and council members of the various institutions, schools and communities, which are known as ‘houses’.
Throughout much of the period covered by this report, the Jesuits had a finely-meshed internal communications network. Due to the strict hierarchical governance structure, the Provincials were required to consult Rome on many matters. Similar arrangements were in place within the province itself, with most decisions referred to higher authority. The mandatory regular reports transcended the hierarchy in that local superiors were required to report directly to the Superior General on an annual basis, without their comments made known to the Provincial. The Provincial would then be given the ‘edited highlights’ of any complaints or criticism, duly anonymized. This system of reporting and direct correspondence gave the General Curia in Rome a firm grip on the global apparatus of the order. Local institutions were also subject to inspections, known as ‘visitations’ by Provincials and (representatives of) the Superior General, this providing an additional level of supervision.

The provincial administration was made up of the Provincial himself, the Socius (provincial secretary) and four Consultors. Local communities were run by a superior, while schools and colleges had a rector, assisted by one or more house consultors or ‘council brothers’. In December 1965, the Dutch provincial governance structure underwent a minor reorganization. A ‘staff’ was formed, which now included the Provincial and the Socius, together with two newly appointed ‘coordinators’: one responsible for pastoral affairs and the other for educational activities, including the schools and colleges. These administrators convened on a regular basis, and were responsible for preparing for the formal Consults and for the implementation of policy. In 1967, two further coordinators were appointed. One was to oversee the retreats while the other was in charge of the brothers as a sort of ‘personnel manager’. This latter appointment was short-lived. One of the most important duties of the staff as a whole was to assign brothers to the various institutions.²

Admission to the order was subject to strict requirements. Candidates must undergo lengthy training, or ‘formation’, which was generally very demanding. On acceptance into the order, a candidate would enter the first stage of the formation, known as the novitiate. If he intended to be ordained into the priesthood, he would then become a ‘scholastic’ and would spend several years studying philosophy. Next, he would embark on a period known as the regency, during which he would usually be required to work within a school or college for two or three years (not necessarily in a teaching role but possibly in charge of a group of boarders) and/or undertake further academic studies. This would be followed by a further four years of theological studies, with ordination at the end of the third year provided the candidate had reached the age of thirty. This was followed by a period of spiritual contemplation known as the tertianship. Only then, at least ten years after admission, would a Jesuit take the three perpetual vows of poverty, chastity and obedience. Later, he might be invited to take a fourth vow, unique to Jesuits, promising “special obedience to the sovereign pontiff”. Only those who were “professed of the four vows” were eligible for appointment to a senior position within the order, such as novice master or Provincial.

Throughout a candidate’s formation, the Provincial would receive regular reports of his progress, strengths and weaknesses. A report would also be compiled on those under consideration for a position of responsibility. This information ad gubernandum would include comments by superiors, colleagues and subordinates, which were often astonishingly forthright. This system enabled the provincial leadership to form a reasonably objective ‘sociogram’ of the organization.

Alongside the priests in Holy Orders, the Jesuit community also includes lay brothers, known as temporal coadjutors. Their formation was much shorter in duration, but again culminated in the three perpetual vows. These brothers would undertake general domestic duties, maintenance work and the more menial tasks, thus allowing the professed priests to focus on their spiritual work.

6.1.3. The Jesuits in the Netherlands
The Society of Jesus has a long history in the Low Countries. After the reformation, Jesuits were fully active in spiritual care, particularly in Flanders. Following the re-establishment of the order in 1814, its membership showed gradual but constant growth. A separate Province was created in 1849, under the Superior Generalship of the Dutchman Johann Philip Roothaan (1829-1853). The order remained active in apostolic and pastoral care, but over the subsequent decades its activities expanded into other areas. Jesuits now opened secondary schools for the well-to-do of the Catholic community, as well as institutes of higher education (including formation for the priesthood). They established retreats, and became closely involved in missionary work in the Dutch East Indies (today’s Indonesia). Later, the order took charge of the Apostolate of Prayers, provided spiritual counselling in the workplace (particularly in and around Rotterdam), published the weekly newspaper De Linie, ran the Hoger Katechetisch Instituut theological college, and provided a religious component within various social sectors. During the first half of the twentieth century, the Jesuits were undoubtedly the intellectual and social elite of the Dutch Catholic clergy.

The order maintained a visible presence throughout the Netherlands, with several large buildings and complexes. The order’s own training colleges were in Grave (the Mariëndaal Novitiate), Nijmegen (the Berchmanianum, providing the philosophical component of formation) and Maastricht (the Canisianum, for theological studies). After the war, its schools and colleges were to be found in Nijmegen (Canisius), Zeist (Willibrordus College, also known as Katwijk de Breul), Amsterdam (Ignatius), The Hague (Aloysius), Groningen (Maartens) and Delft (Stanislas). Most of the retreats were in the south of the country: Loyola in Vught (later Helvoirt), Manresa in Venlo, Regina Pacis in Heeze and Het Huis in Spaubeek. The Provinciate moved to Amaliastraat in The Hague in 1938. By the early 1960s, over six hundred Jesuits were active in the Netherlands, as well as a large number in Indonesia.

From the early 1960s onwards, the order’s membership went into decline, as did its activities. This was due to fewer candidates applying to join the order, combined with a substantial outflow of existing members. The polarization between the progressive and conservative factions was particularly marked in the Netherlands, sometimes resulting in public conflicts (such as the controversies surrounding the Amsterdam theologian Huub Oosterhuis, who was expelled from the order in 1969, and Fr. Jan van Kilsdonk, whose liberal views as student chaplain at the University of Amsterdam did not find universal favour). The relationship between the Province and Rome was under considerable strain throughout the 1960s and 1970s. A ‘lack of communication’ and growing mutual distrust had been noted in 1964. Five years later, the situation prompted the early retirement of the Provincial. Falling membership forced the order to discontinue most of its activities. By 1985, all schools and retreats had been closed. The largest of the boarding schools (Canisius) was closed in 1968, while that in Zeist survived until 1982. The order’s own training colleges also disappeared. The Novitiate moved to Venlo in 1966, then to The Hague just a few years later, and eventually closed in 1970. Similarly, the Berchmanianum in Nijmegen closed in 1967 (and is now a care home for retired clergy) as did the Canisianum in Maastricht, where the building now forms part of the city’s university.

Today, the Jesuit’s Dutch province is a mere shadow of the influential organization it once was. Like other orders and congregations, it has faced a serious decline in membership coupled with an increase in the average age of those who remain.

**Jesuit Provincial Superiors in the Netherlands since 1945**

- **1942- 1950** K. Kerremans
- **1950 - 1957** C. Kolfschoten
- **1957 - 1963** J. Westermann
6.1.4. Colleges and boarding schools

Because many of the reports of sexual abuse by Jesuits relate directly or indirectly to the colleges and boarding schools, it will be useful to examine these institutions in greater detail. The order was particularly proud of its colleges, which were not only intended to provide an academic education but to provide a good Catholic upbringing in keeping with the traditional Ignatian ideals. Jesuit schools were seen as an example to be emulated by other Catholic institutions. Their pedagogical model was not confined to lessons in the usual school subjects, but attempted to reach into the daily lives of students through all manner of religious, cultural and extracurricular activities: school masses and religious education, drama, sports and various hobby clubs. The schools also formed a rich source of new recruits to the order, which did not have its own minor seminary in the Netherlands. In 1946, there were four Jesuit colleges, in Amsterdam, The Hague, Nijmegen and Zeist, to which a further two (Groningen and Delft) were added by 1948. These were large and, at first sight, flourishing institutions. However, the rapid decline in the order’s membership and a number of other factors led to the closure of all six within forty years.

- Aloysius College was established in The Hague in 1917, relocating to a large new building on Oostduinlaan in 1925. In 1928, the renowned Willibrordus College boarding school moved from Katwijk to The Hague and became part of Aloysius under the name Huize Katwijk. In 1946, however, Huize Katwijk once again became independent and was relocated to Zeist (see Katwijk-De Breul). In the immediate post-war period, Aloysius College saw substantial growth and by 1973, following a number of mergers, was a particularly large institution. In the early 1980s, the Jesuits were forced to relinquish the school due to a shortage of suitable staff, whereupon its management was assumed by the Aloysius Foundation.

- Canisius College was by far the largest of the Jesuit's secondary schools. It was founded in Nijmegen in 1900, taking its first pupils from an earlier school in Sittard, and occupying an imposing building on Berg-en-Dalseweg. The college accepted both day pupils and boarders, and at one stage the boarding department had over three hundred students. By the 1960s, it had become increasingly difficult for the order to provide enough teaching staff and supervisors for both its remaining boarding schools, whereupon Nijmegen ceased to take boarders in 1968. Canisius College was a large Jesuit community whose residents included not only the teachers and other school staff, but also a number of scholastics studying at Nijmegen University, together with various professors and lecturers. Following its merger with another secondary school in the city, the Jesuits finally took leave of Canisius College in 1982.

- Ignatius College in Amsterdam was founded in 1895, and in 1909 was expanded to include a vocational college. In 1911, it moved into a large building on Hobbemakade. After the Second World War, the student body grew to reach over 1,500. The Jesuit house linked to the college was home to the scholastics studying at the University of Amsterdam, who at one
time included well-known figures such as Jan van Kilsdonk and Huub Oosterhuis. In 1974, the order was forced to relinquish Ignatius College due to the difficulty of providing suitable staff. It is now one of Amsterdam’s five independent ‘gymnasia’: academic high schools which prepare students for university (similar to a British sixth form college).

- Maartens College in Haren, near Groningen, was founded in 1946. Until 1965, it included a small boarding department. The Jesuits withdrew from running the college altogether in 1981, whereupon it became independent and in 1992 merged with other local schools to become an interdenominational institute.

- Stanislas College was founded in Delft in 1948. Although it ceased to be run by the Jesuits in 1986, it is now the only college which retains a clear connection with the order, a number of its staff having a Jesuit background. Stanislas College has grown to become a very large secondary school with some 4500 pupils. It continues to have a marked Catholic character and draws on the Ignatian principles of education.

- Willibrordus College, a boarding school originally located in Katwijk aan den Rijn, did not start life as a Jesuit institution but was acquired by the order in 1842, by which time it had already been in existence for eleven years. It was here that the Catholic elite from ‘above the rivers’ would traditionally be educated. In 1928, the boarding school was moved to The Hague, where it became part of Aloysius College. In 1946, it became independent once more and occupied the De Breul country estate between Zeist and Driebergen, hence the name Katwijk-De Breul. This institution was radically different from other Jesuit schools. It was small, with only 120 to 150 pupils, all of whom were boarders. It continued to target an elite public, and to some extent modelled itself on the exclusive British ‘public schools’. Following the closure of their other boarding schools, the Jesuits concentrated all their efforts on Katwijk-De Breul. Nevertheless, a combination of staff shortages and falling demand led to its closure in 1982. By this time, Katwijk-De Breul had long since ceased to be fully independent, but functioned as the boarders’ department of a much larger co-educational school which had been created by a merger in 1968.

In the immediate post-war decades, the Jesuit colleges may have continued to impress the Catholic public, but behind the scenes there were already murmurs of discontent. In 1953, for example, the Consult commented that the student supervisors at the colleges (almost all of whom were priests in formation) should be “better prepared for their task”. In 1959, Provincial Westermann, himself a former rector of Stanislas College, concluded that the order had overestimated its own strengths. There were too many colleges, all of which demonstrated the same fundamental weaknesses: a shortage of staff who could keep young boys under control, too much individualism, too many uninspiring teachers who devoted little or no attention to intellectual development, and above all too many ‘frustrated’ people. In Westermann’s view, the mentality of the staff fell short in every respect. He called for “truly selfless priests with a great love for their work, who are also sound, upstanding people.”

These remarks gain further context if read alongside a report about the colleges produced by the Hoogveld Institute (led by the educationalist N. Perquin S.J.) in 1957. Its conclusions are damning. The ideals which the Jesuits pursued in terms of young people’s upbringing were described as outdated, their pedagogic model no longer effective. Pupils rejected its principles and no longer regarded the school as a cohesive unit: a protective microcosm able to instil the formative values to which it aspired. There was too much emphasis on extracurricular activities, and too much attention for the group at the expense of the individual. Even religious education fell short, in that the model applied was seen as too prescriptive. The priests devoted all their attention to the students with talent or social status. They ignored those from more humble backgrounds and those with difficulties. They did not provide the role model expected of a priest, but came across as self-important, authoritarian and conservative, often with absolutely no regard for the requirements

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which modern society places on those charged with guiding the development of young people. The report called for radical changes.

There had been serious problems at two Jesuit schools shortly before this report was written, which should now be viewed in this context. In 1956, the prefect of the boarding school at Canisius College, one Father Herr, had expelled five pupils for ‘sexual misconduct’. Two young staff wrote a report, intended for the rector, in which they cited instances in which the policy and actions of Fr. Herr and others had been unnecessarily severe, contrary to good educational practice and blatantly unfair. They attributed the behaviour of some pupils to the mentality and harsh regime of Herr and other priests. They called for a different pedagogical approach to be adopted, adding that remaining silent about past ‘mistakes’ was no longer responsible in view of the gravity of those mistakes and their consequences. The good name of the college was at risk.\textsuperscript{12} The report had little or no effect at the time; one of its authors was transferred elsewhere and Fr. Herr was promoted to the post of rector in 1960. It is now clear that there was growing opposition to the conservative line. Complaints about Herr became more frequent and in 1965, in the middle of the school year, the Provincial Council transferred him to a retreat house.

Following his visitation in 1961, the Provincial described Canisius as “the most traditional of all colleges.” It was “bureaucratic” and “already too large to be viable in the longer term.”\textsuperscript{13} In the early 1960s, Brother T. de Waart, who was in charge of the youngest group of students at Canisius, wrote a handbook for fellow Jesuits charged with care of young boys. He devotes particular attention to the “necessity of creating a nurturing atmosphere of safety and security.” It would appear that he had good reason.\textsuperscript{14}

Another, far greater, scandal came to light in 1956. It involved sexual misconduct at the boarding school at Katwijk-De Breul and could easily have led to its closure. A recent book about the school\textsuperscript{15} makes absolutely no mention of the affair, since almost all documents relating to it have been lost or removed from the archive. However, it is possible to reconstruct the circumstances from the minutes of the provincial council meetings and the correspondence with Rome.

At De Breul, pupils in the first four years were divided into four groups or 'lines', each comprising boys of different ages.\textsuperscript{16} Older pupils enjoyed a certain degree of authority and were required to supervise the younger boys. In April 1956, the existence of several cliques of older pupils was revealed. Each had selected a “younger beau garçon, with whom they performed sexual acts at irregular intervals.”\textsuperscript{17} At first, at least 18 (out of approximately 135) boys were thought to be involved. After further investigation, however, Provincial Kolfschoten informed Regional Assistant Van Gestel that, “We now have the names of fifty boys, all in the first four years, which is approximately half. All are involved to a greater or lesser degree of seriousness.” The authorities in both Rome and The Hague shuddered at the thought of what would happen if this scandal at the elite boarding school should become public. The Provincial sent Fr. N. Perquin to Zeist. He concluded that the system of lines (year groups), so keenly supported by the prefect Fr. Smit, was outdated, and that the entire pedagogic system at the school had not only outlived its usefulness but was seen as false and insincere by the pupils themselves. “I see the sexual aberrations as unconscious retribution for these shortcomings,” he wrote. De Breul had become too insular. The demands made on its pupils were not in keeping with modern social mores. The school was “an exclusively male community with the risks that entails, coupled with a singular emphasis on care for the youngest pupils which is anything but sincere. As a result, the attitude quickly degenerates into one of a sexual nature: the younger boy is seen as a female partner. This effect is exacerbated by the winsome appearance of many young boys.” In short, the institution required the older boys to be too intimate with their younger counterparts. This had to change: “Adventures with girls would, when all is said and done, be more healthy than this situation.” In short, De Breul had to modernize and rid itself of its nineteenth-century traits.\textsuperscript{18}
This and other reports (which are not to be found in the archive) caused consternation in Rome. Serious errors had been made, whereupon Kolfschoten’s proposal to replace the prefect with a younger man, and to do so at the earliest opportunity, was readily accepted. The system of dividing pupils into ‘line’ groups would be abandoned, and preparations would be made to remove those responsible for the improprieties and anyone likely to fall into similar temptation. The maximum number of boarders was set at 120. All measures were to be implemented in a manner that would arouse no suspicion. In late October, the Provincial reported that “not a word has been spoken publicly about the incident.” With the benefit of hindsight, he concluded that the issue had been “slightly exaggerated”, and that it had been a mistake to “heap the details of every little scandal of recent years into a single report.” Even so, the situation had been extremely serious. Moreover, according to one report, a similar situation could still be seen at De Breul in the late 1960s.\textsuperscript{19}

In the wake of this affair, the threat of closure hung over De Breul like the Sword of Damocles. Remarkably, internal discussions between 1966 and 1968 did indeed lead to the decision to close an institution, but not De Breul. It was Canisius College whose days were numbered. A full account of the discussions, which prompted great anxiety within the various institutions, is beyond the scope of this report.\textsuperscript{20} Not only the Jesuits were forced to reassess the future: all religious boarding schools in the Netherlands were now feeling the effects of staff shortages, rising costs and falling demand. They were also forced to accept a greater number of ‘problem cases’, as demonstrated by a comment made during the Consult of 1967: “They are transforming our institutions into schools for special education.” The order probably chose to retain De Breul because the ‘social elite’ represented a specific niche market. The fact that the prefect of Canisius was convicted of sexual abuse in 1967 might also have influenced the deliberations. In the event, the decision to spare De Breul was merely a stay of execution.

6.1.5. Norms, standards and practice with regard to sexuality and sexual abuse 6.1.5.1. Constitutions and regulations

The Constitutions of the Society of Jesus are extremely comprehensive, running into several volumes. They date back to the time of its foundation by St. Ignatius Loyola. However, the Constitutions make little or no mention of sexual matters. In the section headed ‘On the personal life of those admitted to the body of the Society’, we read the following: “What pertains to the vow of chastity does not require explanation, since it is evident how perfectly it should be preserved through the endeavour in this matter to imitate the angelic purity through the purity of the body and mind.”\textsuperscript{21} The Regulae Communes Societatis Jesu (general regulations and complementary norms) also fail to provide any concise instructions. A Dutch translation (from the Latin) was produced in 1955\textsuperscript{22} and may therefore be assumed to have been in circulation at the time of the incidents discussed here. Only four of its 43 articles are directly or indirectly relevant. Retranslated into English, they read: (10) “Anyone knowing that another is being sorely tempted will inform the Superior so that the latter may exercise his fatherly duty of care and provide appropriate help.” (19) “No one may secure his room or cabinet in such a way that it cannot be opened from the exterior.” (23) “No one is to enter the room of another without the permission of the Superior; while inside the door must remain open”. The most relevant article reads, “In order to retain the gravitas and morality befitting a religious, no one may touch any other person, even in jest or play, except in keeping with the requirements of politeness when greeting or taking leave of that person.”\textsuperscript{23} This is known as the regula tactus – the prohibition on touching – and in a number of incidents considered by this report would seem to have been applied as the key norm with regard to sexual contact.
The more recent supplementary norms to the order’s Constitutions (the Dutch edition dates from 2001) do devote attention to chastity and celibacy (Articles 144-148) but can hardly be termed concise. According to these norms, the vow of chastity is so complete that “it excludes marriage and any other form of exclusive human relationship, as well as the genital expression and satisfaction of sexuality.” Accordingly, those who have taken the vow must “bear in mind the norms of the church and of society, and must assist their fellow brothers to observe them.” For their part, the superiors:

1) “Must conscientiously watch over the moral and spiritual life of others, providing continuous, discreet and confidential guidance, and helping them to overcome the difficulties and temptations they may experience on the way to full devotion to God through celibacy.”

2) “Must ensure that our young men are, during the course of their education, informed about sexuality in a correct, positive and responsible manner, and that they are armed to overcome with fortitude any crises which may arise. Should serious psychological problems become apparent, it will be prudent to refer our fellow brother to a counsellor, psychologist or psychiatrist.”

3) “Through genuine love for the young men, must ensure that no one whose ability to maintain the vow of chastity is in doubt is admitted to the order, permitted to take the vows or allowed to seek ordination.”

4) “Must, with careful attention and great trust, watch over the young priests and brothers who are beginning their work in the vineyard of the Lord, or who must now embark on a demanding and lengthy programme of specialist studies. Should superiors notice or feel that anyone is likely to withdraw from our community, they should lovingly attempt to bring that person back into the fold.”

From the foregoing, it might appear that the Jesuits suffered rather less from the sexual fixation seen elsewhere in the religious world. However, other documents reveal that the Jesuit authorities regarded sexuality as especially hazardous territory for the members of the order. In 1947, Superior General Jean-Baptiste Janssens issued a forceful condemnation of some modern social attitudes, ruling that Jesuits must be extremely cautious when making any public remark concerning sexual matters. Any relaxation of the existing norms, he contended, could have serious consequences. Just a year later, consequences were indeed seen within the order.

6.1.5.2. Stricter norms and regulations in 1948
In the aftermath of the Second World War, amid the permissiveness and ‘moral laxity’ it had seemingly brought about, Janssens considered it necessary to redefine the order’s norms with regard to sexuality. In a confidential circular issued to all Provincials on 22 April 1948, he noted that the order now had 29,000 members, whereby the likelihood of ‘problems’ was that much greater. The Provincials were enjoined to prevent any tristes lapsus – although there had been relatively few such ‘lamentable falls’ to date – thus ensuring that the good name of the order was not brought into disrepute. This important document establishes the leadership’s norms and standards in several areas, beginning with the criteria for admission to the order.

The Constitutions have little to say about criteria relating to the sexuality of candidates. Part 3 (“Concerning obstructions to admission to the Society”) includes what can best be described as secondary obstacles. These include, “passions or tendencies which cannot be controlled, or sinful habits for which little hope of improvement exists.” In his circular, Janssens stressed that the admission criteria must not be relaxed, even if fewer candidates were coming forward. In particular no person exhibiting ‘moral stains’ should be considered for admission unless it was absolutely certain that his problems had been overcome.
Should unsuitable candidates nevertheless be admitted, they were to be expelled from the order as soon as possible. This policy was to be strictly applied since, according to the Superior General, any sympathy shown in such cases would harm both the order and the candidate himself. No one was to be given the benefit of the doubt: it would be preferable to lose one good priest than to retain anyone who would later prove unworthy of his vocation. Goodwill was entirely out of place: the person concerned might easily succumb to temptation in later life. Moreover, those who mendaciously deny their guilt should be punished more severely than those who readily confess. In particular, those who had already taken the first three perpetual vows, and had broken the vow of chastity (with a woman or, worse still, a man) should be denied ordination. In this respect, the order was now subject to even greater demands, given the ‘regrettable’ state of society itself. Vigilance, constant reminders of the rules and ongoing spiritual guidance were seen as the best means of prevention. In all cases, the interests of the sanctity of souls, the Church, the Holy See and the order must be placed above those of the guilty party. In short, prevention was better than cure, but cure if needed would be swift and painful. It should be noted that the circular does not explicitly mention the sexual abuse of minors.

It seems that strict admission criteria were indeed applied. In 1954, Provincial Kolfschoten unsuccessfully requested special dispensation for an older candidate, an experienced teacher who had previously begun his novitiate with the Missionaries of the Holy Family. He had, however, been subject to a consilium abeundi (advice to leave, or expulsion order) by virtue of “a certain sensual susceptibility to his fellow novices and young men.” Following expert examination, it was determined that this candidate was “entirely normal and completely balanced”. Any ‘susceptibility’ had disappeared. The Provincial considered him an excellent candidate who should be given special dispensation for his ‘defect’. Higher authorities disagreed. The archives include a file containing the testimonials and character references sought for all candidates during the period 1958 to 1966. The order seems to have been extremely thorough; detailed information was requested from numerous people (preferably Jesuits) who knew the candidate, and in many cases the candidate was required to undergo a thorough psychological evaluation. Despite these precautions and the sometimes surprisingly candid assessments, this screening did not prevent the admission of candidates such as SJ1, whose references are included in this file and leave no doubt as to his unsuitability for the work to which he was later assigned.

6.1.5.3. Application of norms and regulations

Of course, we must also examine how strictly the regulations were applied in practice, once a candidate had been accepted into the order. What sanctions could be applied in the event of transgressions, and how easy was it to expel the transgressor? The explanatory notes to the 2002 (Dutch) edition of the Constitutions state:

“Although any member is liable to expulsion, it is nevertheless easier to expel some than others. Anyone admitted to the house to complete the first probationary period, before they actually live in the company of others, can be more readily dismissed if during that period it becomes apparent that they are unsuitable for membership of the Society. Those who are completing the second probationary period in a house or college and who are as yet not bound by any vow, may be expelled if experience suggests that their continued membership of the Society will not contribute to the greater service of God. Next come those who have committed themselves to God through their vows, but following the usual probationary period are not accepted as recognized scholastics or fully-formed coadjutors. In fourth place (and this requires an even greater degree of circumspection and even more serious reasons for dismissal) are the recognized scholastics. In fifth place (whereby the difficulty becomes even greater) are the formed coadjutors, whether spiritual or temporal, who have taken vows but whose expulsion is considered unavoidable. In certain cases, even those professed of the fourth vow, regardless of rank or position within the Society, may be expelled if it is believed that their continued membership will harm either the Society or its service of God.”
The document continues: “To this summary must be added that, the greater the obligations of the Society towards a person by virtue of their good service, or the greater that person’s gifts and ability to help the Society serve God, the greater the difficulty of expelling that person must be. Conversely, a person towards whom the Society has fewer obligations, and is less able to help the Society in the service of God, can be expelled more easily.”

These are general norms, which of course apply equally to those who have broken vows other than that of chastity. But what actually happened in practice? For many years, sexual misdemeanours were referred to in official records as either a casus tristis or a casus tristissimus.\textsuperscript{28} If we examine all such ‘lamentable cases’ recorded in the minutes of the Consult meetings and the correspondence with Rome between 1935 and 1960, the majority of which did not involve the abuse of minors but rather relationships with women or adult men, it appears that the ‘league table’ given above was indeed applied in practice. Novices, scholastics and lay brothers were more likely to be expelled, although ordained priests were often also subject to the same sanction. Of the total of thirty cases recorded in this period, seventeen resulted in expulsion. Almost all cases were referred to Rome, since most expulsions require the express approval in the form of an ‘indult of exclaustration’.

One factor which may well have done much to influence the decision was whether the expulsion would prompt a public scandal. This was far more likely in the case of ordained priests. One example is the casus tristissimus of 1942 involving SJ2. During the 1920s and 1930s, SJ2 had been novice master and later rector of the novitiate. The records do not state the exact nature of his offences. The Belgian Provincial (Janssens, who would soon become Superior General) decided that SJ2 should not be expelled due to his past service and the senior position he held at the time (vice rector of the regional theological institute). He was given a substantial penance and was visibly downgraded, but would remain a member of the order for the rest of his life.\textsuperscript{29} There are other cases in which the prime consideration was the good name of the order itself. They include those of SJ3\textsuperscript{30} (1937) and the priests SJ4 and SJ5. The authorities appear to have been more lenient during this period, especially if the matter appeared to be an isolated incident or if the perpetrator had made a spontaneous admission of guilt. However, the new Provincial, Fr. Constant Kolfschoten, was also willing to take a firm stance, even when required to consider several cases in quick succession. “My tenure threatens to begin with an exodus,” he wrote to regional assistant Van Gestel in Rome, “but if they must go, then go they will. We are better off with fewer people than with the wrong sort of people.”\textsuperscript{31} In cases involving sexual abuse of minors, if the perpetrator was allowed to remain in the order he would usually be transferred to a position which posed less risk and offered less temptation.

6.1.5.4. Warnings further to visitations

There are remarks in the visitation reports for the period to 1960 which indicate that the Provincial devoted attention to the interaction between adults and pupils at the colleges.\textsuperscript{32} In December 1940, scholastics at Ignatius College in Amsterdam were expressly reminded of the regula tactus, whereby there must be no physical contact between themselves or with the pupils. It seems likely that this was prompted by one or more incidents, since a year later the reminder was repeated with the addition of the words, “especially in interactions with the boys” and specific instructions that no scholastic must receive a pupil in his room without the express permission of the rector. In 1944, staff at Willibrordus College, then ‘in exile’ in Gulpen, received instructions that the regula tactus must be observed by everyone, without exception. In December 1952, the Provincial called on the superiors at Aloysius College to take forceful action against even minor infractions of the rule. It is interesting to note that the report of the visitation to Katwijk-de Breul in May 1956, at the height of the scandal described above, makes absolutely no mention of the regula tactus. Two years later, however, the Provincial notes that the rule must be observed more diligently in order to maintain a culture and lifestyle appropriate to a religious community. On two occasions, the regula tactus is expressly brought to attention in connection with corporal punishment. In the report of his visitation
to Canisius in February 1953, the Provincial states that all forms of corporal punishment are prohibited and that anyone who has breached this rule must notify his rector immediately. The same remarks appear in the report of the 1956 visitation to Ignatius College. Again, it seems likely that these instructions were prompted by actual incidents.

6.1.6. Changing attitudes to ‘affective’ relationships and homosexuality

The early 1960s saw a number of major changes within the Catholic Church and several high-profile resignations (including that of the former Provincial, J. Hermans). At this time, the rigid sexual standards of the past were being reassessed. Like other orders and congregations, the Jesuits embarked on an internal discussion of what constitutes an ‘affective’ relationship. (The dictionary defines affective as ‘causing or typified by emotion or feeling’). An echo of this discussion can be found in a file dated 1986, which includes a paper written by the former Provincial G. Brenninkmeijer entitled Over relaties bij nostri\(^{33}\) (‘On relationships among nostri’), intended to arrive at a new and generally accepted interpretation of the vow of chastity. Another document, entitled Uit de overstenbrieven (‘From the Superiors’ Letters’) sought to rationalize the problem:

“We must view this issue in perspective and certainly not panic. Moreover, there are many different types of relationship, varying in their intensity, durability and the degree to which others are aware of them. In this respect, that which is not public knowledge need never become public knowledge. There are, however, some types of relationship which are indeed questionable. There are some notorious cases which have caused scandal, with regard to married people for example. Our actions are then more ambivalent and our good name is besmirched. There is annoyance and confusion, even within our own number, whenever trust is breached. In other words, the assumptions of both brothers and outsiders regarding our way of life are under threat, as is the credibility of the Provinciale. Someone has now spoken out and said that it is not the assumptions that are under threat, it is our vocation which is losing its credibility. That is a serious problem, if it involves many people, in terms of maintaining the cohesion of the order and the effectiveness of the apostolate. [...] Nevertheless, while it may cause rancour, we must refrain from passing judgement too quickly, since these are good people.”

This piece is primarily concerned with affective relationships (including sexual intimacy) with adult women. “Unfortunately,” it continues, “we have been brought up in a way which makes it difficult to interact fully with others. Sexually, we are underdeveloped. Our ability to love has been numbed, our ability to form relationships eliminated altogether. We remain off limits. It is regrettable that there are so few deep relationships among Dutch Jesuits themselves. Affective Jesuits: that is a good thing.”

A ‘traditional’ interpretation of the second vow cannot therefore be taken for granted. Sexuality, the writer contends, should be given greater positive value. After all, relationships are important to personal development. However, the vow renders two forms of relationship unacceptable: marriage and a (manifest) homosexual relationship. The latter was by now a growing problem within the order, as we read in a dossier entitled Kwestie Homofilie (‘The homosexuality question’).\(^{34}\)

On 8 February 1986, the Belgian Provincial M. Rotsaert wrote to his colleague Brenninkmeijer (possibly in response to a request for advice), stating that homosexual candidates must not be accepted on the instructions of the Superior General. (This was a confirmation of an earlier directive issued in 1978). In June that year, Rotsaert lodged a complaint against the superior of the Om Vuur retreat in Deventer, accusing him of running “an institution in which homosexual relationships are cultivated.” According to Consultor H. Bijmans, Deventer was certainly not unique in this respect. On 26 November 1986, Brenninkmeijer once again contacted the house superior to express his concern.
about the ‘pink circuit’ in Deventer. “I have the distinct impression that the entire question of relationships and the appropriate response to them is deliberately being avoided.”

In 1996, Provincial H. van Leeuwen attended a regional conference of his counterparts, at which homosexuality was a prominent item on the agenda. He later informed the Consult of the discussions, at which one speaker had declared that “the problem tends to emerge after the person concerned has been ordained. He experiences difficulty in self-acceptance. The Society is becoming more restrictive in accepting homosexuals as candidates. Although the topic is now less of a taboo, it is become ever more difficult to talk about it effectively.” The file includes the very interesting memorandum on which the conference based its discussions. This document (written in German) states that the Society had begun to display an increasingly homosexual character. Not only had many members ‘come out of the closet’, but were now forming groups in which an unhealthy, schwule atmosphere was dominant, and which served to attract ‘weak characters’. The author concedes that it would be impossible to keep homosexuals out of the order altogether, but adds that it was also unacceptable to admit them with open arms. One had to accept that there would always be some homosexuals among the membership, but total abstinence was the guiding principle, just as it was for heterosexual members. It was essential to prevent the Society from being seen as a homosexual community. Certain manifestations of sexuality were therefore impermissible: homosexuality ‘im Umfeld pathologischer Phänomene und Störungen’; public ‘coming out’, actual expressions of intimacy, or demonstrations of homosexual culture. The admission criteria could, it was suggested, be amended and relaxed to some degree but candidates must continue to be rejected if their homosexuality was a secondary symptom of some pathological disorder. If a person expressed his sexual orientation openly, in einer konkreten Beziehung ausleben muss, or als Ausdruck seiner Homosexualität der eindeutige Hang zu Kindern und Jugendlichen besteht’, he must on no account be admitted to the Society of Jesus.

In 2005, following a conversation with the psychologist P. van Beek, who had been retained as permanent consultant to the order, Provincial Jan van de Poll informed Superior General Kolvenbach that the homosexual ‘tint’ of the Jesuits was becoming an ever greater problem in the Netherlands. In a report written in English, Van Beek suggested that in many respects, the discussion about the lack of communication within the province “has a lot to do with the big amount of homophile oriented Jesuits in the province. (…) One of the biggest problems in the Society in the Netherlands, especially those who are living in Amsterdam, is the homophile issue. A new Provincial has to be conscious about that and has to stay firmly in the Jesuit way of proceeding.”

6.1.7. Sexual abuse of minors

Until the 1990s, the abuse of minors by members of the order was rarely discussed by the provincial leadership as a separate issue, or at least no written records exist. Even the visitations seem not to have prompted any consideration of the possibility. The first time that issue of child abuse was indeed raised was in response to a discussion paper produced by the Association on Religious Priests in the Netherlands (Stichting Samenwerking Nederlandse Priester Religieuzen; SNPR) on ‘Sexual abuse in pastoral relationships.’ On this occasion, Consultant P. de Ruiter remarked that it was necessary to make a clearer distinction between paedophile activity, in which there is a perpetrator and a victim, and relationships between consenting adults.

In 2002, the attention of the Provincialate was drawn to a discussion which had taken place during a conference of French-speaking Provincials in Rome. It concerned “issues we may expect to face in connection with the sextum’, and specifically the sexual abuse of minors.” (In Canon Law, the term sextum refers to the sixth commandment, “Thou shalt not commit adultery”.) Was the Dutch province prepared for possible problems? It believed so. There were ‘formal procedures’ (probably an allusion to the Hulp & Recht organization) while close attention was devoted to the sextum during
formation. Another important consideration was whether any abuse of minors was actually ongoing. Were problems to be expected? It is, after all, a criminal offence and cases must therefore always be reported to the police. In the United States, accusations had already been levelled against some orders and congregations in the media. There had also been some unfavourable coverage in the Dutch national newspaper, *NRC Handelsblad*. The conclusion was that the Dutch Jesuits should take the middle ground. They would not give in to demands for even stricter rules, but would continue to dismiss all who engaged in any form of improper relations. “In general, it may be said that we approach such matters seriously. It may be that the homosexual Jesuit is subject to closer scrutiny than his heterosexual counterpart.” No actual cases were discussed on this occasion, or if so, they were omitted from the minutes.  

Following the extensive media coverage in early 2010, the sexual abuse of minors was of course discussed extensively by the provincial leadership. The first meeting in direct response to the publicity was on 22 March 2010. It is clear that those attending had been greatly affected. A few possible cases were discussed, without actually naming the suspects of the locations concerned. One perpetrator SJ1, was known to have been involved in two separate cases. According to *NRC Handelsblad*, there had been nine cases of abuse at Canisius College alone, but the Provincial was not party to the names of those responsible. “The majority of perpetrators are now deceased, the offences are without statute, and the schools themselves have been closed for many decades. The fact is that most superiors knew little or nothing about what went on in those years, although the press is suggesting that it was common knowledge.” The victims were seeking acknowledgement, some were seeking financial compensation. The Provincial advised waiting until the full facts were known. “This is also the advice of our lawyer. It appears that the Church has become the victim of a witch-hunt.”

In the months which followed, the provincial leadership discussed its contacts with the Canisius victims’ group. It decided not to attempt to identify any further cases; this was the task of the Commission of Inquiry. The case of SJ1 had by now been investigated in depth and the Provincial forwarded his findings to the victims’ group. On the instructions of the Superior General, further investigations were launched and a list of possible perpetrators sent to Rome. (Minutes, 16 November 2010 and 5 January 2011). The eight names on this list were passed to the Commission of Inquiry as part of the Provincial’s evidence given on 24 February 2011.

6.1.8. Abuse in the Jesuit order: facts and figures

The investigation of known cases of sexual abuse in the Jesuit order relied on a comparison of the two main sources of information: the reports and witness statements received by the Commission of Inquiry and the archive documents. The Commission has an alphabetical list of the names of 25 (alleged) perpetrators. It includes the (candidate) members of the Society of Jesus named in the reports submitted to *Hulp & Recht*, those who have been named elsewhere (such as the websites and discussion boards of the victims’ groups) and those named or implicated by the archive material. There are six priests and brothers whose involvement is strongly suggested by the archive documents. Together, the reports and the archive produce a total of forty individual cases.

The information and statistics given in this section are subject to a significant margin of uncertainty. It is difficult to draw any absolute or quantitative conclusions from the analysis of either reports or archive material, whereupon the results offer only an impression. The margin of uncertainty is due to several factors:

- The reports do not always provide enough information to identify the person or persons involved. In three cases, no names are given and cannot be deduced from any other source.
- The number of victims is not always clear (see also 6.1.10, ‘Extent, period and domain’). Several reports refer to other victims who have not come forward.
• By no means all reports provide adequate details about the dates, duration and frequency of the incidents concerned. Even the nature of the abuse is sometimes unclear, the reports being vague or offering no more than a general description, whereupon it is difficult to establish the gravity of the events.

• By far the most significant problem is that of the reliability of the reports. In many cases, the information provided cannot be corroborated by the archive material. Nevertheless, it is assumed that all reports are reliable and bona fide, except where the comparison with the archive material reveals inconsistencies which cast their veracity into serious doubt, or require corrections to be made. Finally, the possibility of errors or misunderstandings which have not yet been identified must be taken into account.

6.1.9. Facts and figures

Victim reports

– The investigation of abuse committed by Jesuits was based on 29 reports received by the Commission and eight cases described in the archive. Some reports describe multiple incidents or incidents involving more than one perpetrator, whereupon the investigation examined allegations against a total of forty Jesuits, not all of whom can be identified by name.

– Of these 40 cases, 11 involve one and the same perpetrator, identified in this report as SJ1. Here, we must note that one report (submitted by X10) was signed on behalf of 11 other (unidentified) members of the Canisius victims’ group, while 5 other members of the group made reports in their own name. We have not included the other 6 members of the group as separate victims and these cases are therefore not reflected in the totals.

– All victims are male.

The ages of the victims at the time of the abuse:

<table>
<thead>
<tr>
<th>Age Range</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 to 10 years:</td>
<td>1</td>
</tr>
<tr>
<td>11 to 16:</td>
<td>31</td>
</tr>
<tr>
<td>Over 16:</td>
<td>3</td>
</tr>
<tr>
<td>Not known:</td>
<td>5</td>
</tr>
</tbody>
</table>

Perpetrators

– The reports and archive cases involve 25 (candidate) members of the Society of Jesus. Three are not named and cannot be identified.

– In the case of four of the twenty perpetrators named in, or identifiable from, the reports (SJ6, SJ1, SJ7, SJ4), the archive includes documents which directly relate to allegations of abuse. In the case of a further six, the archive includes information which would support a suspicion of abuse (such as a sudden transfer to another house or an overseas mission). In ten cases, there is no corroborating information whatsoever.

– The archive investigation revealed 5 actual perpetrators (SJ8, SJ5, NN3, SJ9, SJ10) who had not been named in the reports, or who could not be identified from those reports. There were also 6 unreported ‘possible perpetrators. These have been included in this summary as ‘unconfirmed’ cases.

– Of the 31 confirmed and unconfirmed perpetrators, 20 are ordained priests, 5 priests in formation and 6 are brothers within the order.
- Five perpetrators are named in more than one case: SJ1 (11), SJ4 (4), SJ11 (3), SJ12 (2), and SJ13 (2). These five men account for over half of the cases considered.

Locations

Colleges and boarding schools:

Canisius College, Nijmegen (including boarding school, affiliated sports clubs and sea scout troop)

- Reported cases: 23
- Reported (named) perpetrators: 10
- Unreported perpetrators: 1 (+ 2 possible)

Aloysius College, The Hague

- Reported cases: 4
- Reported (named) perpetrators: 4

Maartens College, Haren/Groningen

- Reported cases: 2
- Reported (named) perpetrators: 2

Ignatius College, Amsterdam

- Reported cases: 2
- Reported (named) perpetrators: 1
- Unreported perpetrators: 1

Stanislas College, Delft

- Reported cases: 1
- Reported (named) perpetrators: 1

Willibrordus College (Katwijk-De Breul), Zeist

- Reported cases: 1
<table>
<thead>
<tr>
<th>Location</th>
<th>Reported cases</th>
<th>Reported (named) perpetrators</th>
<th>Unreported perpetrators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Centrum Oriëntatie en Culturele Vorming Jongeren, Sittard</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Mariëndaal Novitiate, Grave</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Other locations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amsterdam, De Zaaier (parish)</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Spaubeek Retreat House</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Venlo Retreat House</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Unspecified locations</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Reported cases 0
Reported (named) perpetrators 0
Unreported perpetrators 3 possible

- Colleges/boarding schools: 34 reported cases, 20 reported perpetrators, 4 unreported perpetrators, 3 unreported possible perpetrators
- Other locations: 2 reported cases, 2 reported perpetrators, 1 unreported perpetrator, 3 unreported possible perpetrators.

**Circumstances and nature of the abuse**

Precise location of incident (where stated)

- Perpetrator’s room: 19
- Elsewhere in the institution: 3
- Outside the institution: 5

Nature of abuse (where stated):

- Sexual advances, inappropriate interest or harassment: 4
- (Mutual) genital contact/frottage: 6
- (Mutual) masturbation: 6
- Penetration (anal, including with the fingers): 2
- (Combined with) physical assault/corporal punishment: 5
- Unknown/generic (victim cannot or does not wish to remember): 20
- Unusual or inappropriate relationship between perpetrator and victim: 13
- Misuse of the confession by perpetrator: 2

*Duration and frequency of incidents*

- Duration of recurrent abuse
  - 1 year: 2
  - Several years: 12
Unknown 13

– Frequency of abuse

Single occasion 13
Recurrent but irregular 7
Regular/ongoing 11
Unknown 9

Action taken against (suspected) perpetrator

Transferred elsewhere 7
(Forced) resignation 8
Examination/treatment by expert 3

Action taken with regard to victim

Contact with parents 2 (+3 possible)
Victim interviewed 1
Complaint dismissed or ignored 5
Apology 1
Compensation 3

Dates of incidents

Prior to 1949 1
1950-1959 16
1960-1969 9
1970-1979 9
1980 onwards 5

6.1.10. Evaluation of the information
Extent, period and domain

It is far from easy to quantify the total membership of the Society of Jesus in the Netherlands since 1945. In the early 1960s, the Dutch Province had over six hundred full and candidate members, as well as a sizeable contingent working in Indonesia. Even after the subsequent decline in numbers, at the end of 1974 the order had over 450 members (372 ordained priests, 27 in formation and 53 brothers). In 1978, resignations and deaths reduced this number by 18. It seems reasonable to estimate the total number of members (and candidates) during the period 1945 to 2000 to be around one thousand. The number of reported and identified perpetrators of sexual abuse is 31. The percentage of ‘bad apples’ is therefore low. Of this group, the majority (around four in every five) were ordained priests or priests in formation, the remainder (lay) brothers. This corresponds with the breakdown of the membership as a whole.

The individual cases of abuse, of which forty are known from reports or archive information, are spread unevenly across a period of over forty years: 1945 to 1988. There is a clear cluster of
seventeen cases which occurred between 1949 to 1959. There were nine cases in each of the two subsequent decades, and a further five between 1980 and 1988. If we assume a degree of underreporting with regard to the 1950s (because the victims are no longer alive), this is clearly the period in which the problem was at its worst. We must, however, take into account the six possible cases after 1970 (see section considering the reports and complainants), which some claim to be a conservative figure. In this context, there is another aspect to be considered. Media attention in 2010 resulted in a flurry of reports and allegations of abuse. Relatively few related to abuse within the Jesuit order. Could this be due to the social background and status of the average former Jesuit college student?

The domain in which most of the reported and identified cases of abuse took place is that of education, specifically secondary education. This is clearly reflected by the ages of the victims, over 75% of whom (and probably as many as 90%) were between 11 and 16 years old at the time of the incidents. The six secondary schools, the novitiate and the small institute run by SJ13 in Sittard account for no fewer than 34 of the forty cases. Of these, the majority (23) took place at one large institute, Canisius College in Nijmegen (including its boarding school department, sports clubs and sea scout troop).

Given that a substantial number of the reports relate to the period after the boarding schools closed, while the one remaining boarding school (Katwijk-De Breul) accounts for only one report, we may conclude that the boarding school setting was not a marked ‘hotspot’ of abuse in the Jesuit community. With regard to Canisius, we may also state that the picture is somewhat skewed by the activities of SJ1 (who was not a key figure within the school), and by the specific publicity and activities of the Canisius victims’ group. This may explain why this school features relatively frequently in the report. Or perhaps the other colleges are underrepresented, as the Canisius victims’ group contends. On the KLOKK website (Koepel landelijk overleg kerkelijk kindermisbruik), the group states: “(...) many more Jesuits, at several other colleges and at various times, have interfered with a much larger group of young men and boys than was originally thought. Worse still, (Jesuit) perpetrators were not subject to any disciplinary measures but were merely transferred to another appointment, with all the consequences that entails. The necessity of a central reporting point is based on this observation (and on less than full cooperation from the Jesuit order itself). It will serve to quantify the suffering experienced by the victims. It will empower them to speak with one voice and to seek justice.”

Nature and circumstances of abuse
A significant number of the reports fail to give any details of the exact nature of the (alleged) abuse: in approximately half of the cases, there is nothing more than a generic description. This could be due to embarrassment and repressed memory (in the psychological sense), even after so many years. However, it does mean that it is now impossible to ascertain the seriousness of these incidents. Of the reports which do give more detailed information, only a small number concern the more serious forms of abuse. Five cases relate to (unauthorized) use of corporal punishment. A notably high number of reports (thirteen) relate to a situation in which there was a special relationship of trust between the victim and the perpetrator, the latter being the confessor or ‘house friend’ of the parents. In such cases, any abuse represents an especially grave breach of trust. The case of SJ1 stands out in this context in that establishing such a relationship of trust was part of his modus operandi. Several of the perpetrators held a senior position, as rector (SJ12, SJ14, SJ15, SJ16), prefect (SJ12, SJ6), director of the boarding school department (SJ13), or vice-superior of a retreat house (SJ5). Several others were active in sports clubs or scouting groups: SJ4, SJ17, SJ18, SJ1, SJ7 and SJ19.

In almost half of the reports, the perpetrator’s own room is given as the specific location of the abuse. In the Jesuit community, the staff members’ rooms were not actually out of bounds for boys, although the general rules did call for the door to remain open. Two reports relate to the setting of
the confessional. In one (SJ18), there seems to be a clear instance of crimen sollicitationis: using the Sacrament of the Penance to solicit sexual favours.

**Action taken with regard to perpetrators and offenders**

As we have noted, the Jesuit leadership applied strong norms, particularly in the period prior to 1965. In many cases, very firm action was taken against those who broke the vow of chastity or became involved in sexual peccadilloes. On the other hand, the ease with which the ultimate sanction of expulsion could be applied decreased in inverse proportion to the offender’s religious standing and his past services to the Society. In most cases, therefore, it was seen as preferable for the offender to ‘voluntarily’ renounce his vows and resign from the order. He may well have been placed under significant pressure to do so. Other measures, such as penance, more concrete disciplinary measures, a transfer to other duties and/or psychological examination and treatment were also possible.

Those cases of abuse involving minors of which the Provincial leadership seems to have been aware (based on the archive documents) suggest a more nuanced approach. Of the eleven perpetrators concerned, four (one priest in formation and three brothers) were expelled from the order, all between 1950 and 1953. The other seven cases, three prior to 1960 and four thereafter, involve six ordained priests and one brother. Six were transferred elsewhere, one (SJ15) having first undergone voluntary treatment. The seventh case is that of SJ1, who had to be ordered to undergo psychotherapy. Having done so, he requested that he should be given some parochial position out of temptation’s way. While it is difficult to draw any conclusions based on such low numbers, it would seem that the leadership was far more reticent to expel ordained priests, and that it refrained from expelling anyone at all after 1953. Moreover, after 1960 the provincial authorities in The Hague did not inform or consult Rome on such matters. In several cases, it seems that the Dutch leadership underestimated the seriousness of the abuse, or considered it to be an ‘isolated incident’ (see and compare cases SJ5, SJ6, SJ1, SJ7 and SJ4).

**SJ4**

SJ4 was a teacher at Canisius College Nijmegen in the 1940s. During his time at the school, he took a very active part in running sports activities and was involved in several clubs which were directly or indirectly linked with the school. Three reports relate to this extracurricular context. In 1948 or 1949, X11 was a member of the ‘Union’ football club. He was nine or ten years old at the time. SJ4 took the boy to his private room for the purposes of a ‘sports examination’. X11 was told to undress, whereupon the priest spent some time manipulating his genitals. He later discovered that his brother had been subjected to precisely the same experience.

In the early 1950s, X12, then aged 12 or 13, joined the school’s cricket club, which was also run by SJ4. He too was subjected to a physical examination involving intimate contact and was expected to reciprocate. He therefore left the cricket club and applied to play football instead, whereupon SJ4 told him that he would have to undergo yet another examination. X13, another Canisius student, states that SJ4 would deliberately award certain boys very low marks for their schoolwork, whereupon he would administer corporal punishment to their bare buttocks before offering them ‘extra tuition’ in his room. X13’s account also mentions the ‘sports examinations’. One of the victims informed his parents about these activities. The boys concerned were summoned to the rector’s office and SJ4 was transferred ‘overnight’.
A fourth report relates to incidents which took place in Amsterdam, where SJ4 was appointed assistant pastor (curate) in the late 1950s. He was active in youth welfare work throughout the 1960s. X14 was abused by SJ4 over a period of several years, from 1966 to 1970. He was aged ten to fourteen at the time and served as an altar boy. Once every three weeks, he was summoned to SJ4’s room where his genitals were fondled. On some occasions, the abuse went even further. He reports that the priest did the same with other boys. SJ4’s personal file has since been redacted and contains no documents from before 1970. The allegations of abuse in Amsterdam are mentioned nowhere else in the archive. However, SJ4’s involvement in the Canisius College affair can be deduced from the minutes of the Provincialate’s meetings and the correspondence with Rome. The *casus tristis* of this priest was discussed at the Consult held in late March 1953. It was noted that SJ4 had committed serious ‘indiscretions’. While subjectively his guilt was not complete, it was deemed serious from an objective point of view because his actions had given rise to a scandal which threatened the good name of the college and the order, the matter having become known to outsiders. A majority of those present called for his immediate removal from the college, regardless of any further harm this would cause to its reputation. A dissenting minority believed that this would only exacerbate the situation. Given the ‘less subjective guilt’, they considered expulsion inappropriate. It was therefore decided to refer the matter to Rome. Further insights can be gleaned from a letter sent to Regional Assistant Van Gestel a few days later. From this, it appears that the provincial leadership had known of certain allegations at least three months earlier, in late 1952. According to a letter written by Provincial Kolfshoten, SJ4 was at that time already “in discredit […] due to his indecent and unconventional methods of education.” From a document enclosed with this letter (but no longer in the archive) which was said to describe matters “honestly and entirely in keeping with the facts.”, SJ4 claimed he had learned this method from a more senior priest. One boy had reported SJ4’s proclivities to his father, who angrily protested to the rector, “This is now the second priest who has been throwing himself at my son!” The rector managed to placate him whereupon the matter did not receive wider publicity. During his visitation in January 1953, the Provincial severely admonished SJ4 and issued a formal warning (*monitum*). However, any hope that the matter would remain *in foro interno* was dispelled when four more indignant parents came forward. It became apparent that SJ4’s activities had not remained restricted to giving instruction about sexual matters, but that there had been other activities evincing ‘an unhealthy curiosity and a certain degree of prurience.” The priest had, for example, allowed boys to try on football shorts in his room, and frequently entered while the boys were showering under the pretext of bringing them soap and towels. This was a man with considerable standing in the local community, with personal responsibility for some two hundred confessants. The letter reveals even greater disagreement among the Consultors than the minutes suggest. One suggests summoning the five parents and explaining to them that “SJ4 has never shown or had the least desire for homosexual contact.” Another opined that SJ4 should be removed from Canisius but there was no reason that he could not take up an appointment at another college. A third wanted SJ4 sent abroad, but not necessarily expelled from the order. The fourth stated that SJ4 could “no longer be kept under control” and that “he should never again be entrusted with the care of young people”. The Provincial himself saw it as a question of crisis management: the scandal must be contained. If SJ4 were to be suddenly transferred, “we would be casting him before the court of public opinion,” and with him the college itself. Such a course would only make the scandal worse than it already was. While his actions had indeed constituted unacceptable behaviour, they were not so dreadful *in foro interno*. Nevertheless, parents were calling for SJ4’s removal. If he were to go abroad, that could be construed as fleeing from justice. On
balance, the Provincial agreed that SJ4 must go, despite the scandal this would cause. After all, it was necessary to honour the trust that parents had placed in the school and its staff. “This is a requirement that society must place above all else, even if the disadvantage to the individual is greater than he deserves.” The Provincial saw no useful purpose in sending SJ4 abroad, but neither did he consider an appointment to another college appropriate at this time. The Consultors thought it unnecessary to expel SJ4 from the order. Should the Superior General decide differently, that would be a “fateful decision which we must accept”. For now, SJ4 would be relieved of all his school duties and put in charge of organizing retreats for the faithful. Together with the letter to Van Gestel, the Provincial sent an official request for the Superior General’s decision. That decision arrived by return of post (on 10 April 1953): SJ4 must be removed from Canisius immediately and must not be allowed to work in any other college or with young people ever again. From these documents, it appears that the Superior General considered this response to be fair. However, he also noted a serious lack of judgement “with regard to matters in which it is not only desirable to avoid scandal, but in which we also have very a very strong obligation towards the boys and their parents, who must be given justice.” The decision was announced at the next Consult. SJ4 was to be transferred to parochial duties, reprimanded and given a heavy ‘penance’. Did SJ4 consider his punishment too severe? The minutes of a meeting held in August 1953 reiterate that he must remain in the parish in The Hague and never again be allowed to work in a school. Two years later however, SJ4 was given permission, subject to conditions, to teach religious education at Aloysius College. Fifteen years later, on 10 November 1970, his name would once again arise at a Consult. He had applied to remain involved in youth welfare work in the Jordaan, a district of Amsterdam. Although the Consultors were not against the proposal, they demanded that he should undertake further pastoral training, to which SJ4 himself objected. It is unclear whether the authorities were aware of any new problems in Amsterdam. Two years later, the records note that SJ4 had now ‘tired of working with young people and wishes to leave the Netherlands for New Zealand. This is considered a prudent course of action.” Having arrived in New Zealand, he wrote to the Provincial on 6 November 1972, stating, “I miss my dear boys and the Jordaan community. But I take comfort in knowing that it is better for me this way.” In late 1974, he informed Provincial J. van Deenen that here, on the other side of the world, he was involved in organizing sports activities for 11 to 15-year-olds, and regularly accompanied children aged 11 to 13 on camping holidays. This bears out the contents of earlier letters. Following his return to the Netherlands in 1978, it proved rather difficult to find a new appointment for SJ4. The Superior and members of the Ignatius community at which he had previously worked showed a clear opposition to his return. From the foregoing, we can conclude that the restrictions imposed on SJ4 in 1953 (he would not allowed be work in schools or with young people) were of rather short duration. The archive material does not indicate whether anyone was aware of new problems in 1970. It is, however, noteworthy that a new requirement was imposed that year with regard to his youth work in Amsterdam, in which he had been involved since 1963.*

*Sources: personnel file in ANSI Nijmegen; minutes of Consult meetings of 31 March, 26 April, 2 August 1953 (Archive of Jesuit Provincialate PA 1659) and 15 May 1955 (Ibid., PA 1660); minutes of staff meetings of 10 November 1970, 23 June and 5 November 1972, 30 January and 14 August 1978 (Ibid., Staff Dossiers 1970, 1972, 1978-1979); correspondence between Provincial and Superior General/Regional Assistant, 1953 (Ibid., PA 1653 and 1655); report of Diocese of Haarlem; reports/witness statements by X12, X11, X13 and X14.
It is only recently that attention has been devoted to the victims of abuse by the Jesuits, or indeed any other order. If we examine the eleven cases from this perspective, we find that contact was seldom sought with parents, and usually only for the purposes of ‘damage limitation’ (see cases SJ6, SJ1 and SJ4). It was not until after 2000 that victims could expect to receive an apology or compensation. The exception is X15, whose father submitted a psychiatrist’s bill to the order in 1967 and was duly reimbursed. From the reports, it appears that many complaints were dismissed or went unanswered.

Expert treatment

The archive documents show that, after 1945, the order regularly called upon expert advice and sought treatment for the perpetrators of abuse. This was the routine response in the case of those with obvious psychiatric problems such as SJ20 (1944-1945) and SJ21 (1955). Expert medical advice was also sought when considering sanctions, particularly when considering expulsion and laicization, in order to establish the perpetrator’s sexual orientation and whether there was any likelihood of his overcoming his proclivities. In 1951, for example, Provincial Kolfschoten wrote to Van Gestel about an (unspecified) incident involving “an otherwise excellent” brother working at Canisius, who had ‘concealed’ his sin but had authorized his confessor to discuss the matter with the Provincial. The brother had requested laicization, but Kolfschoten wondered whether there might be “some underlying causal neurosis” which would offer some mitigation, and whether there was any way in which a psychiatrist might be able to assist. Van Gestel’s response was dismissive. In this circle, claiming (and blaming) a neurosis was a sensitive matter, as the later Terruwe case would demonstrate. A few years later, Kolfschoten displayed even more hesitation when the Jesuit psychologist P. Ellerbeck requested a course of psychoanalysis for the gifted priest SJ22, who was diagnosed as suffering from a ‘core neurosis’. On this occasion, Kolfschoten wrote to Van Gestel, “Exactly what that may be, I cannot say. The language of psychiatrists is all mumbo jumbo to me.” Moreover, the treatment was expensive. He was nevertheless willing to try it if necessary. Hopefully, it would be an isolated exception, “because wherever possible I would prefer to remove such people from the novitiate. I am extremely conscientious in weeding out neurasthenics, and yet there appear to be more of them as time goes on.”

Where the documents identify the doctors and experts concerned, or the institutions in which they worked, alongside the name of the order’s own psychologist Ellerbeck we find Prick (Nijmegen), Van der Does de Willebois (Utrecht), Trimbos (Utrecht), Van Baar (Huize Padua in Boekel), De Smet (at a psychiatric clinic in Heiloo) and Van Beek, affiliated with the ITOS institute in IJssel. Some years later, the order would also retain its own ‘pastoral therapist’, one E. Lampe. (1928-2006). Following a career as an air force padre, Lampe began practising this form of individual therapy in 1988, in association with ITOS. He was also a member of the CAPER Institute’s governing board. Although the archives provide no evidence that the Jesuits actually called upon the services of this institute, it seems highly likely.

It would appear that only a small number of (alleged) perpetrators of abuse received long-term treatment. SJ20 has already been named in this context. In 1959 and 1960, SJ5 spent several months as an in-patient at Huize Padua in Boekel. His psychiatrist there, Van Baar, also stood as an expert witness at SJ5’s trial. Following his release from prison in 1967, SJ6 contacted the psychiatrist Smet of Heiloo, requesting psychiatric evaluation. It is not clear whether this was entirely at his own initiative, and neither do we know how long this evaluation took. Details are similarly vague in the case of SJ23, who in 1969 was treated by the neurologist Van der Does of Utrecht. Having admitted various offences in late 1988, SJ1 was immediately sent to Van Beek for therapy, and continued that treatment until at least 1995. Two of his victims were also offered counselling from Van Beek, who by now had assumed a special role as consultant to the Jesuit Province in the Netherlands. Between 1988 and 1993, she was very closely involved in matters of governance, regularly attended the
administrative meetings, and led ‘contemplative consultations’. In 1991, the leadership nominated Van Beek to receive a papal honour in recognition of her services to the Province.56

A culture of silence?
Needless to say, the order had every reason to prevent cases or allegations of abuse from becoming public knowledge. However, it is notable that incidents were also kept as secret as possible within the organization itself. Even in the two cases which led to criminal prosecution (SJ5 and SJ6, both of whom received psychiatric treatment in a secure setting), the leadership may have invented some cover story, such as stress or overwork, while forbidding the other brothers to talk about it to the people concerned. Whether the local superior was always informed of the reason for a transfer to his institution is unclear from the archive material. It seems likely that the ‘need-to-know’ principle was applied. The lack of communication had further implications in the case of SJ1. Successive superiors failed to inform each other of suspicions or cases of actual abuse, while with the benefit of hindsight we can state that SJ1’s activities must have been known to a relatively large number of people. The Provincials, however, could have formed the impression that these were isolated incidents. From the mid-1960s, the Province in the Netherlands discontinued the practice of informing Rome of all allegations of abuse. Those allegations nevertheless continued to be discussed at the provincial level until the late 1960s, although the minutes do not generally identify the suspects. The minutes of the various meetings held prior to 2010 create the impression that the case of SJ1, whose activities were discussed in 1988 and again in 2000-2001, was handled by the Provincial alone.

SJ1
In 2010, SJ1 was named in a series of articles written by Joep Dohmen for NRC Handelsblad. (The articles were later reprinted in Dohmen’s book, Vrome zondaars.) Having spoken to the victims of SJ1, the provincial authorities decided to open further investigations. The result was a detailed memorandum, written by or under the authority of Provincial J. Bentvelzen, which was forwarded to the victims’ group in 2010. The contents of this document have been compared with the archive material, and comments or explanatory remarks added, either in square parentheses or as footnotes. Extracts from the memorandum, with comments, are given below under (1). Further information, gleaned from the archive but not in the Provincial’s memorandum, is given under (2). Finally, the content of the reports and witness statements received is summarized under (3).

(1) What can be found in the archives with regard to the sexual orientation and the activities of SJ1? (Memorandum by Provincial Bentvelzen)

Career with the Society of Jesus
SJ1 was admitted to the order on 7 September 1960. He was almost 26 at the time, which in those days was considered rather late in life to embark on the formation process. Moreover, his prior education was not at the level usually demanded. The archives do not state his exact prior qualifications, which may have been basic secondary school complemented by a (correspondence) course in some vocational subject.57 In any event, at no time in his career was SJ1 regarded by his peers or superiors as an intellectual. He also had certain health problems, notably recurring headaches and herniated vertebral discs. Even before completing his novitiate, he was assigned [in 1961] to the staff of Canisius College. This was far from standard practice but may have been on account of his age. He studied philosophy at the Berchmanium for only two years [1962-1964]. This was usually a three-year course, but exceptions were sometimes made for people with limited study capacity. It did however mean that these people could never be considered for certain senior positions within the order. While at the Berchmanium, SJ1 did not live alongside his fellow students, but continued to act as a supervisor at Canisius. This too was slightly irregular but not unknown. It suggests that there was little confidence in SJ1’s academic ability, but considerably more in his aptitude for working within the school setting. This impression is confirmed by various written testimonials. Having worked fulltime in the day pupils’ department of Canisius for one year
[1964/1965], SJ1 left for Innsbruck to embark upon his theological studies. This would have taken just two years. He then returned to Nijmegen to continue his theology studies at the University [1967-1969], while simultaneously teaching religious education at Canisius [1967-1972] and acting as padre to the college’s sea scout group [from 1968]. Again, this was not standard practice. His studies were not crowned with success. On 20 April 1968, SJ1 was ordained in Amsterdam. He continued to teach religious education at Canisius, where he was also a moderator, until 1972. He was also responsible for founding the school’s sea scout troop. Between June 1972 and June 1973, SJ1 went abroad to complete his ‘tertianship’, the final period of the formation period which all Jesuits must complete before taking the final, public vows. The tertianship is generally undertaken in another country, and SJ1 did so in the USA. After the tertianship, he worked at Canisius until mid-1980. From late 1980 until mid-1986 he worked as chaplain at the Kalorama hospital and care home.

From mid-1986 until August 1987, SJ1 prepared for his next appointment. He spent much of this period in America. In 1988 he was appointed coordinator of the Communities of Spiritual Life and of the Jesuit European Volunteers. These were appointments which he had not sought, for which he had little interest, and in which he achieved little success. He embarked on his final appointment, Pastor of the Molenstraat Church, in 1992. This was indeed an appointment to which he had aspired. Not everyone was convinced that he was up to the task, but satisfaction gradually grew over time. In June 1995, SJ1 requested that he should return to the Berchmanianum, now a care home for retired clergy, where he died on 11 March 1996.

**Sexual abuse**

In 1975, when SJ1 was about to take his final vows, the rector of Canisius College had cause to remark: “In his dealings with young people, he must observe the *regula tactus* extremely conscientiously. It cannot be strict enough. On two occasions, sensible people have told me that the boys say that he cannot keep his hands to himself. SJ1 underestimates how very vulnerable priests are on this point. The complaints were of course anonymous, but in my view they are serious enough to warrant a warning.” Following various other remarks, predominantly about SJ1’s financial management skills (or lack thereof), the rector concludes, “other than that, I believe that SJ1 deserves much appreciation (which he seems to need in excess) and I am pleased to see him taking his final vows.” Other referees saw no problems with regard to chastity: “He is prudent in his interaction with the boys and girls at our college, and he enjoys a good name among the adults.” Another remarks, “He has a natural talent for dealing with young or old, male or female. Can show spontaneous and yet fully controlled affectiveness.”

The Provincial duly wrote to the Superior General recommending that SJ1 should be allowed to take his final vows. He notes, “Die Informatoren haben einige Sachen gesagt worüber ich mit Pater SJ1 (...) ein langeren Gespräch hatte. Es handelte sich dabei u.a. über die Armut (...) über Nachlässigkeiten in der Observanz der regula tactus (...) und Eifer im weiteren Studium (...) [ich] habe hierüber mit ihm ganz offen gesprochen und ich muss sagen dass dieses Gespräch sehr gut war.” With the benefit of hindsight, we may state that suspicions should have been aroused at this time. Apparently, no one realized what had gone wrong in applying the *regula tactus*, but given the information now to hand it seems likely that several boys had complained about inappropriate behaviour in the setting of the sea scouts group. These complaints, which were certainly anonymous and may also have been rather vague, were not recognized for what they were. The phrase ‘can’t keep his hands to himself’ is open to various interpretations.

The references obtained in 1968 in preparation for SJ1’s ordination were nothing but positive. He is described as “a valuable person who can be entrusted to complete the task in hand, and to do so with dedication. SJ1 has won the trust and respect of many boys, on whom he has had a great influence in various aspects, including religious education and general upbringing. This, together with the care he shows for the children, assures the respect and cooperation of parents and others in the
city for a man who has joined the order at a more mature age after gaining various life experiences. I anticipate no difficulties of any significance in his observance of the virginitas. He is perhaps best suited for working with young boys. The danger is that he tends to come across as the ‘youth leader’ type, but this is fully compensated by his pleasant interaction with older boys and adults. Indeed, I am constantly surprised by the ease with which he can encourage boys, parents and others to delve beneath the surface and address serious life questions. One often hears them say how much they appreciate this.”

When further references were sought in 1969 to ascertain his suitability for an administrative function within the order, all dismissed the possibility, although the testimonials continued to heap praise on his great flair for dealing with young boys and his apostolic enthusiasm. It was noted that he was “extremely gifted with regard to human relations”, but at the same time “somewhat affective and emotionally vulnerable.” Apparently, he could tend to become sullen in the company of his fellow brothers. The external referees were keen to cite his enthusiasm and commitment to pastoral care. We may therefore conclude that he could speak to people, especially young people, in a charming and engaging way. He inspired them. The other brothers with whom he lived must exercise greater caution, since he was subject to rapid mood swings.

In mid-1976, SJ1 succumbed to ‘stress and nervous exhaustion’ and was advised by his doctor (neurologist/psychiatrist) to rest for a few months. Precisely why he found it necessary to do so in Florida is unclear, as are the reasons for his condition. We do know that he had recently applied for the position of rector at Canisius College, much to the dismay of his fellow brothers. He was unsuccessful: perhaps this was among the reasons. He wrote to the Provincial from America, “of course you don’t just become this stressed for no reason. In everything I have done, I have sought my own glory more than His, although with the best of intentions. At the end of this week I shall enter a retreat to wipe the slate clean.” There is nothing in the letter to suggest that his he was referring to his paedophile tendencies, although it is clear that he was not satisfied with himself. He was not alone. The superior of the house in Nijmegen, who in 1964 had lavished such fulsome praise on SJ1, now sent him a letter in which he adopts a far more critical tone. “There are so very few people with whom you are truly ‘yourself’. This is a general complaint, not only among your fellow brothers, but is heard from the people, young and old, with whom you have frequent contact. In all your actions, you assume the role of ‘another’, and do so very obviously. (...) Sometimes I think that you are pushing yourself too far, which is not only to your own detriment. In your dealings with others, particularly the students, it is not difficult to detect the deceit with which you present yourself as the educated, specially trained and experienced man that you wish to be (and which you no doubt realize at some level that you are not.)” In this extremely negative assessment, there is nothing to suggest that the author is aware of any paedophile tendencies. There is nothing in the archive relating to the period after 1988, other than a remark in a letter from the Provincial to SJ1 about his purchase of a new car: “I refer, without being explicit, to the events of recent weeks. Would it not be extremely prudent of you to purchase a vehicle which is as ‘low profile’ as possible?” That SJ1 was under supervision is apparent from a letter he wrote in 1990, shortly before departing for a longer sojourn in America. “Soon I am to leave for a longer period abroad. This means that I and my work will lack supervision. When one is in a process of turning one’s life around, it is important that this process is subject to careful and close guidance. I shall be keenly aware if, halfway through my stay abroad, the opportunity to have the past weeks evaluated by someone who knows my ins and outs presents itself. After all, we know all too well how the vipers within us can re-emerge. (...) When all is said and done, it is a question of my own preservation and contentment.” Permission was granted for his superior, under whose supervision he had been, to visit him in America. This visit did indeed take place.

With regard to the events of 1988, we must largely rely on what those involved can remember. Perhaps inevitably after so many years, that is not very much. However, there are a few notes
written in late 1988 by the outgoing Provincial to his successor. These indicate that SJ1 had contacted the Provincial in October 1988, and had admitted to committing indecent acts with two boys, both members of family X16. Family X16 were acquaintances, possibly neighbours, of family X17. In early November, Van Deenen, who also knew X17, discussed the matter with the father of X17, who was already aware of it. Later that month, SJ1’s superior, Fr. Wim Buijs, had a similar conversation with family X16. A further discussion followed in December. At that time, no official report was made to the police although this option was considered by family X16. SJ1’s colleagues were deliberately not informed, in the hope that he would be able to continue working as normally as possible under the circumstances. These notes were not found in the archive itself, but had remained in the possession of the Provincial concerned, who had not shared the contents with his successor.

According to family X16, there was a second person present during their conversation with Buijs. His identity remains unknown. It was certainly not Van Deenen, according to a recent statement made by family X18. Van Deenen, who was Provincial at the time, considers it impossible that he would have forgotten any such meeting, and his notes make no mention of his direct involvement. They suggest that only Buijs was actually present. At this time, SJ1 had long since left Canisius College and was now Coordinator of the Communities for Spiritual Life and for the Jesuit European Volunteers. The intention was that he would continue in this post, under the supervision of Buijs and a therapist. The archive records from after 1988 contain no reference to further paedophile activity. This only came to light when reported by the brothers X19.

**Canisius College**

SJ1 was on the staff of Canisius College from 1961 until 1980, although not continuously. During that period he also undertook his theological studies in Austria, his tertianship in America, and was absent for one year on sick leave. His successive posts were as student supervisor in the day school, religious education teacher and moderator. In 1963, he founded the school’s sea scout troop, the setting in which most of the incidents of abuse took place. In 1975, he himself suggested the possibility of his reassignment to other duties. “In recent months I have been thinking very seriously about taking on other pastoral work in the very near future. My opportunities within the school are gradually being exhausted, and I constantly consider the work to be below my level. (...) I do not have the ausdauer to remain a youth leader until I am fifty, or even longer.” He saw a future as chaplain of the Canisius Hospital. In 1976, he sent a letter from America in which he writes, “In any event, I wish to escape the routine of organizing camps, rallies, carnival processions and so forth. I feel a very strong need to become active at another level.” In 1979, he saw his future in “accepting a pastoral function within care for the sick in Nijmegen.” At the end of 1980, his wish was granted when appointed chaplain to the Kalorama hospital, a large complex which included residential care facilities.

**America**

Why did SJ1 spend so much time in the United States? His first visit, in 1972, had a clear purpose: his tertianship. In fact, he began and ended his tertianship in Munich but it also included a period in Massachusetts and two months in Tampa, Florida. In 1976, he spent almost six months in America, this time in Boston, Chicago and again Tampa. This visit was for health reasons. His neurologist/psychiatrist had prescribed three months’ rest. In the event, he was out of the country for five months, and absent from his teaching duties at Canisius for a whole year. In 1979, he once again went to America for three months during the summer recess, supposedly to attend a training course. The Provincial later wrote, “I can no longer determine exactly where the course was held, and even if he did indeed go to America, but that certainly was the intention.” Between July 1986 and July 1987, he spent time in America and Spain to prepare for his new task as Coordinator of the Communities for Spiritual Life. The Communities had become an important part of the order’s activities in America and it was thought that the concept could usefully be emulated in the Netherlands. Around this time, SJ1 also visited Chile and began fundraising for the Children’s Villages movement. The reason for his visit to America in 1990 cannot be determined. It is however clear that
he was preparing a project in Chile for the Jesuit European Volunteers, whereby five volunteers
would help in running the Children’s Villages. These volunteers departed for Chile in September 1990
and remained until July 1991. SJ1 visited them in January 1990, and in July that year he returned to
Tampa yet again. It appears that the volunteer project did not go entirely according to plan. In any
event, the Jesuits were not willing to sponsor a second experiment of this nature, much to SJ1’s
disappointment. According to SJ1 himself, he visited Tampa some twenty times. That is remarkable
since it was not usual, particularly at this time, for Dutch Jesuits to visit America at all. It is also far
from clear how SJ1 managed to fund this extensive travel. In the majority of cases, there are no air
tickets or receipts in the files, which suggests that they were not purchased by the order itself.71
Similarly, there is nothing to suggest that SJ1 went to America on the instructions of his superiors. If
anything, quite the reverse.

A trip planned for January 1989 was cancelled due to the accusations of abuse levelled against him in
late 1988. Since 1986, SJ1 had used his visits to Tampa to raise funds for the Children’s Villages in
Chile. In September 1987, the Provincial wrote to him on this matter. “There are some negative
feelings about your fundraising activities in Florida. People consider it a very extravagant manner of
doing something for the poor, and have asked whether this could not be better undertaken by the
local parishes and communities. I informed these critics that the visit was also for your own benefit,
to ‘recharge your batteries’, as it were. They replied, and not without justification, that there are
many other members of the order who would like to travel the world in this way, but are unable to
do so because they cannot afford to do so or lack the necessary contacts. However, I have approved
your fundraising activities and continue to do so. Nevertheless, I now wish to apply a maximum
period of two years. I therefore request you to ensure that, two years hence, the fundraising
campaign can survive without your input. We need your energy and input just as much here in the
Netherlands, even though we have a different sort of poverty.” In November, SJ1 replied, “I do not
understand how the fundraising campaign can be seen as an extravagant way of doing something for
the poor. Where is the extravagance? Do this people have any idea what it is like to work there? (...) Look across the borders and you will become wiser. I am so happy that every visit provides me with
the opportunity to meet and work alongside friends from both within and beyond the Society.” SJ1’s
involvement continued beyond the two-year limit imposed by the Provincial.

Children’s Villages in Chile
In 1990, SJ1 wrote to the Provincial’s secretary: “In 1986, I visited a childhood friend of mine (...) who
is the director of a children’s village outside Santiago. I received a marvellous response to my initial
efforts in collecting donations for this village. Over the years my involvement has grown to embrace
care for four foundations.” It would seem that SJ1 has made an error here, in that his activities
actually began in 1987. Thereafter, he travelled regularly – almost annually – to Tampa for the
fundraising component and to Chile to oversee how the money was actually spent. The
dissatisfaction of the provincial leadership was undiminished. In late December 1992, SJ1 wrote to
the Provincial, “Wim Buijs informs me that you were somewhat disconcerted by my last letter, in
which I reported on my visit to Chile. I now consider the term ‘working holiday’ to have been
inappropriate, since in fact this was my annual visit to the Children’s Village projects. This year, I
spent over two months there to get everything running as it should, so that in future a three-week
visit will be enough.” This did nothing to calm the misgivings. “Is this permissible? At this –crucial –
time? What about the future?” The ‘crucial time’ refers to SJ1’s appointment as pastor of the
Molenstraat Church.

An interview with the ‘childhood friend’ mentioned, Fr. Gaspar Handgraaf, creates a slightly different
picture. SJ1’s relationship with the director of the Children’s Village was very much less cordial than
might be expected. When SJ1 met with him in Santiago, the Aldea de Hermanos house had been in
existence for almost a decade, since 1979. This was an orphanage established by Dutch Missionaries
of the Holy Family and a Canadian congregation. It was home to children who had been taken into
care by the state, which also paid for their upkeep. SJ1’s fundraising was for extra facilities, over and above the basic essentials. Of course, the money was extremely welcome. In the early years of his involvement, SJ1 organized camping trips and took groups of boys to visit their parents, hiring a car for the purpose. In some cases, the parents themselves were given financial assistance. This project was discontinued in 1988 amid suspicions of financial irregularities involving the project leaders and their families. A similar project was launched in 1989 under the name Aldea de Amigos. SJ1 visited this project far less frequently and no longer accompanied the boys on excursions. He did however maintain his contacts with the families of the boys of Aldea de Hermanos. His visits to Aldea de Amigos were never of significant duration, and sometimes Handgraaf was unaware that he was in Chile at all. Whether SJ1 visited or had contact with any of the other local projects such as Las Floras, Quillahua, Hogar San Francisco, Hogar Teresa Cortes Brown (all of which were homes for girls), a project providing transport for the disabled and one building homes for poor families) is not known. The director of Aldea Mis Amigos did not notice anything suspicious about SJ1’s behaviour and received no complaints from anyone else.

In 1995, the Children’s Villages Foundation of Chile was established. There were several reasons for this move, one of which was to enable grants to be obtained from the large charitable funds and development organizations. Another was to gain better control over the manner in which the funds collected by SJ1 were used. SJ1 died soon after the Foundation came into being.

The Achterhuis
The priests of the Achterhuis were keen to redefine life within a religious community and pastoral care within the school. They lived in a separate part of the priest’s accommodation (hence the name ‘Achterhuis’ which means literally ‘the house at the back’). In 1982, the community relocated to a building in Pater Brugmanstraat [the Canisius House]. The priests maintained very close contact with the parents of the pupils, and in many cases this contact developed into a personal friendship. The priests would visit the parents at home, while the parents would often visit the priests’ house. Pupils could also visit the priests with ease, and many did so on a regular basis. On Sundays, the group would celebrate the liturgy together, at first in the chapel and later in the crypt. There were no indications that the members of this community were aware of the abuse committed by SJ1. Other than superior Buijs, none were informed about the incident which took place in 1988. Exactly how much Buijs knew about SJ1’s previous history remains unknown. The Provincial himself was only informed about it in 1988. In review, it is of course extremely unfortunate that the matter was not reported to the police immediately. During a television interview, Van Deenen suggested reasons why the order may have refrained from doing so. In 1988, he was neither the superior nor the rector of Canisius. Although he had held both positions prior to this date, SJ1’s activities had yet to come to light. Why the parents of the victims chose not to contact the police is also unknown to the Commission of Inquiry. Perhaps the measures imposed on SJ1 in 1988 were considered enough to prevent any further incidents. The Commission is not aware of any subsequent incidents, but this is of course hardly conclusive.

Conclusion
For a long time, at least until 1988, Father SJ1 had the opportunity to commit sexual abuse against boys undetected. His position as a student supervisor within the day pupils’ department of Canisius College, as teacher of religious education, and especially his later activities as moderator and chaplain to the sea scouts troop, gave him ready access to his victims. The good contact he maintained with their parents would also have facilitated his activities. The parents harboured absolutely no suspicions, even those who were on the staff of the college. It is difficult to believe, as some now contend, that SJ1’s proclivities were ‘common knowledge’ at the school. If this were indeed the case, the victims would certainly not have included the sons of his fellow teachers. The priests themselves had no suspicions. In 1975, there was cause to scrutinize SJ1’s behaviour with a more critical eye, but no action was taken at this time. His accomplishments attracted so much
attention that any complaints were largely ignored. By 1988, there could be no doubt that SJ1 had indeed sexually abused minors. However, this was seen as an incidental lapse, a minor blot on an otherwise exemplary record. Even some parents took this view when they were informed about one case of inappropriate physical contact. The actual extent of the abuse came to light only after SJ1’s death.

By today’s standards, SJ1’s superiors failed to take appropriate action. He was not transferred to another type of work or to another city. This reinforces the conclusion that the authorities believed that they were dealing with an isolated incident. Apparently, they were confident that, with the right help and guidance, he would not reoffend. By now, SJ1’s work provided less opportunity and less temptation for a paedophile, other than his involvement with the sea scouts. He withdrew from this aspect of school life voluntarily. In fact, the 1988 incidents were not committed in the context of the sea scout troop. To allow SJ1 to continue his work within the order, it was decided that the abuse should be kept a secret. His fellow brothers were not informed. Even the Consultors were not told. Another, far more serious, omission was that the relevant information was also withheld from the Provincial’s successor. The only possible justification is that SJ1 was by this time seriously ill. In practice, responsibility for supervising SJ1 fell to Buijs, his local superior, who died in 2000.

(2) Supplementary comments based on the archive material

The SJ1 issue in 1988

The section of the above memorandum which refers to the abuse of two members of the family X16 in 1988 omits some details which can be filled in from other sources. During the summer of that year, SJ1 had taken each of the two boys (individually) on holiday in his camper van. In the autumn, the boys compared their experiences and then informed their parents about what had happened. SJ1 contacted Provincial Brennikmeijer in late October and admitted the allegations. The Provincial noted, “My standpoint: no public revelations. ( ) SJ1 must immediately see Plony [the therapist] for help and to determine what can now be done.” During a telephone conversation of 10 November, SJ1 told Brennikmeijer, “the talks with Plony are good, not enjoyable but certainly liberating. She finds me a proud person: I want to do everything alone, to be the boss. I see myself as invincible: something like this can never happen to me.” A month later (on 8 December) he again contacted the Provincial. “The conversations with Plony are good but humiliating. I think this will take a long time.” His planned trip to the USA and Chile was cancelled so as not to interrupt his therapy. Seven years later, in 1995, SJ1 was still under treatment from Van Beek. The records show that Fr. Buijs, who was in contact with X16, had been authorized to offer the victims counselling from Van Beek at the order’s expense. Joep Dohmen covers the case in his book Vrome zondaars (p. 204 ff). He states that it actually began in May 1988, when “a former board member of the sea scouts contacted Van Deenen to report the abuse of his sons, aged fourteen and fifteen, on holiday. Van Deenen persuaded the man not to report the matter to the police; it was an isolated incident which would be dealt with internally. Measures would be taken, the father was assured. SJ1 was to be given therapy, and he had stepped down as leader of the sea scouts on 1 June 1988.” There is a marked discrepancy between the dates given in the two versions of events. Resignation from the sea scouts on 1 June cannot have been the consequence of incidents which took place during the summer holiday, yet to come, and which would only come to light in October. Dohmen’s chronology requires us to assume that Van Deenen had deliberately concealed information from the Provincial for a full six months. Dohmen contends that the circumstances prove that the Jesuits had ‘known’ about the SJ1’s paedophile practices, while in 2001 Provincial Van Leeuwen assured the victims X19 that he had known nothing at all. In other words, the reader is forced to conclude that Van Leeuwen had been lying. The question we must ask is whether that is indeed so.

Who knew what and when?
Until 2010, knowledge of the 1988 incidents remained restricted to the two former Provincials (Brenninkmeijer and Van der Grinten), Van Deenen and Buijs. The minutes of a meeting held on 3 May 2010 state that neither Provincial had placed the incidents on the agenda of any staff or Consult meetings at the time. Neither was there any correspondence with Rome on the subject. The same holds true of the complaint made against SJ1 in 2000-2001 by victims X19, and its handling by Provincial Van Leeuwen and his successor Van de Poll (who took office on 1 August 2001). All documents relating to this complaint were placed in a sealed envelope which was added to SJ1’s personal file. The envelope was marked ‘For the Provincial’s eyes only; destroy after 2020’. There were four members of the former Pater Brugmanstraat community who, after 2000, were indeed aware of the abuse of the X19 brothers and other victims. Van Leeuwen and Van de Poll knew nothing of the incidents of 1988, as became apparent when Van der Grinten (who in turn new nothing of the ‘negotiations’ with the brothers X19 in 2000-2001) handed various documents concerning the case to the current Provincial, Bentvelzen, in April 2010, by which time SJ1 had been named in Dohmen’s newspaper articles. It was the considerable secrecy surrounding SJ1 that led to the victims later forming the impression that the order had indeed known about his activities for some time. It is also clear that the admissions made by SJ1 to Brenninkmeijer, Van Deenen and Buijs in 1988 were incomplete, relating only to those incidents which were bound to reach their ears through other channels.

Appointment to Molenstraat Church
The archive material reveals that SJ1’s appointment as pastor of the Molenstraat Church in Nijmegen was confirmed with considerably less celerity than Dohmen suggests (p. 205). SJ1 was keen to take up the appointment, and in June 1990 he urged the Socius J. van Heijst and Provincial Van der Grinten to make a prompt decision, otherwise he would ‘look elsewhere’. Shorthand notes made during the visitation of early 1991 read, “Is up for Molenstraat. Personally: good results from training. Sees himself staying at Molenstraat for a few years before becoming Superior at Berchmanianum.” A few months later (on 28 June 1991), SJ1 wrote to Van Heijst stating that he thought the Provincial considered him unsuitable for Molenstraat. The Socius called to reassure him and noted, “SJ1 is extremely concerned about his future and his anxiety is causing him to take strange steps.” But the process would take another year. In June 1992, the Provincial put SJ1’s name forward to Mgr J. ter Schure, without mentioning anything about his history. The appointment was officially confirmed on 16 July 1992. Due to worsening health, both physical and mental, his tenure was of limited duration.

The report by X19 in 2000/2001 and the follow-up in 2011
From the information in SJ1’s personal file, we can reconstruct the course of events as follows. In May 2000, X19 wrote a letter to four members of the community at Pater Brugmanstraat 1. In this letter, they called SJ1 a ‘paedophile’ and accused him of regular sexual abuse over several years, chiefly involving members of the sea scout troop at Canisius College. The victims were X19 and his brother (also identified as X19), X20, X21, X22, X23, X24 and “many more, I fear.” The complainant had spoken to some of these victims in person. The abuse had caused severe emotional suffering not only to the victims but also their families. X19 reported that SJ1 had admitted the abuse to him in 1991, and had asked for his forgiveness. X19 held the community, the school and the order jointly responsible for the events, and requested a reply. That reply was sent on 14 June by Fr. C. Swüste S.J., writing on behalf of all four addressees. He expressed shock and surprise, assured X19 that neither the members of the community nor the senior staff of Canisius College knew anything about the abuse, and asked what could be done for the victims. They were nonplussed and “standing with empty hands.” In August, X19 wrote again to ask for a personal meeting with the members of the community. A meeting with Swüste took place in October. However, the matter could not simply be put to rest, X19 insisted. To ‘forgive and forget’ was not an option: SJ1 had already been too good in manipulating that sort of response. The victims now sought engagement on the part of the Jesuit order itself, to include financial compensation for the suffering caused and reimbursement of the costs of therapy. “Discuss it between yourselves and with your Provincial,” he instructed. On 15
January, Provincial H. van Leeuwen met with the X19 brothers, with the Socius in attendance to take notes. According to those notes, the brothers did not name any other victims and claimed to be speaking solely for themselves. Both had undergone therapy and “would see it as closure and acknowledgement on the part of the order if the costs were to be reimbursed.” Van Leeuwen said that he was prepared “to consult my advisors to determine whether such a payment is possible.” (This consultation did not take place in the context of a formal Consult, as far as can be ascertained from the minutes.) He further stated that any such arrangement must be final. “They found this entirely reasonable,” the notes continue. “They realize that any connection between the incidents and any other immaterial damages, although certain sustained, will be difficult to prove after so many years.” The brothers were reportedly extremely satisfied with this meeting. It had met all their expectations, at least according to the Provincial’s account.

In February 2001, the brothers X19 were invited to sign a ‘settlement agreement’ under which each would receive the sum of twenty thousand guilders (approximately nine thousand euros), “in consideration of the harm and suffering caused by the immoral actions of the late SJ1, in life priest.” The order expressly disclaimed all responsibility for the “commissions and omissions of SJ1”, whereby the agreement made clear that this was an *ex gratia* payment rather than any form of compensation. The brothers were required to relinquish all further claims against the order and/or any other party or parties with respect to the incidents.” They duly signed. X19 also sent an (undated) letter to Van Leeuwen in which he wrote that the payment and the ‘listening ear’ of the Provincial had provided some acknowledgement, although “certainly not proportionate to the suffering we have experienced. But what more can we do?” He accused those who had been in close contact with SJ1 of “naïveté and a lack of responsibility”. In an email dated 24 March 2001, Van Leeuwen diplomatically conceded that various members of the order may indeed have been naïve and lacking in circumspection, but he found it difficult to equate such omissions to any dereliction of duty or responsibility. Ten years later, on 29 January 2011, Van Leeuwen received an angry email from X19, in which the latter presented himself as “a member of the group of victims abused by SJ1 at Canisius College in Nijmegen”, who had “begun a quest for recognition, satisfaction and compensation from your order.” Why, he asked, had Van Leeuwen, who following the meeting in 2001 had known that there were more victims, not contacted them to enquire about their situation, especially after the recent media revelations? “My life and that of many others has been completely destroyed by SJ1” and “the damage we experienced in satisfying the lusts of your fellow brother continues to worsen.” He saw the agreement reached in 2001 as only a very small step in the right direction. “Twenty thousand guilders and then keep your mouth shut is an insult and a denial of me as a human being. Wouldn’t you agree?” A week later, Van Leeuwen reminded X19 of the content and conclusions of the discussion they had conducted ten years earlier. He had not contacted any other victims, because he believed that it was only appropriate to do so if they themselves came forward. Moreover, he no longer held the office of Provincial, and had not done so since July 2001. The affair was discussed at several provincialate meetings. In May 2010, the existence of the victims’ group, which now represented twelve alleged victims, was raised. Provincial Bentvelzen took this opportunity to inform the meeting about the events of 1988, which had previously been shrouded in such secrecy. A month later, SJ1’s case was once again on the agenda following a meeting between the Provincial and representatives of the victims’ group. Bentvelzen had by now begun the process which has become known as ‘the inventory’, involving interviews with all former Provincials still living, various other priests, the rectrix of Canisius and trustees of the Children’s Villages Foundation in Chile. Bentvelzen found no mention of the 1988 incidents in SJ1’s personal file, other than one vague and somewhat cryptic remark. A second meeting with the victims’ group was held, the report of which is dated August 2010. They were given a document in which “all known facts relating to SJ1” were set out (see 1, above). The Provincial had read and commented on the sections of Dohmen’s book dealing with the Jesuits (which no doubt proved an unpleasant task). “Two victims, apparently with the aid of a lawyer, have made written contact with the Provincial.” In October, it was learned that the victims’ group sought a further meeting, but by January 2011 it seems that communication had broken down:
“the group wishes to have no further contact with the Provincial.” The indignant email from X19 should probably be read in this context.

(3) Victim reports

Seven reports concerning SJ1 were received by Hulp & Recht and the Commission of Inquiry. They are thought to relate to a total of nine victims. In alphabetical order of their real names, they are: X28, X20, X25, X26 and X27, X19, X10 and X21. Six are members of the victims’ group, which had a total of twelve members at the end of 2010. X19 also names X22, X23 (who committed suicide in 1989), and X24. The two cases from 1988 are not reported. According to Dohmen (Vrome zondaars, pp. 205-206), there were actually many more victims. Twelve of them declined to join the group. Another had taken his own life in the meantime. Dohmen estimates the total number of victims among the sea scouts to be “thirty to forty”.

In a number of cases, the perpetrators of abuse (e.g. SJ6, SJ1, SJ7) were transferred to a pastoral position within the order itself. With one exception, the archive material provides no indication that their new superiors were informed of the circumstances surrounding these transfers. It is, however, possible that the superiors in the Netherlands were informed orally. We suggest this possibility because the one exception concerns the case of SJ6, for whom a position in Surinam was being sought and the Bishop of Paramaribo was indeed given relevant information. He seems not to have been unduly concerned. A remark made by the Bishop of Roermond, Pieter Jan Moors, in 1959 suggests that the Dutch prelates could also be very tolerant. Writing about SJ5, the bishop comments, “in future, it will be appropriate to find him some suitably adapted priestly duties.”

There is no known case in which the order itself reported (suspected) sexual abuse to the police or judicial authorities. Not until 2002 did the leadership even consider the legal requirement to do so. Until 1988, efforts were largely concerned with persuading the victims’ parents not to contact the authorities, as we see in a number of documented cases (SJ4, 1953; SJ1, 1988; possibly SJ6, 1966). At the same time, neither the victims’ reports nor the archive material provide evidence of any case in which the order exerted influence to have charges dropped, or to prevent a case proceeding to prosecution. In the case of SJ5, however, the defendant’s treating physician and the expert witness appointed by the court were one and the same person: Dr Van Baar, director of Huize Padua. It seems unlikely that this was entirely coincidental. In the case of SJ6, the Provincial’s attempts to obtain an official ‘Declaration of Good Conduct’ on his behalf quickly proved fruitless. Without this document, no one would even consider him for an alternative post in the Netherlands.

6.2 The Salesians of Don Bosco (SDB)

6.2.1 The congregation

The Society of St. Francis de Sales, also known as the Salesian Society or the Salesians of Don Bosco, was founded in Turin in 1859 by the Italian priest Giovanni (John) Bosco, who was canonized in 1934. Its members have used the post-nominal SDB since 1945. The society, which is termed a congregation rather than an order, has traditionally devoted itself to apostolic work and education, primarily for poorer boys from the working classes. It was extremely successful from the outset and saw rapid growth in the final quarter of the nineteenth century. When Bosco died in 1888, the congregation had almost eight hundred members in ten countries. His work was continued by his friend and close collaborator Don Michael Rua (1888-1910) who became the congregation’s second Rector Major. In 1928, the society had approximately 10,000 members and by 1967 no fewer than 21,500.

In the late 1960s and 1970s, the congregation experienced a severe internal crisis caused by two main factors: the enormous expansion which had not been adequately managed (and was perhaps
unmanageable), combined with the new direction adopted by the Roman Catholic Church following the Second Vatican Council. There were some serious conflicts and differences of opinion within the society. Between 1964 and 1977, its membership fell by over twenty per cent. However, in 1977 the Rector Major declared that the congregation was once again ‘sound at its core’.

The Salesians continue to play a prominent role in church life, particularly in Italy. The most senior official at the Vatican, second only to the pope himself, is a Salesian: State Secretary Cardinal Tarcisio Bertone.

The rapid expansion of the congregation was exceptional, even among the many successful orders and societies established during the nineteenth century. It was due to many factors, not least the charisma and enthusiasm of Bosco and Rua, who regarded nothing as impossible. Moreover, the congregation answered a real need: the moral and social elevation of the proletariat youth. Bishops would often request the society to establish a school in their diocese. Moreover, the society provided ‘the Catholic response’ to socialism and communism, both of which threatened to take hold within the lower ranks of society. However, two problems gradually emerged. The first related to the background and education of the priests, most of whom were recruited from the schools and therefore had little life experience beyond the Salesian community. The second was the rapid expansion itself, which led to a serious imbalance between growth and adaptation, size and authenticity.

The organizational structure of the congregation has been subject to radical changes over time. Originally, the Rector Major’s authority was restricted and the local bishops enjoyed considerable autonomy. This changed in 1923, when the constitutions were revised in line with the recent Code of Canon Law (1917). The organization became more hierarchical and centralized. The leadership now comprised the Rector General (Rettore Maggiore) and the General Chapter (Capitolo Maggiore). Immediately below them were the Provincial Superiors, also known as Inspectors (ispettori), and the provincial council. Each institution or ‘house’ was led by a superior (or director in the case of the schools), who was appointed for a period of three years, assisted by the house council (also known as the house chapter). In 1971-1972, the constitutions and regulations were again revised, whereupon the congregation became less hierarchical and its administration more decentralized.

The Salesians have three ranks of membership: ordained priests, clerics, (priests in formation) and lay brothers (coadjutors), all of whom live in communities. According to the constitutions, priests and coadjutors are of equal standing, although the situation was somewhat different in practice. The lengthy process of formation was divided into several periods: the aspirantate (minor seminary) of six years, the novitiate (philosophy) of two years, the triennium (or ‘assistancy’) which involved three years of ‘on the job’ practical experience in one or more houses, and then four years of theological study leading to the deaconate, and finally ordination. Formation for lay brothers was, of course, somewhat shorter. Alongside the priests and brothers, there was also a third group of lay brethren, known as ‘co-workers’, who would perform various domestic duties.

The congregation’s core activities were conducted in a number of settings. The youth centres, known as oratories, formed a meeting place and a locus of informal education and recreation within a friendly, family-like climate. The seminary provided religious education for the priesthood. Colleges and boarding schools offered general education, bringing their students up to be ‘good Christians and honest citizens’. The Centres for Professional Education offered vocational courses in areas such as agriculture and technology. Finally, there were the parishes in which the Salesians ministered to the faithful. The staff of a (boarding) school would include the rector (headmaster), his deputy the prefect (in charge of administration and discipline), the catechist (whose responsibilities included the
moral and spiritual wellbeing of the students) and the student prefect (responsible for the smooth running of day-to-day school activities).

In the nineteenth century, the Salesians were notable for their unique, and in many ways forward-looking, pedagogical model. It is known as the preventive system, as opposed to the repressive system, and is based on the three pillars of reason, religion and loving kindness. Standards and rules were instilled into the pupils, with vigilant supervision on the part of the staff who took the role of ‘loving fathers’ and advisors, correcting any errant ways with a ‘compassionate and gentle’ approach. All forms of physical discipline or corporal punishment were strictly forbidden, since “empathy achieves more than fear”. Don Bosco regarded the basis of this system to be the pastoral duty of love and care. “Anyone who knows that he is loved will love himself, those who are loved and admired can encourage a boy to achieve anything.” Religion also played a key role in the system, the key precept being what Bosco termed amorevolezza: a combination of sympathy, human warmth, dedication and the willingness to listen. At the same time, education was to include an appropriate level of rationality, otherwise it would rely too heavily on emotion. The educator must therefore comport himself as a sensible, prudent man and must suppress his impulses.

6.2.2. The Salesians in the Netherlands

It was in the 1920s that the Salesians first began to recruit candidates for the priesthood from the Netherlands. At first, the majority of aspirants completed their formation in Italy, although later some did so in Germany and Belgium. The Dutch priest Fr. C. du Ry van Beest Holle, a member of a wealthy family, established a procurate in The Hague and enrolled a steady stream of candidates, mostly late vocations, to be sent to Italy for formation. However, the selection process was not always as stringent as it could or should have been, and this had consequences for the province in later years. The first official Salesian community house in the Netherlands was established in 1929, its members having relocated from Belgium. This became the parish of Lauradorp (also known as Waubach) in the mining region of Limburg. The new house was intended to provide spiritual support to the youth of the mining community, while also undertaking general parish work. Later, the community included a small boarding school. Until 1937, all Dutch Salesians had completed their formation abroad. In that year, the German province purchased a building in Leusden which was to become the minor seminary Huize Don Bosco, with an initial intake of 34 aspirant priests. The seminary continued to be run from Germany until the establishment of a separate Province in 1946. During the Second World War, the seminary moved to Ugchelen, where a building to house the novitiate (Huize Don Rua) was purchased in 1942. Although the relocation was originally intended to be only temporary, in 1945 it was decided that the seminary would remain here indefinitely. In the event, it relocated to ‘s-Heerenberg in 1959.

The Salesians’ early years in the Netherlands were inauspicious. In 1942, the first director of Huize Don Rua, the priest SDB1, was appointed inspector of all Salesian houses in the Netherlands, a post which bore the title ‘visistrator’. A scandal precipitated his sudden resignation in 1944. Huize Don Rua was reportedly “balancing on the edge of an abyss.” In 1945, Don Simonetti, novice master in the United Kingdom, was instructed to conduct an ‘extraordinary visitation’, which was ‘shrouded in secrecy’. The young priest SDB2 was appointed as the new director of Don Rua. Eighteen years later, he too would be forced to leave the congregation following a scandal. The Province of the Netherlands was officially established in 1946, but under an Italian Provincial, Fr. Annibale Bortoluzzi (1946-1961). All subsequent Provincials were Dutch.

Provincial Superiors of the Salesian Order since 1946

1946-1961  A. Bortoluzzi
During the post-war period, the Province saw a reasonably stable influx of candidates, partly due to an effective recruitment policy. A technical college which also took boarders opened in Leusden, and further houses were opened in Twello (the Salesianum, to which a residential orthopedagogic institute was added in 1966), The Hague, Rijswijk (Huize Den Burg with a boarding department and youth centre), Assel (farm and holiday retreat, to which a novitiate was added in 1964) and Rotterdam (the Huize Savio boarding school). To this list we may add the non-residential technical college Niek Savio in Amersfoort. Huize Don Rua relocated to s-Heerenberg in 1958/1959. In 1964, a house was founded in Amsterdam to provide spiritual care to the students of all technical schools in the capital. Amsterdam was already the locus of a somewhat controversial youth welfare project, Jongensstad, which had been instigated and led by Fr. Du Ry van Beest Holle. The theological component of priesthood formation continued to be conducted outside the Netherlands, chiefly in Belgium, until 1967 when the Studiehuis Don Bosco opened in Nijmegen. The community here was also involved in pastoral care for bargemen and their families. There were small communities doing similar work in many other towns and cities, including Apeldoorn, Amersfoort, Hoogland, Schiedam, and The Hague. The Province’s administrative headquarters was at various times located in s-Heerenberg, The Hague, Amersfoort, Leusden and Soest. In the 1960s, the Province began to undertake missionary work in South America, and it established an institute for family (religious) education. Members of the congregation were active in many church and community activities beyond the society itself: community work, instruction, spiritual care for members of the armed forces, and youth welfare work in the general Catholic context.

In 1965, the congregation in the Netherlands had 193 members: 89 ordained priests, 64 brothers and 40 priests in formation. It was therefore one of the smaller religious groups, and its future did not seem promising given the ‘vocational crisis’ in the country as a whole. Each successive year saw a small and ever decreasing intake. The viability of maintaining a minor seminary came under increasing pressure, not only in terms of the philosophical component of priesthood formation but more especially the formation of lay brothers. The minor seminary in s-Heerenberg was not accredited to run pre-university academic courses; students in the final two years (ages 16 and 17) were required to attend lessons at another school. Huize Don Rua, also responsible for the formation of coadjutors, was finally closed in 1971.

During the 1960s, doubts and despondency caused many Salesians to reassess their congregation and its future. This is amply illustrated by a number of essays written in 1963 by Fr. Quintus Muth,
then director at Rijswijk, with the title *Enige gedachten over de ontwikkeling van het Salesiaans werk in Nederland* (‘Some thoughts on the development of the Salesians’ work in the Netherlands.’) Those thoughts were predominantly negative in tone. “Our modest work, very Italian and conservative, is not keeping pace with the strong progressive trends seen in Dutch Catholicism. Many of our practices and customs are now impractical in the Dutch context, or have long been obsolete.” The fact that the congregation was administered centrally from Turin called for ongoing compromises in the Netherlands. “The lack of a family spirit, true humanity and human appreciation creates in the brothers a certain feeling of insecurity,” whereby “contacts have become very fragile, even beyond the community.”

A modified governance structure with more decentralization would not turn the tide: it was now too late.

From the mid-1960s, the Salesians therefore found themselves in a very difficult situation which was exacerbated by the growing number of members and aspirant members opting to leave the society. There was a significant downscaling of activities. The boarding schools, which sometimes appeared to be more in the nature of reform schools for difficult cases, were closed. Management of the society’s other schools and colleges was passed to other, non-religious, parties. The number of parishes served by Salesians fell. The Youth Centres were retained, but relied on an increasing number of lay staff. In 1998, this situation was formalized with the creation of an independent foundation, the *Don Bosco Groep Nederland* (DBGN). Seven years later, in 2005, the cooperation between Salesians and non-Salesians led to the creation of another foundation, *Don Bosco Werken Nederland* (DBWN). Its board of trustees is made up of an equal number of congregation members and lay workers. In the same year, the Province of the Netherlands was merged with the Province of North Belgium. At first, the new Province had a delegation from each country but was fully integrated on 1 August 2011. At around the same time, DBGN was formally wound down and DBWN became independent. At the time of writing (2012), the congregation has some forty to fifty members in the Netherlands, with an average age of over 70.

6.2.3. A general account of the Salesian boarding schools in the Netherlands

The majority of the reports of sexual abuse by Salesians relate to the boarding school setting. There were six such schools: Huize Don Rua in Ugchelen and ’s-Heerenberg, Huize Don Bosco in Leusden, Huize Savio in Rotterdam, Huize Den Burg in Rijswijk, Lauradorp and Het Wezeveld in Twello. All closed in the 1960s and 1970s due to rising costs and staff shortages.

- Huize Don Rua was founded in Ugchelen in 1942 as a minor seminary and the ‘juvenate’ for the formation of lay brothers. In 1959, it relocated to a larger and more comfortable building in ’s-Heerenberg. In the post-war period, the number of boarders grew from 105 to approximately 160 in 1964, with a rapid fall thereafter. In 1965, there were just 135. Not all seminarists (of which there were 115 in 1965) also attended the (non-accredited) academic courses, which since 1963 had been available only to those in years one to four. Students in the last two years, who boarded at the house in Twello, were required to attend school in Deventer in order to gain a recognized school qualification which would enable them to pursue further education. Other students (18 in 1965) attended the village school in ’s-Heerenberg or the vocational college in Doetinchem. The aspirant brothers (20 in 1965) were taught within the house, or attended an external lower vocational or agricultural college. In 1967, the boarding school adopted the group system (‘lines’), whereby each group was assigned a leader or ‘house father’ who was directly responsible for the member’s non-academic upbringing. The senior staff included the catechist, the prefect and the director. Exactly which member of staff was expected to address specific problems was not always clear, but in cases of serious moral transgressions, the director was the designated authority.

During the latter half of the 1960s, Huize Don Rua and its boarding school came under considerable pressure. The archive material reveals growing criticism of the seminary. Documents dated 1966
note “egotism among the students, a lack of good staff, too little team spirit, and considerable uncertainty about the future of the seminary education. These complaints were reiterated in 1968, when it was noted that the “group leaders are too young, poorly prepared and not up to their task. There are teachers who are professionally incompetent.”

In 1968-1969, the provincial leadership attempted to rectify the situation by means of a reorganization and efforts to recruit better teaching and supervisory staff. “The very best people must be brought to Don Rua, if necessary at the expense of the other houses.” Criticism was levelled at the outgoing director, SDB3, who was considered “weak in the formation of young brothers” and had “shown a lack of vision with regard to religious life.” A commission was formed to examine the problems in depth. A sanatio in radice was called for. The new staff must be given free rein to introduce a fresh regime, the others must be moved elsewhere. It nevertheless remained uncertain whether Don Rua had a future as a training ground for the priests of the future. The majority of the young students showed little interest in a life of religious devotion. According to SDB3, a stringent selection procedure would weed out all but eighty aspirants at the most. In June 1969, Provincial Ter Schure conducted a visitation. He concluded that “a thorough purification of the students” was necessary and that the staff of Don Rua must “provide a good example of the Salesian life to these boys.” All attempts to revive the institute were in vain and it was eventually decided to wind down its activities. The last students left in 1971 whereupon Don Rua closed its doors.

• Huize Don Bosco in Leusden was the first location of the Salesian minor seminary in the Netherlands, a function it performed from 1937 to 1945. In 1946, it became a technical college with a boarding department which gradually grew in size. By 1965 there were over 230 boarders and fifty day pupils. Leusden was the largest of the Salesian institutions. It had a total staff of 25 priests and brothers, 14 of whom worked in the boarding school itself. Following the departure of SDB27 in 1958, the boarding school under its new director S. Wijsman (1958-1964) became renowned for its family atmosphere and somewhat relaxed regime. Here too, the group (‘lines’) system was introduced in the mid-1960s. Like other institutions, Leusden suffered from a shortage of suitable staff. The young assistants were ill prepared for their task. It seems that they did not always follow the Salesian precepts of education but were given to shouting at, and even striking, the pupils. Moreover, “their morality requires constant attention.” In the early 1970s, the college premises underwent significant remodelling. A document relating to this project mentions a “shift in vision with regard to the task of the boarding school: a climate of freedom and more frequent contact with the family.” However, even this successful institution gradually came to suffer from the malaise which had affected all Catholic boarding schools in the Netherlands: a massive increase in fees and an increasing number of ‘problem cases’: pupils whose attendance at regular schools was considered disruptive. The boarding school in Leusden closed in 1982.

• Huize Savio in Rotterdam began to accept boarders in 1957. These were pupils attending secondary schools elsewhere in the city who, for various reasons, were unable to live with their families. Many were the children of repatriates from Indonesia, and those whose parents continued to live abroad. Given the special nature and target group of the institution, the authorities decided that it should be more open than the other boarding schools (according to a document which dates from the mid-1960s). This had many advantages: “The boys live in a more natural environment, and their development therefore also progresses more naturally. This is particularly true with regard to their sexual development. There are less tensions in this area than in our closed boarding schools, and hence less danger of sexual aberrations. From the Salesian perspective, it is easier to make contact with these boys, and we can do so in a more spontaneous manner.” Soon after its establishment Huize Savio had approximately seventy young boarders and a staff of nine priests and brothers. In 1969, a provincial commission was formed to assess the future of the institution. The conclusion was that it had outlived its usefulness. Even a merger with Den Burg in Rijswijk (see below) would do nothing to change this situation. It therefore closed in 1970.
• In 1952, the society opened a boarding facility at Huize Den Burg (also known as Den Burcht) in Rijswijk. The concept and target group were very similar to those of Huize Savio in Rotterdam, described above. In 1965, it had 67 boarders who attended secondary schools elsewhere in The Hague and the surrounding region. It had a staff of nine priests and brothers. The commission which in 1969 advised the closure of Rotterdam came to the same conclusion in the case of Rijswijk, which therefore closed its doors in 1970.

• Lauradorp was the first Salesian community in the Netherlands. The parish, established in 1930, included an ‘oratory’ or youth centre. At a later date, probably in 1951, it opened a boarding department for students attending school elsewhere in the region. This was not a great success and the boarding facilities were closed in 1956.

• The society’s novitiate and philosophy college were established in Twello in 1947. An orthopedagogic boarding school run by the Salesians, ‘Het Wezeveld’, was added in 1966. Its pupils were boys with special educational needs. In the 1980s, the Salesians gradually withdrew their involvement in running the ‘Het Wezeveld’ and in 1988 it was taken over by a private sector organization, the Hoenderloo Group.

6.2.4. Regulations, guidelines and supervision with regard to sexuality and sexual abuse

6.2.4.1. General regulations
Throughout the society’s history, its regulations stressed the importance of the virtue of chastity, particularly in contacts with minors. The leadership regularly drew attention to these rules, applying ever stricter criteria as necessary, and to the consequences of any infringement. Around 1970, however, we see a clear shift in attitudes and changes to the regulations themselves, influenced by general social trends.

The constitutions, regulations and instructions of the congregation which were in force until 1971 (and hence during most of the period discussed in this report) dated from 1923. They were largely based on the original precepts written by the founder Don Bosco, with some amendments as made necessary by the Catholic Church’s adoption of the Codex Iuris Canonici (Code of Canon Law) in 1917. The section headed ‘On Chastity’ contains a number of relevant, and very concise, instructions governing the personal interaction between Salesians and the young people entrusted to their care, as well as instructions governing interaction between the boys themselves.

- “In the classroom, during study or during recreation, the teacher or assistant must not permit pupils to stand too close to him. He may not hold a pupil by the hand, caress or stroke him. He may not remain in a closed or isolated area with only one other person, even for the purposes of issuing the necessary admonitions or instructions. He shall not permit any pupil to enter his room or cell, regardless of whether he is also present at the time. The catechist, the student prefect, the confessor and all teachers whose professional duties require them to conduct a conversation with a pupil must have access to a room specifically intended for this purpose.”

- “It is forbidden to enter the dormitory, room or cell of another, or to remain alongside another person while in bed, except if necessity or duty so demand”

- ‘Teachers, instructors and assistants must be persons of irreproachable morals and integrity. They must strenuously avoid any form of special affection or friendship with or towards pupils. They must be ever mindful that a single indiscretion on the part of one individual can place the entire educational institute in jeopardy.”
“Careful vigilance is to be exercised to detect and prevent avoid any form of unusual relationship [between pupils], including the passing of notes, ‘handplay’, the forming of groups during recreation periods, inappropriate verbal exchanges, and any form of undesirable contact with persons from outside the institution.”

These regulations were further defined by means of the rulebook, *Reglement voor Huize Don Rua* and the regular reminders, injunctions and enjoinders from senior staff. The version of the rulebook dating from circa 1960 prohibits entering another person’s space in the dormitory, adding “Remember the adage, *Noli me tangere*. Do not mess around and do not pick arguments.” The corridor along which the priests’ rooms were located was to be regarded as “a fortress which no one is permitted to enter except when conducting domestic duties. It is forbidden to use this corridor as a route to the recreation room or the gymnasium.” Furthermore, it was forbidden to “speak or to play around in the toilet areas.” Any violation of these rules was regarded as a serious offence. At the beginning of each school year, the entire rulebook was read aloud to students to ensure there could be no misunderstanding. (This was still standard practice in 1966). At the beginning of the 1967/1968 school year, Prefect Adri Maat made a point of reiterating that, “the priests’ corridor and all other staff accommodation is strictly out of bounds to all students. You must not enter a fellow brother’s private room under any circumstances whatsoever.”

Such rules and reminders suggest much but fail to face the issue of sexual impropriety head-on. According to P. van Sterkenburg (a former teacher of Dutch at Don Rua), there were nothing more than “vague warnings”, while the dreaded personal friendships were either “spoken about very obliquely or not at all. (…) Never once did we hear the superior state that the word ‘friendships’ actually referred to homo-erotic relationships between boys and young men. That term was, of course, still very much taboo. (…) In the years we are discussing, pious Catholics of all ages, as well as the Salesian superiors, were totally ignorant when it came to matters of sexuality. Anyone who was caught was publicly censured and usually expelled from the seminary.”

In 1971-1972, the constitutions and regulations were revised and updated. The section on ‘Chastity’ (pages 45-47) now omitted any specific instructions relating to interaction with ‘the boys’. The term ‘young people’ was substituted, and chastity (celibacy) was presented as a positive virtue which demanded ‘considerable psychological and emotional balance’. Anyone who did not possess that balance was strongly advised not to seek admission to the congregation in the first place (Art. 77).

6.2.4.2. Selection criteria

A number of archive documents reveal how the requirement of chastity was incorporated into the selection criteria for admission to the congregation. They include an undated typed document in Latin, probably produced in the 1950s, with handwritten annotations by Provincial Bortoluzzi. It contains specific instructions for confessors with regard to “persons who are to be denied admittance to the congregation or removed therefrom.” The instructions draw a clear distinction between the minor seminary and the major seminary.

In the case of the minor seminary, expulsion was mandated for those persons who:

- “since their fourteenth year have sinned with another person, albeit only once, unless they were clearly brought into temptation.”
- “before their fourteenth year have committed an act of indecency with another person, unless only once. This exception does not apply in cases of sodomy, regardless of age, given that the influence thereof on the person is extremely deep and there is a significant likelihood of reversion to the perverse practice.”
- “frequently masturbate during their time at the minor seminary.”
- “repeatedly engage in impure contact with others or with themselves, or have solicited such contact, especially if within the seminary. (Such persons are to be expelled immediately in view of the scandal and given the danger of the corruption of the other students.”
- “during their time at the seminary show excessive interest in girls, even if they do not commit any grave sins, unless they are able to demonstrate a sincere reform.”
- “suffer a marked tendency towards the vitium impurum (masturbation), as can be deduced by regular relapses into errant ways, or to perverse friendships, unnatural acts and suchlike, where this can be confirmed by medical examination.”

In the case of the major seminary, admittance would be refused, or expulsion mandated, for persons who:

- “continually relapse into sensual or personal friendships. In the absence of a natural object (a woman) this is likely to be directed towards men.”
- “during the recess, seek interaction with women, even those who are pious, or read books of a sensual nature.”
- “frequently masturbate (the closer to the time of ordination, the more strictly this criterion should be evaluated.”

The document continues in similar tone. “Anyone who can be regarded as ‘likely to fall into wrongdoing must be prevented from seeking vocation, especially if his actions are likely to lead to a public scandal. Here, it should be remembered that youth is not the most dangerous time, but adulthood: the age of thirty or forty. Ordination does not cause dangerous character traits or perverse tendencies to disappear. Sometimes, in the protective environment of the seminary, the matter can be kept under control, but once out in the world, things go awry or abstinence proves to require too much effort. Better a pious and good housefather than a half-hearted and miserable priest. If in doubt, the confessor should err on the side of caution.”

In the 1950s, Bortoluzzi once again endorsed Don Bosco’s own strict injunction that the congregation should never accept an aspirant who has been expelled from another community for reasons of immoral behaviour, even in cases of doubt. He certainly applied this rule when rejecting the application (supported by several ordained priests) of a candidate who in 1944 had been expelled from the Hageveld minor seminary for a single offence.91 The central leadership considered there to be very good reason for applying the strict acceptance policy: it was necessary to establish a sound foundation for the congregation in the Netherlands.92 In late 1954, the Rector General Renato Ziggiotti issued a circular in which he demanded ‘great rigour’ in the selection of aspirants, their admission to the novitiate, and their final acceptance into the congregation. Anyone who had, or created the impression of having, failed to have observed the virtue of chastity must be refused, since “every weakness on the part of the responsible superior can have fatal consequences for our congregation.”93

In 1986, the norms and criteria for admission to the congregation were included, in slightly modified form, in a document circulated by the Rector General’s office.94 Once again, this document was almost exclusively concerned with sexuality and sexual conduct. A candidate for the novitiate must “know how to interact appropriately with adults (men and women) as well as with young men and boys, must possess sexual and affective maturity and must be able to control himself in the sexual domain.” A number of negative traits are listed, which include “excessive emotional attachment, a fear of women, contempt for matters connected with sexuality or, a more common phenomenon, idealization of the woman and of marriage.” Other bars to admission included prior expulsion from
another order or congregation, frequent masturbation and psychological aberrations in the sexual domain. Candidates must on no account be ‘hyperscrupulous’ or possess ‘an obsessive nature’. The document also proscribes the admittance of “a person who has sinned with a man or woman since the onset of puberty, and particularly with a member of the clergy.”

This document warns against being overly forgiving. “Superiors must not have too much confidence that things will be any better in future. In the majority of cases, precisely the opposite happens.” This realistic expectation was applied equally to candidates who had an entirely clean record but who “nevertheless demonstrate a pathological or abnormal sexual tendency, particularly if sexually oversensitive or showing a marked erotic leaning.” Finally, the selection process should exclude any “neurotics and psychopaths”. In cases of doubt, examination by an “experienced, Catholic and sensible psychiatrist’ was recommended.”

A single case in the archive suggests that the provincial authorities were more alert to the risks presented by some candidates in the 1990s. In 1994, Provincial Asma had reason to ‘encourage’ a novice with clear paedophile tendencies to leave the congregation. 95

6.2.4.3. Measures and sanctions

The Salesians set the moral bar very high, particularly with regard to homosexuality and inappropriate behaviour towards boys. Nevertheless, it is clear that not everyone was subject to the same high standards. Those who reached a higher status within the congregation could expect to be treated with greater leniency, in accordance with the requirements of canon law. ‘Public scandal’ remained an exacerbating factor. In terms of the sanctions and measures taken against those who breached the rules, matters were generally handled internally, as they were elsewhere in the Roman Catholic Church. Little or no thought was given to the victims. In 1949, Provincial Bortoluzzi produced a schedule (for his own reference) of the action to be taken in the event of an incident, particularly one in which a priest or brother had been caught violating the vow of chastity cum victima, or had admitted doing so. 96

Bortoluzzi classed such incidents into three categories, in which the status of the offender within the congregation could make a significant difference. Where the offender had yet to take his final vows, and the incident was known only to the victim, the director, the catechist or the provincial, he should be transferred to another house so that the victim is also made aware of the seriousness of the offence. If the incident had become public knowledge, the only possible course of action would be immediate expulsion from the congregation. If the offender had taken his final vows, he should be expelled and his laicization ad seculum requested. In the case of a priest who caused a (public) scandal, canon law demanded that he should first be admonished. If there was any recurrence of his actions, three warnings would be issued at intervals. If this did not have the desired effect, a tribunal would be convened and the offender tried under canon law. If found guilty, he would be expelled from the congregation.

Specific regulations addressing the abuse of minors were introduced only after the issue came to public attention elsewhere, notably in the United States. In early 2002, Pope John Paul II spoke publicly about the Church’s involvement in child abuse and issued two papal decrees on the subject. Some weeks later, Rector Major Pascual Chávez Villanueva sent a communiqué to all Salesian Provincials which included a set of guidelines. 97 Because there were now allegations of abuse against several priests and brothers, some relating to incidents in the distant past but some more recent, Chávez Villanueva pointed out that the congregation’s special mission among young people could give rise to ‘delicate situations’, and provided firm instructions for dealing with cases of abuse. First, an expert commission should be appointed to oversee the investigation and support the Provincial. Thereafter, everything must be conducted with the utmost transparency, in accordance with national
law and in full cooperation with the police and judicial authorities. The Provincial must immediately
relieve the accused of his duties, applying for a *suspensio a divinis* if necessary. Under no account
must the accused be transferred elsewhere, and neither may he be permitted to have any contact
with the victims.

The Provincial in the Netherlands, Herman Spronck, then wrote to the Vicar of the Rector Major, Fr.
Luc van Looy, suggesting that it might be preferable not to appoint a separate Salesian commission,
but to follow the *Hulp & Recht* procedures already established by the Conference of Bishops and the
Conference of Religious in the Netherlands (KNR). Van Looy agreed, adding “If there are any such
cases, and clearly we hope there are not, perhaps you should keep an eye on matters to ensure that
everything goes as favourably as possible.” From this remark we may deduce that the central
leadership was not aware of any potential accusations levelled against Salesians at this time.

6.2.4.4. Reminders from the central leadership

The congregation’s central leadership in Turin regularly reminded the Dutch members of the strict
rules with regard to chastity. In 1938, the Rector Major had cause to bring the importance of extreme
cautions in such matters to the attention of SDB1, director of the first community at Lauradorp in
Limburg. In 1945, Don Simonetti concluded his memorable ‘extraordinary visitation’ of Huize Don
Rua in Ugchelen by addressing the entire community thus: “Sanctity is purity. I wish to remind the
young brothers of the greatest threat to purity in the Salesian life, namely the special friendship.
Avoid it at all costs, as our Sainted Founder has instructed.”

When things do go amiss, hard action is required, stated Rector Major Ziggiotti during his visit to the
Netherlands in 1954: “If inappropriate relationships develop between brothers and boys, we must be
relentless. An immediate transfer should be considered. If serious incidents occur, we must have no
hesitation in insisting on the guilty party’s expulsion. He can no longer be regarded as a man of
religion, so out he goes. Of course, the Inspector must be notified of everything immediately.”
Zigotti reiterated these remarks in his circular of 1954, recommending that all relevant documents
should be carefully filed for future reference, and that the central leadership should be consulted in
more complex cases. We know that the Vatican itself considered a lenient approach undesirable. In
the wake of the Terruwe affair (1957), the papal internuntius in the Netherlands, Cardinal Paolo
Giobbe, issued a *monita secreta* on the treatment of ‘psychoneuroses’ to the Provincials of all orders
and congregations in the country. Rome had concluded that vigilance was “not at the required level
in all religious families”. Bortoluzzi visited all Salesian communities in person, where he read the
*monita* aloud and then had the priests and brothers sign a copy to pledge compliance.

In 1960, the Rector Major’s Vicar, Fr. Albino Fedrigotti, visited ‘s-Heerenberg where he once again
issued detailed instructions. The school uniform for younger boys included shorts: they were to wear
long trousers as soon as possible. The director was not to permit anyone, no matter who, to
entertain a boy in his private room. Anyone unwilling follow this instruction could be threatened with
a *suspensio a divinis*. The doors of classrooms in which staff had contact with boys must have a clear
glass window.

Among the Salesians, sexuality was very much a ‘hot topic’. Members of the congregation were
subject to constant reminders and enjoinders, with conspicuous attention devoted to homosexuality
and homo-erotic relationships. The leadership lived in dread of any ‘aberrant’ brothers entering the
congregation and, through very detailed instructions, attempted to prevent any inappropriate
relationships developing between school staff and boys, or between the boys themselves. However,
we can find no evidence of the congregation ever having considered the legal implications of such
relationships, i.e. the possibility of criminal prosecution, prior to 2000.
6.2.4.5. Indications and warnings within the Province

As we have seen, the Provincial leadership was acutely aware of the risks inherent in close contact between staff and boys, and between the boys themselves. Nevertheless, the archive material contains relatively few indications of this awareness in the form of circulars and other communications. One notable exception is the very first circular issued by the first Provincial, the Italian Annibale Bortoluzzi in 1946, almost certainly on instructions from Turin. It devotes much attention to the desired ‘sanctity and purity’ and the observance of the instructions which promote such purity, especially with regard to interaction with pupils. “The boys are still admitted to the rooms of superiors too readily.” He reiterates the Rector Major’s instruction that, “only the director may receive boys in his room; all others must conduct their conversations in the recreation area, while the confessors must receive no one outside the confessional. (...) In particular, we never receive boys in the bedrooms, but only in a classroom, meeting room or recreation area.”

Such matters were also very rarely discussed at the meetings of the provincial council, or if so they were usually omitted from the minutes. Until the 1960s, the leadership’s alertness is apparent only from the comments made by the Provincial further to his regular inspections of the various schools and communities, as recorded in the visitation reports. Those comments are often in very plain language and in some cases we must conclude that they had been prompted by actual incidents. It seems that local superiors were also alert to certain problems, as indicated by the records of the institutions and the minutes of their house chapter meetings (although these are hardly brimming with relevant information).

During a visitation, the Provincial would inspect the physical condition of the institution and assess the moral and spiritual health of the community members. He spoke with the various members of staff individually, and concluded his visit by making a few general remarks and suggesting points for improvement. The directness with which successive Provincials did so seems to have declined from the mid-1960s onwards, and later comments are so vague as to be virtually meaningless. At first, however, the message was put across with commendable clarity. In November 1945, a special visitation to Ugchelen was conducted by the Novice Master in the United Kingdom, Fr. Giacomo Simonetti. Concluding his address, he assured the assembled gathering that he would ask his English novices to pray for them, “so that no deadly sin may be committed in this house, we shall all retain purity, and among us are no bad fellows who may corrupt mind and spirit.” In 1947, Provincial Bortoluzzi instructed the community to beware of approaching boys with “excessive tenderness”, adding that favouritism, in the form of special attention for certain boys, should always be avoided. It seems likely that these comments were also prompted by actual events. In 1950, he remarked, “I note that you have worked hard and have achieved success. But if the boys can say, ‘physician, heal thyself,’ things have gone wrong. For this reason, I remind you to avoid special friendships and to consummate your holy devotions”, while in 1953 he instructed that “boys should not be allowed to walk around in pairs quite so much.”

Similar remarks were made in 1951 to the staff of the small boarding school in Lauradorp. Here too, it seems that boys could enter priests’ rooms too easily and too often, a situation which could lead to problems. Their age, the Provincial stated, prompted extreme caution: they must never be touched with the hands. In Leusden, the school had acquired a sunlamp (for medicinal purposes). The Provincial did not approve, since the person operating the machine would be open to suspicion and rumours. In all cases, the focus was on the interaction with and between the pupils. Supervision must be enhanced in order to prevent ‘special relationships’ (of which there was obviously a deep-seated fear). A nurturing, family environment was good, provided it remained within the bounds of the necessary discipline. ‘Scandalous cases’ (i.e. the persons likely to cause a scandal) must be promptly removed. Bortoluzzi’s successor Jan ter Schure also devoted close attention to the relationships between school staff and their young charges, noting that there
were “boundaries to confidentiality and approachability.” On several occasions, he had reason to stress that priests and brothers must on no account receive boys in their rooms (visitation reports, Don Rua 1962 and 1964; Rijswijk 1964). “If we are not permitted to enter each other’s rooms, then the boys are certainly not. We follow this practice not only out of respect for the rule, but also out of respect for ourselves and for the boys.” Ten Schure was also concerned about the ‘moral content’ of the boys’ and brothers’ conversation and reading material. Subsequent visitation reports make no mention of this aspect.

Various reports and supporting documents submitted by the Don Rua victims’ group suggest that the special visitation conducted by Provincial Quintus Muth in 1967 was directly prompted by allegations of abuse. There is nothing in the archives to support this theory, which seems to have its roots in a statement made by former staff member Frans Vergeer. He recalls attending a meeting called by the school’s director, Fr. Henny Prein, in February 1967. Prein warned the brothers about inappropriate contacts with the boys, something of which forty Salesians in the Netherlands were now ‘suspected’. In fact, Muth’s visitation took place two months later, in April. His report makes no reference, direct or indirect, to any allegations of abuse. A meeting such as that described by Vergeer would certainly have been a very clear warning, as well as a sign that the leadership was aware of irregularities. When giving evidence to the Commission of Inquiry, however, Mr Vergeer was unable to recall exactly how explicit Prein’s remarks had been.

6.2.4.6. Internal deliberations
There are several archive documents which provide some indication that the Salesians had indeed given thought to the interaction with and between the boys entrusted to their care, and to the problems which could ensue, not necessarily in terms of actual abuse. In 1961, Fr. Quintus Muth, then director of Huize Savio in Rotterdam and a member of the Provincial Council (he would later succeed Ter Schure as Provincial), gave an address on ‘Purity’ at a meeting of his fellow school directors. He stated that priests and aspirants “must be able to control their desires in such a way that they are able to live in total abstinence.” He went on to call for a new approach, one which was rather less driven by fear. Clearer, more positive thinking was required. “The words we use often mean very little to our boys, especially the modern boy for whom terms such as ‘beautiful’, ‘angelic’, ‘cherubic’, ‘pulchritudinous’ and so forth say virtually nothing. Chastity should not be merely a set of interdictions, it must not be an idée fixe and we should all spend rather less time talking about it.”

There are further allusions, some more direct than others, which suggest that something was indeed brewing in the early 1960s. In 1963 Muth noted, “A certain lack of maturity can be seen in many brothers. The clique mentality which was so dominant at Ugchelen between 1945 and 1955 is still with us. We have a relatively large number of brothers who display some aberration to a greater or lesser degree. They are severely impeding our work.” Terms such as ‘lack of maturity’ and ‘aberration’ are used elsewhere to refer to inappropriate behaviour towards boys. Fr. J. Dijkstra, a member of the Provincial Council and renowned as a champion of a traditional approach to the vow of chastity, recorded his thoughts on a 1964 directors’ meeting in rather cryptic terms. “Voices of former pupils: never rancorous that we so often had to say no (...) the angelic purity. How must our young [fellow brothers] see this?” In 1967, Fr. A. de Waele, director of the new orthopedagogic institute in Twello, addressed the directors’ meeting on the topic of the new group system which had recently been introduced in the various boarding schools. He remarked that the (assistant) group leaders were “too interested in playing ‘daddies’ and making individual contact with the boys. This is now far more the case than in the former director-boy relationship. We should ask ourselves if this is not a way of satisfying our own need for what we might term ‘celibate fatherhood’. Do the boys
themselves really need intimacy, conversations and such emotionally-charged ties, or are they mainly for our own benefit? Do the boys need us, or do we need them? If the latter, we are very far removed from what an educator, particularly one charged with the upbringing of an entire group, ought to be.”

Here too, the indications are vague but they do fit within a context. That there were a number of congregation members who experienced ‘problems’ can be deduced from the documents relating to resignations, some of which were more voluntary than others, insofar as those documents are (still) to be found in the archive. An analysis of the 67 resignations presided over by Provincial Raaijmakers and Van Luyn in 1971 speaks volumes. The reasons given frequently include the words ‘celibacy’, ‘chastity’ and ‘affective immaturity’, sometimes in combination. Raaijmakers and Van Luyn noted that many resignations represented a personal sacrifice prompted by the ongoing process of secularization in society. In others, we read of, “an imbalance, an immature affective life, an affective life which has developed in the wrong direction. Many cases could have been avoided if the original selection had been better, certainly before the perpetual vows were taken.” There is one notably forthright remark, made in 1973 when Fr. J. Klein was asked to comment on a discussion document written by the Provincial. The proposition was, “the current wave of sexual permissiveness affects us. The risks must be identified: risks to the community and to every individual member.” Klein’s somewhat cynical response is, “Might it not be prudent to focus on the advantages? The wave of sexual permissiveness can have a preventive or therapeutic effect in terms of acquired homo-erotic tendencies.”

6.2.5. Abuse among the Salesians: facts and figures

The investigation of cases of abuse of minors committed by Salesians relies on two main sources: the reports and witness statements submitted to the Commission of Inquiry, and the archive material. Other documents were consulted where available.

The Commission now has an alphabetical list of the names of (possible) perpetrators of abuse. It includes members of the Salesian congregation (both ordained and aspirant) against whom complaints of abuse were submitted to Hulp & Recht, the Commission itself, or through other channels such as the victims’ group websites. The list also includes those cases which can be established beyond doubt from the archive material, as well as the names of a number of priests and brothers who are implicated by that material. In these cases, the evidence is not conclusive but enough to support strong suspicions based on the balance of probabilities. The Commission has compiled a total of eighty files, some more detailed than others, which include the personal information of the perpetrators or suspects, details of the (alleged) incidents of abuse drawn from the reports and/or archive material, the precise sources from which this information has been obtained, and any comments concerning similarities or discrepancies between the various sources.

A further overview has been produced in which the reports and complaints have been linked to individual cases of abuse, and arranged in alphabetical order of the complainants’ names. The result is one hundred brief, formal descriptions of the circumstances, drawn from a total of 71 reports. Two reports of special interest have been elaborated to arrive at a more detailed account. Wherever possible, the case notes include the institution concerned, the exact location of the abuse, the year(s) in which it took place, the duration or frequency, the age and sex of the victim, some characteristics of the perpetrator, the nature of the abuse, any special circumstances, the manner in which the incident was handled at the time (where applicable) and any further remarks.

It should be noted that a full qualitative and quantitative analysis of this material is, for various reasons, subject to a number of restrictions. Given the margins of uncertainty, it is not possible to draw absolute conclusions from the results of the investigation. We must therefore be satisfied with indications.
• Not all reports clearly identify the perpetrator(s). Many fail to give a name. Although it has been possible to identify some from the archive material and other documents (notably the Salesian yearbooks), there remain eighteen cases in which the perpetrators remain unidentified. It is possible that these cases involve people who are named elsewhere, but it is equally possible that they do not; they may be entirely different and hitherto undetected perpetrators. The problem is further exacerbated by a number of reports which describe offences committed by more than one (unidentified) person. It is therefore impossible to determine the exact number of perpetrators.

• By no means all reports offer sufficient detail. In some cases, the precise chronology of the events is unclear, whereupon it is difficult to establish the duration and frequency of abuse. This is perhaps only to be expected, since some of the events concerned took place over fifty years ago. In some cases, a perpetrator named in the report is known to have been working somewhere else at the time. This could be because the complainant is mistaken with regard to the year(s) in which the events took place (and hence his own age at the time) or it could be a simple case of mistaken identity. Similarly, many reports fail to state the exact nature of the acts or activities concerned. Some refer only to ‘abuse’ in a generic sense. Accordingly, it is difficult to gain an accurate impression of the seriousness of the offences. In such cases, ‘hard’ quantitative information is actually rather ‘soft’.

The most significant problem remains that of the reliability of the reports, which in most cases cannot be corroborated by the archive material, but by the same token are not contradicted by other sources. For the purposes of this document, we have assumed that all reports are truthful and reliable, except where clear inconsistencies with the archive material exist, whereby the information given must be corrected. At the same time, we must allow for certain external factors, such as the influence of the extensive media coverage, or the effect of contact with other members of the victims’ groups. Even the detailed analyses of two reports given below give cause to reflect on the workings of the human memory.

6.2.5.1. Facts and figures

Victim reports

- For the purposes of the current report, we investigated 71 complaints of abuse which relate to a total of one hundred cases. All involve individual perpetrators, only some of whom can be identified by name.
- The vast majority of reports have been made by men; only three complainants are female.
- Age of the complainants at the time of the reported abuse:\[119\]

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 6</td>
<td>1</td>
</tr>
<tr>
<td>6 – 10</td>
<td>5</td>
</tr>
<tr>
<td>11-16</td>
<td>85</td>
</tr>
<tr>
<td>Over 16</td>
<td>4</td>
</tr>
<tr>
<td>Unknown</td>
<td>5</td>
</tr>
</tbody>
</table>

Perpetrators
The reports identify 41 (aspirant) members of the Society of Salesians by name, or provide sufficient
information to allow them to be identified from other sources. Seventeen reports relate to one or more unidentified and unidentifiable perpetrators.

The archive provides corroborative documentation relating to only 6 of the 41 named perpetrators: SDB2, SDB5, SDB6, SDB7, SDB8 and SDB9.

The archive investigation revealed eleven perpetrators who had not been named or implicated in any of the submitted reports: SDB10, SDB11, SDB12, SDB13, SDB14, SDB15, SDB1, SDB16, NN7, SDB17 and SDB18. A further eleven possible (and unreported) perpetrators were also identified.

The eighty perpetrators (both confirmed and possible) include 42 ordained priests, 8 priest in formation (assistants) and 24 brothers (including a number still in formation). The status of at least 6 of the unidentified perpetrators cannot be established.

Fourteen perpetrators are identified by name in two or more separate reports: SDB3 (16); SDB19 and SDB4 (5); SDB9 (4); SDB7, SDB8, SDB20 and SDB21 (3); SDB22, SDB23, SDB24, SDB25, SDB26 and SDB27 (2).

**Locations**

**Boarding schools:**

*Ugchelen/*s-Heerenberg, minor seminary (Huize Don Rua)*

- Reported cases: 63
- Reported perpetrators: 32
- Unreported perpetrators: 4 (+ 3 possible)

*Leusden, technical college (Huize Don Bosco)*

- Reported cases: 13
- Reported perpetrators: 11
- Unreported perpetrators: 6 (+ 6 possible)

*Rijswijk (Huize Den Burg)*

- Reported cases: 3
- Reported perpetrators: 3

*Rotterdam, (Huize Savio)*

- Reported cases: 6
- Reported perpetrators: 4
- Unreported perpetrators: 1

*Lauradorp (boarding department)*

- Reported cases: 1
- Reported perpetrators: 1
- Unreported perpetrators: 1 (+ 1 possible)

*Twello, orthopedagogic institute (Het Wezeveld)*

- Reported cases: 3
Reported perpetrators: 3

**Assel, juvenate**

Unreported perpetrators 1 (+ 1 possible)

**Youth centres (oratories):**

*Rijswijk*

Reported cases: 6
Reported perpetrators: 4
Unreported perpetrators: 2 (+ 2 possible)

*Amsterdam, ‘Jongensstad’*

Reported cases: 1
Reported perpetrators: 1

*Assel, visitors’ centre*

Reported cases: 1
Reported perpetrators: 1

**Parishes:**

Unreported perpetrators 2 (+ 1 possible)

**Other locations:**

Reported cases: 2
Reported perpetrators: 2
Unreported perpetrators: 1

**Summary and totals:**

**Boarding schools**

Reported cases: 89
Reported perpetrators: 54
Unreported perpetrators: 11 (+ 11 possible)

**Youth/visitors’ centres**

Reported cases: 9
Reported perpetrators: 6
Unreported perpetrators: 2 (+ 1 possible)

**Parishes**

Reported cases: 0
Reported perpetrators: 0
Unreported perpetrators: 2 (+ 1 possible)

**Other locations**

Reported cases: 2
Reported perpetrators: 2
Unreported perpetrators: 1
Circumstances and nature of the abuse

Exact location of abuse (where stated):

Perpetrator’s room 48
Elsewhere in the institution 20
Outside the institution 5

Nature of the abuse (where stated)

Stroking, caressing, victim on lap: 6
Sexual advances 18
Genital contact/frottage 31
(Mutual) masturbation 13
Oral-genital contact 9
Penetration
(anal, including with the fingers) 2 (+3 possible )
Unknown/unstated/complainant
unwilling or unable to recall: 22
–
Inappropriate relationship between
perpetrator and victim 15

Misuse of the confessional 6

Actions or measures taken against perpetrator

Transfer 22
(Forced) resignation 11
Authorities aware but no action 5
Expert treatment 9
Action with regard to victim

- Contact with parents: 1 (+ 2 possible)
- Instructed to remain silent: 5
- Complaint rejected/accusations/threats: 11
- Victim removed from institution: 6
- Offer of compensation: 1

Dates of reported incidents

- Before 1949: 2
- 1950 - 1954: 13
- 1955-1959: 12
- Total 1950s: 25
- 1960- 1964: 33
- 1965-1969: 30
- Total 1960s: 63
- After 1970: 9

SDB11

SDB11 completed his theological formation in Belgium where he was ordained in 1967. He had previously spent the first of his three years as an ‘assistant’ at the Huize Den Burg boarding school in Rijswijk. Here, he was assessed to be “too nervous to deal with the boys and contribute to their upbringing,” but this did not prevent him going on to spend two years as a teacher and group leader at the Don Rua minor seminary in ’s-Heerenberg. He returned to this institution, in the same positions, four years later. This is confirmed by the Don Rua yearbook and other records. He then moved to Amsterdam, where he taught religious education. From the early 1970s until the mid-1980s, he worked at the youth centre (oratory) in Rijswijk. The documents covering this period give no suggestion of any deviant behaviour. No further reports or complaints about him have been received by Hulp & Recht or the Commission of Inquiry.

In the mid-1980s, SDB11 was appointed assistant pastor (curate) of the Salesian parish in The Hague. Here, he began to show exhibitionistic tendencies. “He was standing naked in the window of the presbytery”, according to one witness statement. A complaint to the police did not result in prosecution, but SDB11 was withdrawn from The Hague and was advised to seek therapy. After a brief period in Lauradorp, he joined the pastoral team of another Salesian parish in the Diocese of Utrecht. It seems that the congregation’s leadership regarded his behaviour in The Hague to be an isolated incident. It is not mentioned in the character reference provided to the diocese (dated 3 June 1987). Interestingly, Provincial Asma described him as “the director of the Don Bosco youth centre in Rijswijk, who now wished to exchange this administrative function for work of a more pastoral nature.” In 1994, the parish suspended SDB11 from clerical duties following “allegations of sexual harassment involving an underage boy.” According to Joep Dohmen (Vrome zondaars, p. 133), this incident took place in a sauna. Dohmen describes SDB11 as a former maths teacher at Huize Don Rua. SDB11 admitted the incident to Dohmen in 2010, but claimed that he had done nothing more than sit naked alongside another man who then became aroused (erect). “But I did not touch him. It
is a long time ago. I do not think it fair that this should be raked up now.” He had good reason to be
apprehensive of any further ‘raking’, since the matter did not stop here. Following this incident,
SDB11 featured prominently in Provincial Asma’s correspondence and deliberations. His name
appears with some regularity in the minutes of the council meetings. From these documents, it is
clear that the case was more serious than Dohmen was led to believe, and that more than one boy
was involved. A memorandum written by the Provincial notes, “three incidents of exhibitionism in a
fitness centre, two involving children and one involving a group of older boys, and twenty similar
offences admitted by SDB11 himself.” Asma was notified of the events on 25 April, and the matter
was placed on the agenda of the Provincial Council meeting held on 9 May. “Problems have arisen
involving SDB11, whereupon he cannot remain in the parish. Tomorrow, 10 May, AA [the Provincial]
is to talk to SDB11. It is essential that he is given expert help as quickly as possible. We have already
made the preliminary arrangements. AA will contact Frans Zwarts [the Dean of Amersfoort]. An
alternative appointment for SDB11 must be sought.” Frantic consultations followed. Asma met with
SDB11 twice (10 and 19 May), informed the other parish clergy individually (on 11 May), and
consulted the local superior W. van Luyn (the brother of bishop Ad van Luyn) about the wording of
an announcement to be made to the parishioners at the services on Sunday 16 May. In the event,
they were told that the Provincial had spoken with SDB11 “about extremely personal matters” and
that they had agreed that a period of absence and rest would be “in the interests of SDB11’s own
happiness, allowing him to address his problems and thus achieve spiritual and physical peace.” The
announcement ended on a pious note: “Let us pray for Fr. SDB11 and our entire parish.” SDB11 left
to spend time with his sister. He quickly became bored and after only two weeks announced that he
wished to return to the parish. The leadership realized that this would be impossible, but “where else
can he be sent?” The communities in Amsterdam and Assel were considered as a stopgap measure
until the summer recess. “After that, we must investigate whether we can find him a place in
Flanders. In the meantime, he must begin therapy as soon as possible. Contact with Sister Schrama
[of the Pastoral Advisory Foundation] is already ongoing.” In June, Asma issued a circular announcing
SDB11’s transfer to Amsterdam. At the request of the Provincial, and indeed that of SDB11 himself
[!], Cardinal Simonis had discharged him from his responsibilities as pastor. “Although he continues
to enjoy the trust and respect of many parishioners, there are also some who have lost that trust. (...) SDB11 will now be given every opportunity to regain his spiritual balance and to put his emotional
life in order.” A new task for SDB11 was discussed, but no decision made. In late May, Simonis had
telephoned Asma to discuss the case (“very sympathetic… spiritual guidance”), whereupon the
Provincial requested SDB11’s formal discharge from the pastorate on 2 June 1994. It was granted on
11 June. SDB11 was then transferred to the community in Amsterdam, where his duties were of an
administrative nature. It then became apparent that he had remained in contact with several of his
former parishioners after the incident, in direct contravention of Provincial’s instructions. His stance
towards Asma was now ‘bitter and aggressive’, and he was ‘surprised and angry’ that he had not
been consulted about the contents of the valedictory article published in the parish magazine. In late
June or early July, the deputy Provincial W. Flapper had contact with the police. Although the dossier
provides no indication that prosecution was now imminent, the involvement of the authorities would
no doubt have emphasized the gravity of the accusations with which Asma would now confront the
priest. “Interview with SDB11, mixed feelings! Nervousness – confrontation with the hard side of the
case” (20 July). In a later meeting with the Provincial, at which Sister Schrama was also present,
SDB11 admitted that he had “seriously understated the facts” (23 August). A number of ‘concerned
parishioners’ now came forward: the parish had been awash with rumours and speculation for some
weeks. Asma and Van Luyn met with the parishioners to assure them that, “we have acted with great
care and circumspection in dealing with the matter of SDB11.” It was hoped that this would stem the
“tiresome undercurrent of dissent,” as indeed it did, albeit temporarily. In early November, Asma
was informed that “there remains considerable disquiet in (...) regarding SDB11. The parents of the
children concerned are now forming a group.” Some were indignant about the lack of concern shown
for the victims. Meetings with members of the parish administration followed. By December, it was
clear that the issue had created far greater waves than had been expected. Parents were now
threatening legal action. Provincial Asma sought advice from the police and contacted the victims’ parents. (It is at this juncture that the word ‘victims’ first appears in the minutes of the Provincial Council meetings). In early January, Asma replied to an (undated) letter from two therapists who pointed out that “cover-ups and secrecy serve to exacerbate the effects of the inappropriate conduct.” The Provincial stated that there had been absolutely no attempt to cover up the affair. From the outset, he had been open and honest with everyone involved. Any attempts to suppress publicity had been solely in the interests of the young victims themselves. SDB11, he promised, would never again work anywhere within the Diocese of Utrecht, or in a position involving contact with young people. Moreover, he was undergoing compulsory psychotherapy.

It soon became clear that SDB11 himself saw little benefit in this therapy. In October, he admitted to having “great difficulty” in continuing his sessions with Sister Schrama. For her part, Schrama was doubtful whether therapy would have the desired results, and thought that a preventive approach was likely to prove more effective. She strongly opposed SDB11’s application for a position as a hospital chaplain, whereupon Asma dissuaded him from pursuing this path since the possibility would not even be considered at this time (November/December 1994). In March 1995, the Provincial Council was informed that SDB11 was indeed benefiting from his regular meetings with Sister Schrama. In late May, the therapist met with Provincial Flapper (who had succeeded Asma in February that year), and offered her professional opinion that SDB11 was ready to accept another task, “with some restrictions”. The congregation would now set about finding a suitable post. The Provincial Council thought, as did Schrama, that a post in a hospital or care home would be most suitable. In June, Flapper therefore spoke with the Bishop of Rotterdam, Ad van Luyn, and the appointments advisor of the diocese. The latter was able to give “a number of suggestions which he, assisted by the deacon, will investigate further.” SDB11 himself had set his sights on a regular pastorate, and wished to assist within an Amsterdam parish. “WF rejected this request to avoid any recurrence of the problems of the past” (Provincial Council, 3 July 1995). Nevertheless, SDB11 did go on to hold just such a position, albeit temporarily and not on an official basis. Sister Schrama was far more confident that SDB11 was ‘cured’ of his proclivities. A permanent position was being sought, “but preferably not one which would involve contact with children or teenagers” (Provincial Council 28 Augustus 1995). In December 1995, however, the Provincial Council decided that SDB11 would join the Rijswijk community, where he would undertake pastoral work among young people in Voorburg. Neither the community nor SDB11 was particularly pleased with this decision. SDB11 did not wish to leave Amsterdam. Less than a year later, further problems emerged. Between October 1996 and January 1997, SDB11 succumbed to his exhibitionist tendencies, standing naked in the window of the presbytery in Voorburg. Moreover, it was alleged that he had committed indecent acts with a teenager. He was interviewed by the police, but as far as we can ascertain no charges were brought. On 10 January 1997, he was placed under the professional care of Dr H. Stroeken of Utrecht. In late February, the therapy provided by the Pastoral Care Foundation was discontinued because it had clearly been unsuccessful. Both Schrama and Stroeken advised that SDB11 should be committed to a secure psychiatric unit, “from where specific hospital treatment in England can be sought.” They were no doubt thinking of the specialist Our Lady of Victory Trust clinic in Stroud, led by the Paraclete Father David T. Fitzgerald, a brochure for which is included in the dossier. This did not come to pass. Instead, SDB11 became an out-patient at ‘DeWaag’, a psychotherapy unit in Utrecht. When Bishop Van Luyn learned of SDB11’s most recent lapses in early April 1997, he insisted that he should now be expelled from the priesthood once and for all. He drew Provincial Flapper’s attention to the extreme risk of further improprieties until such times as the therapy actually proved effective. Nevertheless, it was not until October that year that the Provincial ordered SDB11’s transfer to a Salesian centre in Renkum, where he would once again undertake only administrative duties. In the letter informing the priest of this posting, Flapper stresses that he would only be allowed to remain in the congregation at all on the strict condition that “you engage in absolutely no sexual activity with children or teenagers ever again.” One further incident and that would be the end of the
matter. Moreover, he would no longer be allowed to officiate at any service outside the Salesian community itself.

When the Renkum centre was closed in 1999, SDB11 went to work at the Provincialate in Leusden, and continued to do so after its relocation to Soest. In 2001, he was once again caught indecently exposing himself, prosecuted and fined. Despite his record, SDB11 returned to Amsterdam in October 2002 where, without an official appointment from the Diocese of Haarlem but with the permission of the Provincial (Herman Spronck, who took up the post in 2001), he helped to run the parochial federation of which his earlier parish formed part. According to a letter written by the Bishop of Haarlem, Jozef Punt, there had been a verbal agreement with Provincial Flapper that SDB11’s duties would be confined to ‘liturgical assistance’. For some time, SDB11 lived alone in the parish presbytery. He was popular among the more progressive parishioners due to his modern approach to the catechism and liturgy. Pastor Wijers, who may be described as somewhat less progressive, was unable to share their enthusiasm. According to SDB11, it was this personal animosity which prompted Wijers to inform Bishop Punt about his past. Punt himself states that he was given the information by his fellow bishop, Van Luyn. In any event, disagreements between the parish and the bishop reached a head in October 2004. Later that month, Punt asked Provincial Spronck to recall SDB11 as soon as possible. “This is further to information received from the Diocese of Rotterdam where the Salesian [SDB11] spent some time as an assistant, and where it proved necessary to call an abrupt end to his appointment for reasons of which you are aware.” (Letter of 8 October 2004). The Provincial acceded to this request (26 October 2004) and informed SDB11 accordingly. However, he did (unsuccessfully) ask the bishop to review his decision because he had received favourable reports about SDB11’s pastoral work. Some liturgical assistance would remain possible (letter from Spronck, 12 November 2004, reply from Punt, 17 November 2004).

SDB11 continued to live in the presbytery. In 2005, Punt informed Spronck that this situation must also come to an end, although in a conversation with SDB11 himself, he had said that “there is no objection to your providing assistance.” The issue dragged on. Bentvelzen, who was now moderator (coordinator) of the combined parishes, ordered SDB11 to vacate the presbytery in October 2005, “in connection with the problems of recent times.” It seems that SDB11 subscribed to various pornographic magazines, and was a habitué of Amsterdam’s gay saunas and other ‘cruising areas’. His uncontrolled behaviour was unacceptable to the parish. In November 2005, SDB11 moved into a private apartment and performed pastoral duties in other parishes and local institutions. He befriended several Turkish boys, aged 13 or 14, whom he invited into his home to help them prepare for their moped test. On at least one occasion, he was threatened by a group of Moroccan youths. Spronck received yet another letter from the Bishop of Haarlem, dated 7 September 2006, sent by recorded delivery with a copy to Provincial Claes in Belgium (the Netherlands had now been assimilated into the Belgian province, with Spronck holding the post of ‘delegate’). It informed him that a married couple from the parish had seen SDB11 naked at “an outdoor meeting place frequented by homosexuals.” All SDB11’s clerical duties in or for the Diocese of Haarlem were suspended with immediate effect. A few months later (6 December 2006), Spronck informed the bishop that he had forbidden SDB11 from visiting ‘all such places’, and from conducting any pastoral activities in the diocese. However, he wished to make an exception in the case of one parish and one care home for the elderly, at the request of the parishioners and residents themselves. Punt was adamant. If SDB11 were to remain in Amsterdam and resume his work there, the bishop would be forced to reveal the reasons for his having been barred from the parishes and institutions in the first place (January 2007). Nevertheless, SDB11 did indeed continue his work at various locations in Amsterdam. Following a terse correspondence between diocese and delegate, SDB11 was eventually posted to Wijchen in November 2007. Here, he would minister to a group of elderly Salesians in a care home, where he would live. He also provided pastoral assistance at a religious centre in Nijmegen and a local parish. In 2008, he was once again charged with indecent exposure (in Nijmegen) and convicted in 2009. As a condition of his probation, he was ordered to attend therapy sessions intended to ‘prevent recidivism’. He completed this treatment at the Pompe Clinic in early
2011. As part of this therapy, the patient is required to appoint a trusted ‘confidential advisor’. At first, delegate Spronck filled this role.

In May 2011, SDB11 once again came under intense public scrutiny. The television current affairs programme RTL Nieuws devoted considerable coverage to his activities, both on air and on its website. In an interview, SDB11 admitted that he had been a member of the paedophile group ‘Martijn’ since 1994, and between 2008 and 2010 had even been its secretary and treasurer. This admission, and the contents of a very frank interview published on the RTL Nieuws website, resulted in Provincial Claes relieving him of all pastoral duties with effect from 23 May 2011. In the interview, SDB11 had suggested that ‘most paedophile relationships are harmless’ and indicated that Spronck had been aware of his involvement in ‘Martijn’. Spronck himself was suspended from office the same day. It was later established that he had indeed been aware of SDB11’s membership of the group since 2008. Spronck also made a number of ill-judged statements during a telephone interview with RTL Nieuws reporters. His comments were duly published on the website. It is unclear whether he had known that his remarks would be made public or whether he thought he was talking ‘off the record’. In any event, shortly thereafter he issued a retraction.

The account of events given on the RTL Nieuws website requires some comment and correction. The first incident did not take place in Voorburg in 1989 as stated, but two years earlier in The Hague. RTL Nieuws appears not to have been aware of the incidents in Voorburg during the period 1996 to 1997. In his interview, Spronck cannot possibly have said that he had been Provincial since 1995, since he did not take up the appointment until August 2001. The website does include some supplementary information which is not to be found in the archive. The fact that SDB11 did not live at the province house in Leusden between 1999-2001, but in the parish community in the diocese from which he was dismissed in 1994, is of particular concern. This is confirmed by a (more) recent statement made by the parish authorities. Given SDB11’s prior record and the undertaking given by the Provincial in 1994, the parish’s decision to allow him to remain in the community seems particularly unfortunate, and only one of several mistakes. It seems odd that the long series of incidents dating back to 1994 had not prompted more stringent measures. Even when convicted of criminal offences in 2001 and 2008, SDB11 was allowed to remain in the congregation, even though Provincial Flapper had expressly told him in 1997 that he faced expulsion if there were any further incidents. There is no record of either the Dioceses of Haarlem or the Diocese of Den Bosch having been informed of SDB11’s past, even though his pastoral activities regularly brought him into contact with children and young people. The Diocese of Rotterdam only came to know of his history through unofficial channels. The fact that his membership of ‘Martijn’ was tolerated suggests great naïveté, if only due to the immense damage that this could do to the good name of the congregation.

SDB3

Father SDB3 entered the Salesian congregation as a ‘late vocation’. He had previously been an office worker who, in his spare time, was also a lay youth group leader with the Crusaders of St Jan community in Rotterdam. “Spending time with young people fascinated me. It was something I wanted to do full time,” he later said in an interview. SDB3 completed his formation in the Netherlands and Germany, and was ordained in 1957. In 1958, he was posted to the minor seminary at Huize Don Rua, where he successively filled the roles of general assistant, catechist and, from 1963 to 1969, director. In 1970, shortly before Don Rua was closed, he left to take up a post as hospital pastor in Emmerich (Germany), where he was also director of a small boarding school for secondary school pupils. Later, he was appointed pastor in Kalkar, a post he held until 1997.

An obituary describes him as “a good shepherd (…), affectionate and friendly. (...) He stood close to the boys and to all his people. (...) He was a leader (...), both in pedagogy and pastoral care.” Such favourable opinions are also to be found in the references supporting SDB3’s nomination for
In September 1959, X29 was admitted to the school's infirmary. He reports that SDB3 took his temperature anally with "much non-functional touching." X30, who joined the minor seminary in Don Rua in 1957, describes SDB3 as "a man with a warm character (...) who couldn't keep his hands off me." X30 is unable to recall precisely what happened in 1960-1961, it is now a repressed memory, but is certain that it was serious. X31 reports abuse in 1960-1961, for which he required many years of therapy. In 1960, X32 and two other boys were received by the catechist and noticed that he chose the "quietest of them" as his 'special' favourite. He further observed the boy entering SDB3's room on several occasions during the subsequent months. SDB3 was regularly present in the dormitory while boys were undressing and washing, and on at least one occasion took one of the boys from the dormitory into his room. On several occasions in 1960, X33 was instructed to leave his bed by SDB3, who then took him to his room for 'special treatment', the exact nature of which he is no longer able or willing to remember. In 1960, X34 was admitted to the infirmary with a throat infection. SDB3 subjected him to a thorough physical examination, which required him to remove his underpants. X35, an aspirant brother, was in the infirmary in 1961, suffering from pneumonia. SDB3 prescribed a course of treatment with the infrared sunlamp, for which he was required to undress. His penis became erect and SDB3 immediately made an attempt to touch it, but the young man resisted. SDB3 continued his attempts to seduce the brother and threatened him with expulsion if he told anyone else. He did tell his mother, but she did not believe him. X36, then aged 14, also rejected sexual advances made in SDB3's room, and was also threatened with expulsion. He was transferred from the academic stream to the technical stream, where he would continue his formation to become a brother rather than an ordained priest. In 1963, X37 (then aged 12 or 13) was touched 'under the clothes' by SDB3, whom he regarded as a trusted confidant. In that same year, X38 was comforted by SDB3 who forced his knee into the boy's crotch area. During the 1963/34 school year, X39 was subject to regular sexual abuse by older pupils. When he reported this to director SDB3, the latter comforted him by touching him 'under his clothes' and then 'everywhere'.

The complaint made by X40 is particularly noteworthy. In about 1965, at the age of 14 or 15, he was given regular 'sex education lessons' by SDB3 in the latter’s private room, whereby the priest would frequently press up against him. SDB3 also tried to seduce the boy when he was detailed to clean the priest’s room. In 1970, he was invited to visit SDB3 in Emmerich, where he would sleep in a guest bedroom. In the middle of the night, he awoke to discover SDB3 naked on top of him. X41, aged 13, also received ‘sex education’ in a particularly bizarre and suggestive manner, but feigned innocence.
He believed that he was a ‘guinea pig’. Former pupil Frans Schaars reports several incidents of inappropriate physical contact in the director’s room and in the dormitory, precise details of which are not given, during the early years of his stay at Don Rua (1964-1968). According to X42, the complaints he made to the director about another priest in 1966 were ‘swept under the carpet.’ X42 himself was removed from the school. In 1966, X43 rejected SDB3’s attempts to seduce him, whereupon he too was soon invited to leave Don Rua. X44, who had joined the school in 1965, reports having been subject to sexual advances in the director’s room in 1966-1967; precisely what followed “is something I am unable and unwilling to describe.” X45 reports having been grasped in the crotch area in 1967; he protested and was punished.

In short, we gain a picture of a jovial, friendly and communicative man, who readily won the trust and confidence of young boys. He abused that trust on a number of occasions and throughout a period of several years. He could not, it appears, “keep his hands to himself.” Most cases seem to have been confined to inappropriate touching of one kind or another. There are, however, a number of reports which suggest more serious forms of abuse. The case of SDB3 is made all the more worrisome by the fact that he was the director of Huize Don Rua, in which position he must have known about other incidents or allegations of abuse within the institution, and at the very least those involving SDB19, about which he interviewed several students in 1967 or thereafter. The obvious conclusion, and one which has been expressed by others, is that the channels which would normally enable the leadership of the congregation to take action against abuse did not function at Don Rua because the director himself was one of the prime perpetrators.

It is impossible to assess the veracity of the reports against the archive material, although SDB3 is the Salesian against whom the greatest number of complaints have been made. There is a notable paucity of documents relating to the period concerned. SDB3’s personal file includes virtually nothing relating to his time at Don Rua. The Provincial’s personal archive contains only a very few items of correspondence with SDB3 as director, all of which relate to practical management matters. The archives of the minor seminary offer very little information about SDB3’s tenure, and the various chronicles, yearbooks and minutes contain absolutely no information relevant to the Commission’s investigation. In a letter to a lawyer (dated 14 September 2010) Delegate Spronck states that he had found absolutely no indication of SDB3’s involvement in the sexual abuse of minors in the archives. Although the delegate further states that, to the best of his knowledge, the archives have never been purged of corroborative evidence, we must ask ourselves whether its absence really is mere coincidence.

6.2.5.2. Evaluation of the information

Extent of abuse

In 1965, the Salesian congregation in the Netherlands had 193 members: 89 ordained priests, 40 clerics (priests in formation) and 64 brothers (coadjutors). Based on the number of personal files in the archive in Soest, we can estimate the total membership of the congregation between 1945 and 2000 to be in the order of 450. Given that approximately sixty people are named in the reports, eleven perpetrators can be identified from the archive material, and there are a further eleven possible perpetrators, we arrive at the conclusion that some 15 to 18 per cent of Salesians were implicated in the sexual abuse of minors. Even allowing for the margins of error noted elsewhere in this chapter, this is a high proportion. If we then consider the ratio of priests (42) to clerics (8) and brothers (24) within the 1965 membership, we find that priests are somewhat overrepresented in the reports. The known individual cases of abuse, of which one hundred have been identified on the basis of victims reports, show a cluster of 25 in 1950s, rising to 63 during the 1960s. This supports the hypothesis that abuse reached its most serious proportions during the latter period. Of course, it is
possible that the incidents of the earlier period are underrepresented for demographic reasons: many victims are no longer alive.

Domain
There can be no doubt that the majority of incidents of abuse among the Salesians took place in the boarding school setting. This is the scene of no fewer than 89 of the 100 cases described in the victim reports, and it is here that the vast majority of (possible) perpetrators are to be found. Accordingly, most victims were aged between eleven and sixteen at the time of the incidents. While a relatively small proportion of the congregation’s members were on the staff of a boarding school, this is of course the location at which the greatest opportunity for abuse presented itself. The closure of the boarding schools from the late sixties onwards coincides with a rapid fall in the number of reported incidents. Of course, we must also allow for possible distortion due to the extensive media coverage in 2010. Is it merely coincidence that, of all the boarding schools, the minor seminary at Huize Don Rua accounts for the lion’s share of reports? It has a very active victims’ group which even went so far as to produce a standard reporting form. If this does account for some distortion, is there some under-reporting with regard to events at the other boarding schools? Alongside the schools, one ‘oratory’ (youth centre) features in several reports: that in Rijswijk. Statistically, this centre, which was used by a large number of young people (over 1400 boys and almost 400 girls in 1965), ought to account for an even greater number of reports. It is also notable that some of the more serious cases of abuse now known to the Commission (e.g. SDB7 in Terneuzen and SDB11 in Hoogland, both in the early 1990s) took place in a much later period and in the context of a parish community, and yet do not feature in any of the victim reports.

Nature and circumstances of the abuse
Not all reports state the precise nature of the abuse. Of those which do, a relatively small proportion relate to the more serious forms such as (anal) penetration, oral-genital contact and (mutual) masturbation. Nevertheless, it is clear from the witness statements that even the less serious types of abuse can have long-term consequences for their victims. This is largely due to the breach of trust involved. Although only fifteen reports expressly mention a special relationship of trust between victim and perpetrator, various statements suggest the violation of this trust is one of the most traumatic aspects of abuse. After all, the staff of the boarding schools were in loco parentis. The victims’ distress is even more understandable when we consider the ‘tactics’ used by the perpetrators. They would often begin by winning trust and showing affection, giving the boy concerned the feeling that he was ‘special’. It is clear that some priests in positions of responsibility misused their authority. Among the perpetrators named in more than one report are three directors: SDB3 of Huize Don Rua (named sixteen times), SDB7 of the Rijswijk oratory (three times) and SDB27 of Huize Don Bosco in Leusden (named twice). There are also four prefects or catechists who are named more than once: SDB19 and SDB4 (each five times), SDB22 and SDB23 (each twice). Most of the reported incidents of abuse took place on the premises of the institution (boarding school or youth centre) itself. In almost half of all cases described in detail, the incidents took place in the perpetrator’s private room. Other specific locations, such as the dormitories and showers, are mentioned with some frequency. As noted above, it was absolutely forbidden for a member of staff other than the director to meet with a boy in a private room. However, interviews with former pupils, staff and senior Salesians reveal that this strict instruction was generally ignored, particularly from the mid-1960s onwards. It was common practice for staff to conduct a conversation or give tuition in private, which would offer ample opportunity for inappropriate behaviour.

Misuse of the confessional
According to representatives of the Don Rua victims’ group, confession played a special role in the abuse of minors within the Salesian community. It enabled perpetrators to clear their conscience. Having been granted absolution, they could continue their lives with a clean slate. Every subsequent offence was a first offence. There was another advantage: canon law dictates that ‘seal of the
sacrament’ is absolute. Nothing said can ever be repeated outside the confessional. The confessor is required to maintain complete secrecy, no matter what sins reach his ears. “This means that the priests must have discussed their abuse with each other in the confessional, without ever having to fear that it would be revealed to others.”\textsuperscript{127} This remark suggests that a number of priests and brothers were aware of abuse taking place, but failed to take any action. We can assume that perpetrators did indeed confess to having committed abuse, but this is impossible to prove due to the secrecy of the confessional.

Both the Salesians and the young people entrusted to their care were required to make their confession on a regular basis. In each house, priests were appointed to hear confessions. They were not permitted to hold any other position of leadership or authority and there were clear rules governing the manner in which they were to perform this duty. In the 1946 regulations, for example, confessors were not permitted to “receive boys outside the confessional.” The 1966 regulations extend this restriction to include “meeting rooms”.\textsuperscript{128} The appointed confessors also had a part to play in the screening of candidates seeking admission to the congregation. Where necessary, they were expected to advise the candidate to withdraw his application, or to refuse admittance altogether.\textsuperscript{129} The archive reveals that this did actually happen in practice, during the formation of priest SDB1 and brothers SDB15 and SDB6, for example. Moreover, the confessor was expected to instruct anyone confessing to sexual relations with boys to inform his superiors accordingly, although this often did not happen.\textsuperscript{130} In such cases, the absolution granted was conditional.

It is notable that the representatives of the victims’ group make no mention of any other use of the confession and the ‘seal of the sacrament’. Various individual reports relating to incidents in the 1950s and 1960s state that perpetrators would have the victim make a confession to them in person, and then remind them of the requirement for secrecy. Not only was the victim effectively silenced, but he was made a guilty party, complicit in the abuse itself. X46 states that this was the \textit{modus operandi} of two of the priests he names (SDB28 and SDB29). Similarly, X47 was told by an (unidentified) priest that he must confess to the sins which he had just committed. SDB19 took the confession of his victims on several occasions, and then generously granted them absolution for what had happened. A remarkable misuse of the confession is noted by X48, who states that SDB23 threatened to use information thus gained to persuade the boy to perform sexual acts.

\textit{Action taken against perpetrators}

As we have seen, the congregation had strict norms and regulations with regard to abuse, at least on paper. We must consider the extent to which these norms and regulations were actually applied in practice. The archive investigation reveals a significant degree of leniency. If the responsible superiors suspected or were aware of abuse, a transfer (possibly to another country) was one of the most common responses.\textsuperscript{131} Where the perpetrator was not yet a full member of the congregation, he would generally be asked to withdraw his candidacy, preferably in a manner which suggested that it was entirely his own decision. Several of the documents in which successive Provincials recommend withdrawal from the congregation suggest that they regarded the abuse of minors by younger brothers as a form of repressed sexuality, which would be ‘cured’ once the perpetrator had left the Salesians and found a wife.\textsuperscript{132} In those cases involving ordained priests, it seems that the authorities were keen to avoid expulsion, not least due to the scandal which could ensue. Penance, a transfer and perhaps psychotherapy was a more attractive course of action, as can be seen very clearly in the cases of SDB1 (1945 -1953) and SDB2 (1963). We should view such solutions in the context of the era, whereupon they become understandable. Somewhat less understandable is the extreme leniency applied in the much later and extremely serious cases of SDB7 (1979, 1990) and SDB11 (1994-1997). In both cases, canon law provided a basis for much firmer action. It seems that the decision not to pursue this path was prompted by \textit{esprit de corps}. Here, as in some other cases, the leadership was apparently confident that expert treatment could effect a ‘cure’.
It was a long time before the responsible superiors were willing to regard the victim of abuse as such; in many cases, he was seen as an accomplice and willing participant. See for example the case of X49. Moreover, the responsible superior was sometimes also a perpetrator himself (e.g. SDB3, as director of Don Rua), and hence far less inclined to take any action. Contact with the victims’ parents was rare; the only known instance is in the case of SDB11 (1994). If victims themselves complained, they would often be appeased, told not to make a fuss, or worse. They might be instructed not to mention the matter again, their account dismissed as a fabrication, they might be threatened, or in some cases actually expelled from the institution (see ‘Culture of silence’ below). There is only one known case in which the victim was awarded compensation: that of X46 (2003).

Expert treatment for perpetrators
The archive material reveals that the Salesian leadership often sought prompt expert help, often intended to have a preventative effect. In the 1950s, it was generally recommended that candidates with sexual problems should be referred to a psychologist or psychiatrist. The admission criteria which came into effect in 1976 recommended that, in cases of doubt, an examination should be conducted by an “experienced, Catholic and sensible psychiatrist.”\footnote{133} There were indeed some novices in the 1950s who were not permitted to take their vows on the advice of a psychiatrist.\footnote{134} In 1947, the Provincial sent some students from Don Rua “to the psychologist. They are to discontinue their studies.”\footnote{135} In 1961, Bortoluzzi referred an aspirant coadjutor who showed signs of compulsive masturbation for treatment from a doctor in Rijswijk, but only “if the treatment has any chance of success.”\footnote{136} In 1968, SDB3, then director of Huize Don Rua, proposed that all students at the minor seminary should be examined by a psychiatrist after their third year, to determine their suitability and to detect “certain types of complicating factor such as homosexuality”.\footnote{137} In the eyes of the central leadership in Rome, the reliance on expert help in the 1980s was out of all proportion; it could create the impression of attempting to avoid personal responsibility. During his visitation in 1986, Van Looy, then a member of the central council, stated: “A notable point is that brothers who are experiencing difficulty are able to avail themselves of the services of a psychiatrist or can opt to undergo psychotherapy. Why should this be so? Are these things taboo in other countries? Has this ‘help’ actually helped them? (…) In many cases, it is a question of guilt issues which should be brought out into the open.” He recommended the confessional for this purpose.\footnote{138}

The archive documents record only nine cases over the course of many years in which the help of various institutions, organizations and professionals was sought.

A culture of silence
To conclude this section, we must address a very important question. To what extent was there a ‘culture of silence’ within the Salesian congregation with regard to sexual abuse and its perpetrators? This is a complex question which must be approached from various perspectives. One aspect is whether there was any ‘cover up’ within the organization. Another is whether there were deliberate efforts to prevent problems beyond the congregation. We must also consider the response to victims’ complaints, the practice of transferring perpetrators to another position without revealing their past record, the failure to report criminal offences to the judicial authorities, and any attempts to influence decisions made by those authorities. In the context of the Commission’s investigation, another very pertinent question arises: has evidence relating to these points been deliberately removed from the archive?

That a ‘culture of silence’ existed within the congregation is not unusual. Organizations of this type have a strong \textit{esprit de corps}. Moreover, there was good reason for maintaining silence, in that scandals which become public knowledge could seriously jeopardize the reputation and very existence of the Salesians. The events surrounding the dismissal of SDB1 in 1944-1945, even before a separate province was established in the Netherlands, illustrate that the culture of silence was already in place. An ‘extraordinary visitation’ was conducted at this time, whereupon members were
instructed by the Rector Major himself to refrain from discussing the issue at all. This measure proved so successful that the fears expressed by former Provincial Ter Schure prior to the publication of the book *Don Bosco op de Veluwe* (1988) proved entirely unfounded. Despite many rumours, the authors had been unable to make any satisfactory reconstruction of an affair which almost certainly involved the sexual abuse of minors. In 1963, the scandal surrounding the resignation of director SDB2 was managed with a high degree of secrecy: his fellow directors were merely told something about ‘depression’. When council member Muth asked whether it might be appropriate to provide further information, if only to prevent misunderstandings, the Provincial Council’s response was in the negative. While cases of abuse were indeed discussed by the Provincial Council, until the 1970s it was very unusual for its deliberations to be recorded in the minutes. If there was any mention at all, it would be in vague terms such as ‘difficulties with a brother’ or ‘the X problem’. In some cases, not even the Council was informed. In late 1967, for example, rumours began to circulate about SDB13. Muth, now Provincial, responded with some irritation: “The Provincial can be expected to maintain confidentiality. If matters are not discussed, there are reasons.” Almost thirty years later, secrecy and evasive language were still the norm. When SDB11 was required to withdraw from a parish in the diocese, the Provincial informed his colleagues only that “he has lost the confidence of some parishioners. SDB11 will now be given every opportunity to regain his spiritual balance and to put his emotional life in order.” It is also likely that, despite the clear regulations and instructions, local superiors were not always inclined to report incidents to higher authorities. This is illustrated by comments made by Muth (before his own elevation to higher office): “I find the Z. case infantile, immature, morbid, and in certain respects a sign of an underdeveloped personality. These individuals should be protected and helped by good expert treatment. If we can resolve such issues in person, we must not involve the higher superiors. We must do so only in cases of absolute necessity.”

The archive material further reveals that the central leadership in Italy was not always informed of the developments in the Netherlands. The Provincial’s recommendations for certain priests to be removed from the order seem to be couched in deliberately vague terms. However, former Provincial Meijer gave evidence that such matters were usually discussed orally with the Regional Assistant (a member of the central council) during his visits or official inspections. In the case of SDB2, Provincial Ter Schure travelled to Italy to discuss matters in person. In fact, others beyond the immediate circle of the leadership seem to have been complicit in maintaining the culture of silence, as illustrated by the remarks of a pastor in Scheveningen, who expressed regret that the problem with SDB9 in 1963 had become public knowledge.

The archive reveals several instances in which the authorities attempted to limit the damage which complaints by victims could cause to the reputation of the congregation. There are no doubt others. When X30 made a complaint to the director of Ugchelen in 1958, he was urged to say no more about the matter. SDB3, when director of Don Rua, instructed two students who had complained to him about another member of staff to remain silent and discuss the matter with no one. One nevertheless informed his mother who then confronted the director. SDB3 denied that such a complaint had ever been made and advised her to withdraw her son from the school. At around the same time, X50 unsuccessfully attempted to draw irregularities within the seminary to the attention of the authorities. In 1969, X51 made a complaint to director Asma and was told that he could be sent to prison if he was unable to prove the allegations to the police: a daunting prospect for a twelve-year-old boy. Muth, as director of the boarding school in Rotterdam, refused to believe the stories of abuse recounted to him by X52 (although a document written by his successor as Provincial indicates that Muth did indeed ask for information about one of the alleged perpetrators.) In 1966, X53 made a complaint against the infirmarian at Rijswijk and was promptly transferred to another, non-Salesian, school. In 1970, X49 (aged 12) was accused by the director of the orthopedagogic institute in Twello of soliciting sexual contact with an adult. There is little evidence of contact being made with parents, or of help being offered to either the victims or their
families. In the very few cases in which this did happen, the prime motive appears to have been avoiding any further publicity. Former Provincial Meijer recalls that one or more meetings were held with the children abused by SDB7 in Rijswijk (1979) and with their parents, the intention being to limit the impact on both victims and parents to the greatest extent possible, to extend apologies on behalf of the congregation, and ‘perhaps’ to examine whether further publicity could be avoided. In 1994, Provincial Asma sought contact with the parents of SDB11’s victims, who were reportedly preparing to take the matter to the police. This incident, which took place in a parish community in Utrecht, is notable in that it is the first occasion on which the word ‘victim’ appears in the records of the Provincial Council. A few months later, the leadership welcomed the establishment of Hulp & Recht, which was seen as “a great source of support for the Provincial Council. (...) It is good that this memorandum devotes considerable attention to the victims.” In this respect, there had been a clear and ongoing shift in the congregation’s standpoint, as illustrated by a letter written by Provincial Asma in 1988 in which he asks, “is it better to conceal such matters or make them public? Of course, one must carefully weigh the pros and cons in each instance. Sometimes we wish to spare people, but we forget that there are other victims who must carry the events with them for the rest of their lives.”

A tried and tested way of avoiding too much commotion, and one applied by all religious organizations, is to quietly transfer the person concerned to another position, either within or beyond the organization itself. There are several examples of known perpetrators of abuse having been transferred elsewhere within the Salesian congregation. In some cases, the archive documents indicate that the new superior was informed of the circumstances, while in others there is no evidence to this effect. In the case of brother SDB5 who was moved from Rijswijk to Rotterdam in 1966 or 1967, and that of brother SDB8 who was transferred from Don Rua to Rotterdam in 1962, we know that the new superiors were indeed informed. In other cases, it remains unclear whether any warning was given. In 1953, brother SDB10 was sent to the mission in Haiti almost overnight. In 1965, the priest SDB9 was transferred to Lauradorp with similar alacrity. The willingness to give perpetrators a ‘second chance’, and several chances thereafter, is illustrated by the frequent transfers of assistant SDB18 during the 1950s, none of which had the desired effect. Of course, such second chances carried some risk to the reputation of the Salesians when the perpetrator was transferred to a post outside the congregation itself. If the external authorities were to be informed of the reasons, they may decline to accept the person concerned. On the other hand, withholding information would damage the good name of the congregation should there be any further incidents.

There is little in the archives to suggest that the leadership ever informed others of any history of abuse, even where known. Indeed, the records show that such information was deliberately withheld when the person concerned was to take up a pastoral appointment in the Netherlands, as in the cases of SDB22 (1957), SDB7 (1984) and SDB11 (1987), or an overseas posting (SDB22, SDB29 and SDB9). In the case of SDB7, it is clear that information was deliberately withheld. Although the Bishop of Rotterdam (Van Luyn) knew in 1996 that SDB11 was to live in the community in Voorburg, the bishop had expressly barred SDB7 from working within the diocese. After he started work in Amsterdam in 2002, Bishop Punt would only come to hear about his background from his colleague in Rotterdam.

The case of brother SDB21 is particularly interesting. In 2007, he was given the minor role of acolyte within the Diocese of Utrecht, where a system of background screenings for all pastoral functions had been introduced in 2005. Finally, it is interesting to note that a number of perpetrators were appointed as armed services padres during, or shortly after, the period in which they are alleged to have been involved in the sexual abuse of minors. They include SDB28, SDB30 and SDB9. In the case of SDB9, this role had been suggested on a previous occasion following an incident in 1963, but he was nevertheless transferred to Don Rua.
The archive provides no evidence of the Salesians ever having reported a case of abuse to the police or judicial authorities. In the very few instances in which others had done so, the congregation did its best to limit the damage. It is possible that a remarkable note written by Provincial Bortoluzzi to an official at the Ministry of Justice in 1947 relates to just such a case. He requests that further discussions should be held with “a brother authorized to speak on my behalf,” adding, “I trust I may rely on the strictest confidentiality, to include that towards other members of our congregation.”

In his evidence to the Commission of Inquiry, X54 states that in the late 1950s, he was interviewed at the police station in Rijswijk about a lay brother working at the youth centre there. His father was also present. This may relate to SDB12, who Bishop Van Luyn recalls had a ‘problem’ with the police at some point in the 1970s as well. On neither occasion did the police enquiries result in prosecution, and there is absolutely no record of either incident in the archive. In the rather serious case of SDB7, which involved incidents in Rijswijk in the late 1970s, Provincial Van Luyn and his deputy Raaijmakers attempted to intervene. Following consultations with the probation service, they asked the public prosecutor not to proceed with the case in the interests of the Rijswijk oratory, on condition that SDB7 would undergo compulsory and intensive therapy. When SDB7 once again committed serious offences ten years later, this time in Terneuzen, Provincial Asma made urgent representations to the court in Middelburg at least twice, and most probably contacted various other people recommended by therapist Van Beek in the hope of influencing the judicial process. He also spoke with the probation officer responsible for producing the pre-sentencing report in the hope of avoiding a custodial sentence. This official even allowed SDB7 to read his draft report. In the event, the sentence was non-custodial (a community service order) and prosecutors withdrew the planned appeal. In 1994, Provincial Asma and his deputy Flapper met with police on several occasions to discuss the affair of SDB11, which involved incidents in a parish within the diocese. The archive documents do not reveal whether their intervention had any effect but the case did not proceed to trial. Similarly, although SDB11 was interviewed by policy in connection with the events in Voorburg in 1997, he escaped prosecution.

From the foregoing, we may conclude that there was indeed a culture of silence, and a highly effective one, although the archive provides little firm evidence to support this conclusion. But by the same token, the archive contains virtually no records, minutes, discussion notes or correspondence which can be directly linked to the reported incidents. As noted in the general discussion of the archive material, it seems obvious that there has been a rigorous ‘purge’ of information at some stage. During the investigation of 59 reported perpetrators, references to only six cases were found in the archive, and then sometimes only by chance. And yet the very same investigation revealed the existence of eleven unreported perpetrators. This speaks volumes. Precisely when the archive was purged, or by whom, cannot be established with any certainty.

**6.2.5.3. Supplementary investigation in Rome**

During the Commission’s investigation of the Salesians of Don Bosco, it became clear that the documentation in the various archives – that of the Province in the Netherlands, the historical archive at Heritage Centre For Cloister Life in the Netherlands (St. Agatha), and the current Salesian archive in Soest (which contains personal files and other documents) – is far from complete. Accordingly, the Commission of Inquiry sought access (through the Salesian Province in Belgium and the Northern Netherlands) to the congregation’s central archives in Rome, and submitted a list of the documents which the Commission wished to view. The request was honoured, but with extremely restrictive conditions. The congregation itself was to select the documents to be made available, which the investigator would not be permitted to handle or read in person. The relevant passages would be read aloud to him, in translation if necessary. No copies would be furnished.
Despite these restrictions, the Commission of Inquiry decided to proceed with this investigation in the hope that it would help to resolve a number of unanswered questions. From 7 to 9 November 2011, an investigator appointed by the Commission visited the General Curia of the Salesians in Rome, where he was received by the Procurator General, Fr. Francis Maraccani and the Secretary of the Salesian Province of Belgium and the Northern Netherlands, Fr. Eric Haelvoet.

The information sought by the Commission related to:

– Correspondence between the central leadership of the congregation and the Province in the Netherlands until approximately 1980.

– Visitations to the Province in the Netherlands conducted by the representatives of the Superior General and the ensuing reports, and in particular those covering the period 1945-1985.

– The remarks and recommendations of successive Provincials relating to fifteen applications for an indult of exclaustration, the dispensation of vows or laicization, where such information is missing from the personal files in the Netherlands.

– Documents relating to any ‘special visitation’ conducted at the Don Rua minor seminary in 1967, and/or documents relating to (allegations of) abuse in ’s-Heerenberg around this time.

The archive material selected by the congregation comprised:

– General correspondence with the Province in the Netherlands until approximately 1970 (where kept). Thereafter, the congregation adopted a different, non-geographic filing system. The resulting archive has not yet been catalogued. A few individual folders relating to later years could be found and retrieved.

– Documents relating to visitations conducted between 1945 and 2004, together with the general reports submitted by the Province.

– Personal files (cards) and other documents relating to a number of Dutch Salesians;

– Documents relating to resignations and dismissals.

– Dossiers relating to two cases of special interest.

The investigator was apprised of the documents’ contents in the manner described above: passages were read aloud. He was however permitted to ascertain the authenticity of the documents. Fr. Maraccani pointed out that many of the matters to which the Commission’s investigation relates would have been discussed orally rather than in writing.

1. Information about individual perpetrators

The archive in Rome includes information about four perpetrators which confirms that they were indeed guilty of the sexual abuse of minors, or were suspected of doing so within the congregation itself. This information was missing from the provincial archives. The four persons concerned are SDB28, SDB29 (Don Rua Ugchelen, late 1940s), SDB19 (Don Rua ’s-Heerenberg, 1960s) and SDB33 (Huize Savio Rotterdam, mid-1960s).

The involvement of three perpetrators could be confirmed by new information: SDB22 (Leusden, mid-1950s), SDB13 (Rijswijk, 1960s) SDB1 (Don Rua Ugchelen, mid-1940s; see below). The case of SDB13 appears to have caused particular difficulty.

Finally, the documents mention a coadjutor in formation in Leusden who engaged in a sexual relationship (*pasticci amorosi*) with a young man in 1961, and a prefect in Leusden who was dismissed in 1962 further to ‘serious immorality’, the precise nature of which is not recorded.
In some instances, the information held in Rome about a member’s formation and career does not correspond with that found in the personal files and archives in the Netherlands. This may simply be due to administrative error.

2. Visitations and reports
The Annual Reports submitted to Rome (1945-1970) include some veiled references to cases of which the Commission was already aware. The retrospective report of 1945 also mentions a ‘scandal’ at the community in Lauradorp, which in 1943 led to the laicization of three priests following the intervention of the Bishop of Roermond. No information about this incident (or incidents) was found during the examination of the Dutch archives. Although the exact nature of the events is not clear from this document and the relevant correspondence, there are certain indications that, in at least once case (SDB28), they involved the sexual abuse of minors. There is also a comment about another of the dismissed priests, SDB34, to the effect that the president of the major seminary in Haarlem “found it incomprehensible that the Salesians had admitted him to the priesthood.”

The archive in Rome contains extensive correspondence and other documents relating to the ‘special visitation’ order by the central leadership in 1945-1946 and conducted by Fr. Simonetti, novice master in the United Kingdom. These documents reveal that the main motivation for the visitation was a series of incidents of abuse which had taken place at Huize Don Rua over a period of some years. The central figure in this affair was SDB1, who left the school very suddenly in 1945. In 1952, he resigned from the congregation and successfully requested laicization, despite attempts by the leadership to retain him. The documents also identify two victims by name.

Also in the archive are the of the visitations conducted by officials from Turin and Rome in 1948, 1960, 1967, 1974, 1980, 1986, 1992, 1998 and 2004. In only a very few cases is there any (usually oblique) reference to abuse or to measures intended to prevent ‘inappropriate contact’. The later reports (after the 1960s) focus on the internal polarization of the Roman Catholic Church, the resultant position of the Salesians themselves, and the ongoing problems caused by the diminishing membership.

3. Don Rua, ‘s-Heerenberg
Among the victims, there is a pervasive belief that the central leadership in Turin must have been aware of the cases of abuse at the Don Rua minor seminary in the late 1960s. Attention has been drawn to the ‘special visitation’ conducted in 1967 by a special committee led by Provincial Muth. In addition, it is claimed that the director was summoned to Turin to account for himself, and that he convened a staff meeting in early 1967 at which he announced that forty priests and brothers were now under suspicion of abuse.

The annual reports produced by the successive Dutch Provincials Bortoluzzi, Ter Schure, Muth and Raaijmakers (1960-1970) contain nothing to corroborate these claims. The comprehensive report of the 1967 visitation, conducted by Don A. Fedrigotti, devotes not a single word to specific problems of this nature at Don Rua. In fact, Fedrigotti’s general conclusion is that, “in the Salesian life in the Netherlands, there is no question of abusi o seri pericoli” (abuses or serious perils). The correspondence made available to the investigation does not mention the director having been summoned to Turin in or about 1967. Neither does it include any indication that the central leadership had heard of any ongoing abuse at Don Rua through other channels, or that forty members of the congregation were under suspicion of inappropriate conduct. The director of Don Rua’s personal file in Rome contains only the usual, standard information.

4. Cases of special interest: SDB7 and SDB11
The Procurator General agreed to discuss the cases of SDB7 (1979, 1990) and SDB11 (1994-2011) separately, and went through the relevant dossiers with the investigator. It would seem that in neither case did the Provincial (or later, the Delegate) notify the central leadership of any problems in good time or in sufficient detail. Until very recently, Rome knew little or nothing about the SDB7 affair. The scant and incomplete dossier includes the request (made in 1984) for SDB7 to be allowed to continue living and working outside the Salesian community (he was appointed pastor in Terneuzen that year). The request cites ‘health reasons’. SDB7 had suffered from psychological and physical complaints for a number of years, and living alongside the other brothers was said to be “extremely difficult for him due to past events.” Based on the contents of this dossier, however, we may conclude that the central leadership was not informed of the incidents in Rijswijk and Terneuzen, or of SDB7’s conviction in 1990.

The report of the 2004 visitation does contain a reference to certain problems involving SDB11, noting that “he has a tendency towards exhibitionism, is undergoing therapy and has good contacts with Delegate Spronck.” According to the dossier, Rome became aware of the full gravity of case only in May 2011, when RTL Nieuws revealed SDB11’s membership of the paedophile group ‘Martijn’. At this point, the Vatican (and specifically the Congregation for the Doctrine of the Faith, which oversees compliance with Catholic doctrine) asked the Salesian society to furnish further information about SDB11 and the interview which Spronck had given to RTL Nieuws. Because a member of the central council was already in Belgium to conduct a visitation, it was decided to appoint a commission of inquiry immediately, which was able to return its report shortly thereafter. The Province emphatically distanced itself from the remarks made by SDB11, who was then made subject to a suspensio a divinis (prohibiting him from performing certain priestly functions), while Delegate Spronck was also relieved of his duties for an indefinite period. In accordance with church procedures, the case was then placed before the Congregation for the Doctrine of Faith. At the time of writing, it is still under consideration. The most likely outcome is that SDB11 will be permanently expelled from the congregation and the priesthood.

6.3 The Brothers of Maastricht (FIC)

6.3.1 History
The Congregation of the Brothers of the Immaculate Conception was founded in Maastricht in 1840 by Mgr Louis Hubert Rutten (1809-1891). Its members use the post-nominal FIC from the Latin Congregatio Fratres Immaculatae Conceptionis. The congregation is more commonly known as the Brothers of Maastricht.

Rutten was ordained in 1837 and began to give religious education to poor children in the parish of St. Servaas, where he also distributed food and clothing. He established two nursery schools in this parish. Rutten went on to found a congregation of brothers which at first focused on basic education and care for the poor, particularly orphans. In the late nineteenth century, a period in which there was a proliferation of competing denominational schools in the Netherlands, the congregation’s educational activities took on ever more importance. No longer did it focus solely on the poor; it now wished to reach as many Catholic children as possible to ensure that they enjoyed a good Catholic upbringing. This entailed opening boarding schools for the children of more prosperous families. Until just after the Second World War, the congregation also ran a number of orphanages and children’s homes.

In the early 1960s, the congregation began to extend its overseas activities, notably in Pakistan, Chile and various African countries. At the same time, it started to withdraw from involvement in the various educational institutes in the Netherlands, which were either closed or their management passed to other parties. At the congregation’s General Chapter meeting of 1940, members expressed misgivings as to whether the educational activities still had sufficient basis in the congregation’s original charitable aims. This meeting also discussed the possibility of a greater involvement in youth welfare work, a suggestion which met with reticence or outright disapproval on
the part of several members. They included Fr. Avellinus Janssens, who would later become the congregation’s Superior General (1958-1970).\textsuperscript{158}

The congregation was at its strongest in the 1950s. In 1952, it had two regular boarding schools offering general academic education, one in Amersfoort (346 students) and the other in Weert (230 students). There was also a boarding school in Nijmegen for the sons of bargemen, an institute for the deaf in St. Michielsgestel, a small boarding department in Wehl, and juvenates in Maastricht and Zevenaar. These institutions had a total of approximately 1,200 students. The congregation also ran thirteen day schools in Maastricht, with a total of 2815 students and a staff which included 81 brothers. Elsewhere in the region (the provinces of Limburg and Noord-Brabant) there were day schools in Brunssum (171 students), Heerlen (681), Helmond (1497), Nijmegen (1583), Veghel (846), Venlo (1679), Waalwijk (771) and Weert (718). The total attendance of these schools was therefore 8956, and the staff included 183 brothers. Further afield, the congregation also ran day schools in the provinces of Noord-Holland and Zuid-Holland: Amsterdam (3207 students), Bussum (573), The Hague (3440), Haarlem (579) and Rotterdam (1955): a total of 9754 students and 214 brothers. The grand totals for all day schools were therefore 21,625 students and 478 brothers.\textsuperscript{159}

The congregation was established by pontifical right, which means that it was largely independent with no direct supervision by the local bishop. Nevertheless, there were infrequent ‘canonical visitations’, the reports of which were submitted to the bishops. One such visitation took place between 18 October 1951 and 31 May 1952, conducted by Fr. L. Rood S.J. He submitted his report to the congregation itself on 8 September 1952.\textsuperscript{160} The focus of Rood’s inspection was the observance of the existing regulations, and how compliance could be further improved. The congregation’s regulations were established by its constitutions and further elaborated by means of a rulebook known as the \textit{Directorium}.

The original constitutions were approved by the pope in 1870. In 1945 (the starting point of our investigation) the constitutions in force were those dating from 1919, at which time a number of amendments had been made following the introduction of the new Code of Canon Law two years earlier. This version received final approval from the pope in 1936 and remained in force until 1967.\textsuperscript{161} The new constitutions of 1967\textsuperscript{162} are markedly different in tone, with the regulations cast in a more positive light. With regard to chastity and celibacy, the only firm requirement is that a brother must remain unmarried. Apart from that, there are a few juridical provisions and definitions.

The rules established by the constitutions are further elaborated in the \textit{Directorium}. In 1945, the current version of this document was that produced in 1939. Further amendments were made in 1947 and 1955.\textsuperscript{163}

6.3.2. Structure and governance

The congregation has a rigid hierarchy. At the head is the Superior General who is elected by representatives of all the various houses at the General Chapter, which is convoked every six years. He and four elected ‘vicars’ form the general council. The vicars deputize for the Superior General during his absence, when he is conducting a visitation abroad for example. On accepting the post, the Superior General must swear to faithfully uphold the constitutions of the congregation. In 1967, a system of Provincial Councils was introduced, with a separate council and Provincial Superior in each of the countries in which the congregation was active. Since then, the Provincials have assumed a number of rights and responsibilities which were formerly held by the Superior General.

Superiors General of the Congregation of the Brothers of Maastricht since 1946

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1946-1952 & B. Meijs \\
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In the 1950s and 1960s, the congregation had some thirty houses in the Netherlands. Each was run by a superior, assisted by two ‘council brothers’, all of whom were appointed by the general council. Under Article 347 of the constitutions, they could hold office for a maximum of two consecutive terms. The houses ran the various schools, whereby the house superior was responsible for day-to-day management (Directorium 1947, p. 53). The houses were of varying size. In 1952, for example, each of the two houses in Amsterdam had 37 brothers, a total of 74. Of these, 62 taught at the eight primary schools and three secondary schools in the area, which had a total of 3,207 students. The school staff also included 23 lay teachers. In the two Amsterdam houses were therefore 12 brothers who were not directly involved in teaching. The house in Waalwijk had 23 brothers, 19 of whom taught at the one primary school and one secondary school served by the house (with a total of 771 students). In Wehl, there were 13 brothers who ran the boarding department and a local parish school. The house in Amersfoort, which ran the Saint Louis boarding school (for children aged 7 and above) had a total of 38 brothers (in 1958), of whom 11 were actually engaged in teaching the 346 students. The largest house was De Beyart in Maastricht, with 153 brothers in residence.

Most members of the congregation had entered its closed world at a very young age. Students were admitted to the juvenate at the age of twelve, whereupon they would progress to the internal formation, with vocational education and the successive stages of postulate, novitiate and magistrate. Until the mid-1960s, all institutions had a very strict daily regime to prepare students for their later monastic life. Students would take their preliminary vows at the age of about twenty, and the perpetual vows five years later.

Those vows were of absolute obedience, chastity and poverty. In practice, they meant that members of the congregation had very little autonomy and could make few personal choices. Their entire career was mapped out for them. They could be reassigned to new duties at a moment’s notice, without being notified of the reasons. They were not permitted to have money or material possessions. The congregation’s leadership decided the books and magazines they could read, and the radio and television programmes they could listen to or watch. They were cut off from all secular influences and anything which might excite their ‘worldly’ passions. In 1933, the congregation even prohibited members from subscribing to the church magazine Katholieke Illustratie because, as the name suggests, it included illustrations. The content may be deemed suitable for married persons, but not for the members of a religious order! This ban was still in force in 1952. Similarly, a 1948 circular proscribed the vast majority of films, even those made by Catholic directors, as unsuitable for viewing, and brothers were limited to watching only one (approved) film each year. In 1954, television was still banned altogether. This restriction was gradually relaxed, but even ten years later brothers were urged not to watch television every day. This was because doing so would detract from the conviviality of recreation periods, and there were no doubt many brothers who would have been unable to fulfil their vocation without the opportunity to spend recreation time in the company of others. Recreation itself was very limited since brothers were expected to devote much of their time to (further) studies. Contact with families was also restricted: excessive contact was seen as grounds for a transfer elsewhere. If it was necessary to employ lay teachers at a school, contact with these ‘outsiders’ must also be kept to an absolute minimum.

Sex education was largely confined to the confessional, given in response to the transgressions and temptations being confessed. In his 1952 visitation report, Fr. Rood called for broader and deeper information about chastity and celibacy to be given to students during the novitiate, in preparation for both the religious life and their future role as teachers. He recommended that a priest should be
designated to give a series of short talks (perhaps ten or twelve) on human sexuality, the risks and
temptations which the brother might face, the vow of chastity, and the purity which the necessary
sacrifices would confer, presented of course as a positive ideal. The atmosphere of these lessons
would be one in which such information could be assimilated in a calmer, more natural way,
whereupon instruction would hopefully do much to prepare brothers for their vocation, provide
protection against temptation, and inspire them to pursue the virtuous ideal. A number of brothers were prosecuted for sexual offences during the period 1952 and 1968. The trial transcripts provide telling evidence of a high degree of immaturity and ignorance in sexual matters.

In the first instance, the house superior and council brothers were responsible for ensuring that all brothers observed the regulations and lived in a manner befitting their religious calling. The superior and council brothers were required to hold a formal meeting at least once a month (Article 348 of the 1936 constitutions). Their discussions were strictly confidential (Article 349). Should there be any suspicion of sexual abuse in the community, the council brothers were required to inform the superior accordingly. If the latter did not take the required action, they were expected to notify the Superior General directly (Article 350).

The superiors had various sanctions at their disposal. They could, for example, impose a penance. It seems that some discretion was applied in this regard. In May 1947, Fr. Ernest, the superior in Weert, had cause to complain about the conduct of brother FIC1, who had been at the seminary for some years but had still not completed his studies. According to Ernest, he had shown “too much interest in young men”. Although he had his own workroom and specific duties, he spent too much time consorting with the boys. On one occasion the superior, who had been watching him closely, found him embracing a struggling boy. The superior’s request to have him removed from Weert was declined. FIC1 committed further indiscretions. Ernest informed the Superior General that he intended to impose a penalty whereby FIC1 would not be permitted to smoke for one week, other than during recreation periods so that his reputation would not be damaged among the other community members. Shortly thereafter, FIC1 was removed from Weert and sent to De Beyart. In 1954, the annual round of appointments and assignments saw him posted to Saint Louis in Amersfoort.

Brothers who had repeatedly committed ‘serious offences’ could be expelled from the congregation. In the constitutions, the relevant provisions appeared immediately after the rules governing the ‘monastic virtues’ (Article 8 :’On the dismissal of brothers who have taken perpetual vows’). There were strict procedures, in keeping with Canon Law (Articles 105-112). First, the brother must be given a formal warning by the Superior General, or the local superior acting on his behalf, following a thorough investigation and the opportunity to present a defence. “To such warnings, the superior must add wholesome admonitions, and must impose penances or other penalties which he believes are appropriate in improving the guilty party and relieving the vexation. The superior must also remove the opportunity for the guilty party to repeat his actions, even, if necessary, by his removal to another house where vigilance will be easier and the opportunity for wrongdoing is yet further removed. Every warning should be accompanied by the threat of expulsion” (Article 110).

There were also provisions which permitted the immediate expulsion of a brother without following the procedures of Articles 105-112. This course of action could be taken in cases of “serious vexation extending beyond the community or the risk of serious damage to the congregation,” (Article 113). We know that this option was considered by the general council, in the absence of the Superior General, on at least one occasion. This was in 1949, when a young brother-teacher was interviewed by police child protection officers. He was offered the opportunity to voluntarily resign from the congregation (Article 114), an offer he saw fit to accept.
Such ‘resignations’ further to allegations of sexual abuse, some more voluntary than others, were relatively frequent in the late 1940s and early 1950s. In most cases, those involved had yet to take their final vows. Some had been advised to curtail their formation by their confessor, who apparently saw little hope of improvement. The expulsion of those who had taken their perpetual vows was something the congregation wished to avoid, certainly until the mid-1960s. Brothers who admitted to experiencing difficulty in observing the monastic rules, particularly with regard to sexuality and celibacy, were enjoined not to give way to the temptation of resigning, but to remain steadfast. Indeed, the section of the *Directorium* which corresponds with the constitutional provisions for expulsion was headed ‘On tenacity’. It does not expand or elaborate the procedural rules of the constitutions, but rather explains how brothers can achieve the desired ‘tenacity’.

Superior General Bonaventura Meijs was particularly keen to avoid expulsions and resignations. In fact, most resignations during the late 1960s and 1970s were entirely voluntary and had little or nothing to do with sexual abuse of minors. In many cases, there was a woman involved. This is true of several people against whom allegations of abuse were made to the Commission of Inquiry.

As far as we can ascertain, there were no cases of sexual abuse in the years following 1945 which led to the expulsion of the perpetrator. Moreover, it seems that the frequent reassignments of brothers who had breached the rules governing contact with children were not preceded by the formal canonical warning as required by the constitutions, and neither could many such transfers, usually from one school to another, be regarded as “removal to another house where vigilance will be easier and the opportunity for wrongdoing is yet further removed,” pursuant to Article 110.

It therefore becomes appropriate to ask whether the sexual abuse of minors was actually seen as a ‘serious and outward offence’ which would prompt a formal warning and eventual expulsion from the congregation (Article 106). Unlike other orders and congregations, such as the Brothers of Tilburg (see below), there was no firm requirement for brothers to leave the congregation if convicted of a criminal offence and given a custodial sentence.

In cases of sexual abuse, whether serious or otherwise, it appears that the congregation generally applied Article 77, which appears in the section of the constitutions devoted to purity and chastity. “Brothers who cause vexation through deeds contrary to the ideal of purity and chastity must be reported to the Superior General, who will take the necessary action to protect the congregation against scandal and public discredit.” In other words, the main objective was not to prevent abuse or punish its perpetrators, but to protect the reputation of the congregation. The response to the cases described in this report clearly reveals that this was the overriding interest, and that little or no concern was shown for the victims.

Alongside the reputation of the congregation as a whole, the spiritual welfare of the perpetrator was also a consideration. The purpose of the congregation is to ensure the eternal salvation of its members through the observance of a spiritual, monastic life. This entails the observance of the three vows: poverty, chastity and obedience. With regard to sexual abuse, Article 80 of the section on Chastity is of particular relevance. It requires brothers to “exercise extreme caution in their contact and interaction with children, avoiding all intimacy.” Once again, the primary purpose of this rule is not to protect the children, but to maintain the spiritual welfare of the brothers. This is illustrated by a textbook written in 1917, explaining the regulations to novices. It approaches the regulations in the form of a catechism, with questions and answers:

*From what direction come the risks to brothers in terms of their vow of Chastity?*

The constitutions warn us:
a. of our interaction with each other

b. of the outside world [read: women]

c. of our contact with the children.

The risks are therefore to the brother himself, not to the children. A similar textbook written in 1951 reiterates that “brothers must protect their virtue”.

In his report of the canonical visitation of 1951/1952, Fr. Rood contends that “the mentality is now so skewed that it is no longer a question of whether a great evil is being done, the honour of God affronted and a soul at risk of being lost, but rather one of maintaining the dignity and good name of the congregation.”

The *Directorium* expands on the regulations of Article 80. The versions of 1929 and later do so in some detail.

- Never be alone with a child in the classroom.
- Never be with a child behind a desk or lectern, even if other children are present.
- Never sit alongside a child on the form.
- Never hold a child by the hand, stroke or caress him or her in any way.
- Do not join in children’s games; do not play with the children; do not be familiar with children.
- No children are to be present more than one hour before school begins or one hour after the school day ends. Brothers are also to leave the premises. Children are not to be detained unnecessarily. Only the superior may give permission to depart from these rules.
- Brothers may not receive visitors at the school on their free afternoon. Brothers may not give extra tuition except in the meeting rooms of the house.
- Brothers may not investigate allegations of immoral behaviour by children themselves. The superior must be informed and will conduct any necessary investigation.
- Brothers must exercise close supervision without pettiness, suspicion or fearfulness, but also without recklessness or indifference.
- A brother whose duties bring him into contact with children must refrain from forming any form of emotional attachment. There should be no contact with the children in other groups or classes. Children should sit in a demure position at all times, with their hands clearly visible. Horseplay and boisterous activity must be strongly discouraged.

The 1929 version of the *Directorium* includes a regulation which states that brothers must never place their hands in a child’s pockets. This rule was omitted in the 1939 version, although all other rules were retained in this and the subsequent revisions of 1947 and 1955, the latter remaining in force until 1967. In 1964, Janssens, then approaching the end of his first term in office, once again called for these rules to be strictly observed. He did so because he had been required to deal with a large number of infractions which had led to ‘excesses’. All these rules were intended to ensure that the brothers spent as little time as possible alone with an individual child. If this was indeed necessary, for the purposes of extra tuition for example, contact must take place in a room which could be readily supervised, such as the meeting rooms which had clear glass windows in their doors.
Alongside the regulations in the section on ‘monastic purity’, both the constitutions and the Directorium include rules and instructions governing interaction with children, arranged under various headings. Spiritual welfare did not rely solely on leading a virtuous monastic life, but also on performing useful work to further the Catholic faith, described in the constitutions as ‘charitable deeds’ or ‘the apostolate’. Such useful work was largely concerned with education and the school setting, with an emphasis on ensuring a good Catholic upbringing. According to the Directorium of 1947, education is a means to this end rather than an end in itself. “The educator is expected to fill the gaps in the child’s parental upbringing (...) to help form the child’s heart and mind, and to plant the seeds of virtue which may therein germinate (...) to bolster the youthful spirit and provide protection against the wretched temptation of vice (...) to act as the most significant component of the child’s upbringing, thereby fulfilling the most significant duty of the brothers.”

In the constitutions of 1936, the section devoted to charitable deeds (of which education formed the main component) includes a number of rules governing interaction with the children charged to the brothers’ care, but does not expressly mention sexual abuse:

‘150: Brothers will refrain from applying inappropriate forms of punishment; it is expressly forbidden to strike a child.

151: A pupil who poses a threat to the virtue of others, and who after warnings and punishment does not wish to improve, must be expelled.

152: Education is only to be given to boys.

The Directorium elaborates as follows:

- A brother should regard it as a special privilege to be appointed to schools for the poor, backward [sic], deaf and otherwise infirm, although it must of course be remembered that all involvement in the upbringing of children, including those from a more prosperous background and those of normal ability, is a wonderful form of charity which in no part must be neglected.”

- Brothers are to maintain good discipline, not through violence or fear, but through a loving constancy and through tactful implacability where necessary. It must be remembered that the pupils are but children.

- The superior is in charge of the school and bears overall responsibility. He may delegate some authority to the director or head of the school, but will at all times remain the responsible person. He will maintain the greatest possible level of contact with the school, to include personal visits.

Brothers may, if requested, assist with youth welfare work. The level of their involvement and precisely what this entails is to be decided by the Superior General, in consultation with the local superior, on a case-by-case basis.

6.3.3. The response to allegations and known cases of abuse

How were these rules applied in practice in dealing with cases of allegations of sexual abuse? This is a difficult question to answer, since utmost discretion was applied when discussing or writing about the topic. Behaviour which may have involved sexual abuse is generally described in terms such as ‘imprudence’, ‘indiscretion’, ‘excessive intimacy’, ‘acts against the sextum’ or ‘erotic pedagogy’. Even the word zedelijk (‘moral’) is often abbreviated to just ‘zed.’ in the archive documents, while there is no account of any sexual acts other than ‘taking onto his lap’ or ‘kissing’. Any acts which could lead to criminal prosecution, such as touching the genitals, mutual masturbation and oral or anal
penetration, are excluded from the records. Instead, we find vague expressions such as ‘he is said to have done it with seven boys.’ Any references to genitals are so oblique as to be virtually meaningless.

It is clear that any reference to a possible prosecution was deliberately omitted from the documents, both at the time and later. In most cases, we find merely ‘the case (of brother X),’ ‘my case,’ or, where the person concerned has served a prison term, ‘my seclusion.’ That some perpetrators did indeed serve a custodial sentence is evident from other sources. Nevertheless, the archive does allow us to form a general impression of the congregation’s response to incidents of sexual abuse, and to draw some conclusions.

It seems appropriate to examine the cases of abuse according to which Superior General was in office at the time: Meijs (1946-1952), Peters (1952-1958) or Janssens (1958-1970). Each period is marked by a different approach, although there is a certain continuity in some respects.

6.3.3.1. Meijs, 1946 -1952

The Meijs period (1946-1952) was one of post-war reconstruction, in which the congregation had to regroup and find its feet once again. Regulations were very strictly applied and solutions to any problems were sought in the ‘life of prayer’. There was as little contact with ‘the world’ and ‘worldly persons’ as possible.

In 1950 or thereabouts, after a number of cases of sexual abuse had come to light in Heerlen, Meijs wrote to the local superior: “It is indeed sometimes possible to become dispirited. Prayer is then our only relief. The removal of the causes of the ailment will not be simple. Under the circumstances, the formation of future brothers is satisfactory, but they lack a sound philosophical and theological foundation. In addition, the brothers’ work brings them into frequent contact with minors who are incapable of self-government, whereupon there is little incentive to progress to a higher level. There is a constant temptation, made all the more dangerous by the fact that these are indeed minors. (… ) A more spiritual life is required. These factors combine to create an extremely high risk of moral decay, all the more so because the disruptive, denaturing influences are not being adequately resisted. The extensive recreation periods require us to address fatuous behaviour, to say nothing of more serious eventualities. The radio is allowed to bring a worldly atmosphere into the house every day. Films do likewise, albeit less frequently. It is ridiculous but inevitable that, on the one hand, we try to strengthen Christ’s spirit within us through spiritual exercises, while on the other the destructive forces are allowed free rein. The little action which has been taken thus far to eliminate these forces has already drawn much criticism.

Nevertheless, salvation can only be achieved through the defence of the spiritual, with the essential complement of limiting the harmful influences to the greatest extent possible. The local superiors have an important task in this regard. Experience teaches us that if they foster the religious spirit in a forceful and resolute way, their communities will benefit enormously and, following the initial murmurs of discontent, their efforts will be appreciated by the brothers. If, however, they opt for the path of least resistance and allow human sensuality and desires to dominate, serious transgressions are bound to ensue.”

Shortly thereafter, in a review of his term in office, Meijs once again summarized the reasons for it having been so difficult to achieve the objective of the congregation: the spiritual enlightenment of its members.

- Too many elements of leisure and relaxation within the novitiate: too little attention for the spiritual life.
- The high standard of living enjoyed by the congregation; most members are from simple backgrounds, whereupon admission represents no material sacrifice.
- No time for spiritual exercise due to the frantic pace of life.
- Too little attention for silent contemplation. The brothers want too much recreation, and hence too much diversion in the form of sport, radio, films, performances, visits to family and acquaintances.

- The legal bond created by the simple vows is not strong. A brother who is already beginning to lapse can continue on this path with ease, the prospect of resignation hampering any recovery.”

The Superior General’s circulars and other statements during this period are similar in tone. Sexual problems are not expressly mentioned. Nevertheless, the various reports dating from the period 1946 to 1952 (the review of the Superior General’s term in office, the annual reports of the general council and the annual reports of the individual houses) reveal that sexual abuse in the schools was indeed seen as a problem, but not a particularly alarming one. In the review of his term in office (1952), Meijs writes: “Constitution 80, which governs interaction with students, gave cause for intervention on a few occasions, although it is generally observed in a satisfactory manner.”

The report of Fr. Rood’s canonical visitation in 1951/1952 makes absolutely no mention of sexual abuse or associated problems.

A number of perpetrators of sexual abuse during Meijs’ tenure can be identified from the list of all resignations and expulsions between 1945 and 1966. Here we find nine cases in the period 1945 to 1952 for which removal from the congregation was considered necessary, or in which the persons concerned left of their own volition. These cases involve the schools in Amsterdam, Haarlem, Nijmegen, Heerlen, Maastricht and Schiedam, as well as the institute for the deaf in Sint-Michielsgestel. None of the perpetrators is named in the reports submitted to the Commission of Inquiry. In some cases, the person concerned had yet to take his perpetual vows, while in others his resignation was on the urgent advice of the confessor. Not all expulsions were immediate: some had been preceded by one or more transfers elsewhere, while others seem to have been prompted by a single incident. In two cases, the perpetrator was under threat of prosecution.

The response to the Nijmegen incident was particularly rapid. On Wednesday 28 September 1949, the local superior telephoned Maastricht to report that the police officers from the child protection squad had visited the school with a complaint about brother FIC2. He was taken for questioning and admitted the allegations. He was then released pending the public prosecutor’s decision on further action. The Superior General was absent at the time but the provincial council immediately summoned FIC2 to Maastricht. He was given a simple choice: resign or be expelled. He chose the former option and, until he could travel to his parents’ home on Saturday 1 October, was placed in segregation in the infirmary. His application for an indult of exclaustration (permission to leave the congregation) was forwarded to the bishop the very same day, and thence to Rome. The reason given for this drastic measure was that this young man, who had taken his final vows only a year ago, was experiencing ‘exceptional difficulty’ in observing the vow of chastity. He had been assigned to working in the school just a month previously. He had proven unable to resist temptation and had been guilty of forbidden physical contact with a pupil.

In another case, that of FIC3, the prospect of prosecution seems to have encouraged the decision to withdraw from the congregation. Police in Heerlen had launched an investigation in which FIC3 was likely to emerge as a ‘person of interest’. The Superior General and FIC3’s confessor strongly advised him to resign. Having done so, he left for Belgium. Another brother implicated in the same case, FIC4, had already been transferred to The Hague in August 1950, where he was now working as an assistant teacher. A letter from the superior in Heerlen to the Superior General states: “During the recent youth week, yet more irregularities have come to light. I refer to activities similar to those of FIC3. In this case, however, it seems thus far that only one boy was involved. This boy – a certain X79
who is now at the college with the priests – claims that FIC4 did it with him some 25 times. Taking everything into consideration, this is a wretched history, and one which appears to be without end. No one is able to rely on his own strength. If only help were sought where it is available. During one of the recent council meetings, I informed the brothers that they must think of their own spiritual welfare first and foremost. This is their great duty and is also the essence of our apostolate. At the same time, I listed a number of practical points which I believe require further attention. FIC4 remained in the congregation.

The early 1940s saw a number of brothers placed under pressure to resign following sexual involvement with students. The annual reports and the personal file cards reveal a number of removals from the congregation, but according to the archive documents, none between 1940 and 1946 involved the full laicization procedure prescribed by Canon Law and the constitutions. The same is true of the period between 1946 and 1952.

In fact, the congregation’s policy at this time was to retain brothers to the greatest extent possible, even those who admitted to experiencing difficulty in observing the vow of chastity and who were therefore contemplating withdrawal, and even in cases of actual ‘indiscretions’. In the report of his canonical visitation in 1951/1952, Fr. Rood notes that Meijs opposed and delayed resignations for as long as possible, because they represented a ‘wound’ to the congregation and because he was uncertain whether the move into the outside world would contribute to the eternal salvation of the person concerned. Rood considered misgivings in this regard to be unfounded. The move might indeed lead to a conversion. “We do not know the ways of God,” he notes. Rood urged the Superior General to consider another interest, that of removing the ‘cause of vexation’ as stated in the constitutions. On the other hand, a brother who wished to leave voluntarily should be dissuaded from doing so, unless his poor conduct was likely to lead to ‘vexation’ (in the theological sense), namely to sin and the undermining of religious discipline. In such cases, the ‘wound’ already existed within, and if allowed to fester would cause harm far greater than that due to the brother’s departure. Precisely how Meijs proceeded in cases which required a brother’s expulsion further to sexual problems can be seen from the following examples.

Brother FIC5 is the subject of a report received by the Commission of Inquiry from a victim who was under his tutelage in the fourth grade at the St Leo school in Amsterdam in 1950. According to this witness, the brother was “a pervert who was always trying it on with the boys.” He spoke to his parents at the time, but they did not believe him. In June 1951, FIC5 admitted to the Superior General that he had ‘difficulty’ with his sexuality. From the correspondence, it appears that he had certain objections to the communal monastic life. A longing for marriage and a family life also played a role.

Meijs replied that he must not give in to the devil’s temptation to abandon his vocation. “God’s plan is for you to be in the congregation. Do not allow your inner self to be weakened by thoughts of happiness in the outside world. One of the defining characteristics of modern man is his loneliness. A religious does not know that loneliness. Undoubtedly, celibacy can sometimes create a feeling of loneliness. But if the religious is sincere about his vocation, that loneliness will not be serious of long duration, particularly if he remains industrious.” He continues: “The desires of which you speak are not of today or tomorrow. Our Dear Lord has seen no reason not to call you into the religious state.” When FIC5 was eventually offered the opportunity to resign, he chose not to take it. He was transferred to the primary school at St Leo in the hope that working with younger children would provide a more suitable environment. That hope was not borne out. He continued to suffer from ‘sexual difficulties’. In June 1953, his superior wrote in his half-yearly report, “It seems that FIC5 can no longer be controlled at this school; the boys have no empathy with him, and no respect for his person.”
In August 1953, FIC5 was transferred to Maastricht as part of the routine round of reassignments. A few months later, in early 1954, he was sent to Waalwijk. There was no longer any place for him in education, and if he still wished to leave the congregation, no one would now stand in his way. FIC5 himself suggested that it was perhaps not his sexuality which was the cause of his problems but rather the loneliness which he had felt in the various houses, about which he had heard several other brothers complain. “You may think it an exaggeration, but I can assure you that I always return to the house with reluctance. If there is nothing to relieve the loneliness, it can be very difficult indeed. Certainly, I should have sought help where it was to be found, that is true. All in all, I believe that loneliness explains a significant proportion of the psychological strain which results in a predisposition to excesses. I believe that living in a smaller circle will do much to remove the current restraints, and because teaching children is merely a way of earning a living, and not something to which one attaches great value, I believe in all sincerity that I have the strength, with God’s help, to rise above these specific dangers.”

Meijs adopted a very similar approach in other cases which involved long-term sexual abuse. “Do not give way to the temptation to resign. This is a familiar trick of the devil, of which everyone with any expertise in such matters is aware. You will not be happy in the outside world.”

6.3.3.2. Peters (1952-1958)
Policy shifted under Superior General Peters. In September 1953, Fr. Rood stated in the report of his canonical visitation that the resignation of brothers who had taken the perpetual vows must not be treated lightly. They would be breaking a promise made to God. On the other hand, superiors must remember that they cannot impose a burden on others which they themselves would be unwilling to bear, since no one can be expected to achieve the impossible.

Voluntary resignation continued to be seen as a form of betrayal and a sign of personal failure. The Annual Report of 1952 lists the names of those who had left the congregation that year, with the remark, “They believed that they would find the peace of hearts in the world after they, through their own fault, had lost it in the religious life.” However, it appears that Rood’s further advice was also taken. People such as FIC5 were no longer retained until their departure became absolutely inevitable, and far less coercion to stay was applied. At the same time, we see a decrease in the number of forced resignations due to sexual abuse, or at least this is the impression created by the list produced some time after 1965. In this context, a statement in the 1954 Annual Report is telling. It enjoins members to “follow Christ, who made Augustine a bishop despite his having committed far graver sins against the sextum than a brother who is ‘imprudent’ with children.”

In 1953, Peters conceded that the sexual problem was serious. In his annual report on the preceding year, he writes: “There are also major and distressing concerns with regard to the Holy Virtue. I do not wish to recount the facts, but cases have followed each other in succession, with and without the intervention of worldly influence. In almost every interim transfer, something of this nature is at play. Sexual desire has reached a high point, I might almost say. How has this happened? Due to insufficient education on the one hand, or through prudishness and prurience on the other? The remedy remains the same. (…) Everything requires a strengthening of the metaphysical spirit and attitude. A discussion of such matters will be doomed to failure if the discussion partner relies solely on the natural standpoint. Through sound arguments he will be forced to concede, yes, what you say is true: the supernatural vision is the right one. But in his heart of hearts he will cling to the natural standpoint, and you will constantly be talking at cross purposes.”

In his introduction to the report of the 1952 visitations, Peters states: “many continue to experience difficulty with the sextum. Are these prohibitions still adequately understood? In any event, the
remedy is not exaggerated concern for the prohibitions themselves, but a more intense practice of the other virtues, although remaining totally silent about the dangers of not observing the school instructions would also be wrong, and an occasional strong reminder of those instructions will be useful to many.”

It was around this time that Peters had to deal with three cases in which members of the congregation faced criminal prosecution for sexual abuse.

- In early June 1952, brother FIC6, head of the special elementary school in Spekholzerheide, was arrested for molesting a former pupil, a girl aged sixteen, under the pretext of conducting a psychological test. He was accused of having touched both her breasts and her vagina. The pupil’s mother reported the matter to the police. On 22 September 1952, FIC6 was sentenced to six months’ imprisonment, less time served on remand.

- Brother FIC7, who taught at the St Petrus School in Waalwijk, was arrested in early 1952. A twelve-year-old pupil had made a statement to the police alleging ongoing abuse at various times in the preceding two years. According to the complainant, the brother had ‘done dirty things’ at least fifty times during that period, and between September and November 1952 had touched and manipulated the boy’s penis on at least six occasions. Further enquiries revealed that FIC7 had engaged in sexual contact with several other boys, “usually involving touching the posterior, sometimes in the context of administering physical chastisement.” On 3 February 1953, FIC7 was sentenced to eight months’ imprisonment, of which four were suspended.

- On 5 October 1953, brother FIC8, a teacher at St Carolus School in The Hague, was met at the end of the school day by police officers who invited him to assist them with their enquiries. A pupil’s mother had made an official complaint. It was later established that he had sexually abused several boys aged between 11 and 13 during the preceding year. On 19 January 1954, he was sentenced to ten months’ imprisonment, of which five were suspended.

Such serious offences now met with a somewhat different response from the congregation’s leadership. In none of these three cases was the perpetrator required to resign. It would have been possible for FIC6’s teaching credentials to be suspended for several years by the responsible authority (at this time the provincial authority, or Gedeputeerde Staten.) This did not happen. Not long after his release from prison, the congregation once again appointed him to a teaching position. FIC7 and FIC8 did indeed have their teaching credentials revoked. In 1957, FIC8 applied to be reinstated and enjoyed the full support of the congregation. However, it had long since been decided, even before his conviction, that FIC7 should never again be involved in education. Why did the congregation take such a different approach in each case?

The archive contains a psychiatric report on FIC6, then aged 32, written by Dr F. M. Havermans. It states that FIC6 was a controversial figure within the congregation: some saw him as a misunderstood idealist, while others regarded his as a fanatic and extremely self-important. According to the confessor (who spoke to the doctor with FIC6’s permission) there was no underlying sexual problem as such, but FIC6 was unable to comprehend the significance of his actions. He steadfastly maintained that he had acted ‘out of scientific interest’. The conclusion was that he was unsuited to the teaching profession, and must first come to terms with his proclivities before even being considered for another post of this type. The congregation considered sending him to a mission abroad, but decided against it. A minor position within the community in Veghel seemed preferable, with some supervision by a psychiatrist.
The pre-sentencing report produced by the probation service mentions the proposal of missionary work. “His superiors do not yet have any firm plans for his future. A posting to Chile is being considered. While remaining in the Netherlands may not be particularly appealing to the defendant himself, given that several of his fellow brothers are aware of the current circumstances, we believe a posting to Chile to be at the opposite extreme of the scale, and not without its dangers: 1) the brothers there do not live in a rigid community setting; 2) the temptations in the region, both heterosexual and homosexual, appear to be far greater, and 3) there are fewer opportunities for the defendant to receive expert help should that prove necessary. The congregation is also represented on Java, but a posting there is also undesirable for the same reasons. We believe that the Superior General will follow any indications or instructions given by the psychiatrist with regard to the defendant’s future. The further involvement of the probation service seems unnecessary (since the defendant is to return to his congregation) unless psychiatric supervision is deemed desirable, in which case the Central Bureau van de R.K. Reclasseringsvereniging [Central Bureau of the Roman Catholic Probation Association] can be instructed accordingly.”

This report also includes a statement by the director of the novitiate, who writes: “I have indeed been concerned about the fact that he has shown no overt sexual difficulties. Almost every young man does show signs of such difficulties at one time or another. I therefore considered it abnormal that FIC6 did not. In my opinion, he went through a very late puberty. Nevertheless, the offences with which he is charged are something I would not have expected of him. As a teacher, he enjoys an excellent reputation.”

In the event, the recommendations in this report were largely ignored. The idea of posting FIC6 was indeed abandoned, but he was not given a ‘minor position’ in Veghel. On his release from the detention centre in Roermond on 8 December 1952, he was set to work as a librarian at De Beyart. Just one year later, he was transferred to Haarlem where was allowed to resume teaching. In 1957, he was put in charge of the fourth grade at Aloysius School in Maastricht. In 1964, there were further problems, to which we shall return.

Precisely what prompted the congregation to return SIC7 to the classroom after only one year remains unclear. Did they think that he was no danger to the boys because his offence had involved a female pupil? Did the official decision not to revoke his teaching credentials play a part? Of was the decision influenced by the weak social position of the victim?

According to the probation report, FIC7 had shown strong homosexual feelings at the novitiate, but these feelings were not allowed to come to fruition, partly due to timely intervention on the part of his spiritual advisor. He was appointed to a school in Amsterdam in 1931. He performed his duties well and was able to resist any sexual temptations. Similarly, he held himself in check throughout the war years, primarily because he feared that he would be killed at any moment, and therefore devoted even more effort to maintaining required state of grace. After the war, however, he suffered what might be described as a breakdown, which quickly manifested itself in sexually tinted acts involving young boys, although not child abuse in the strict sense of the term. He realized that he was at risk and therefore asked to be transferred elsewhere. His spiritual advisor must have known about these difficulties. One of the semi-annual reports dating from this time notes, “Young people in Amsterdam are very free, forward and affectionate. Brothers must exercise constant caution. A few brothers do not maintain appropriate distance. It is now standard practice to check the classrooms at Stadhouderskade before and after school with this point in mind.”
In 1946, FIC7 was transferred to Waalwijk and at first there was no cause for alarm. He acted as friend and confidant to a colleague who had experienced similar difficulties, and this enabled him to remain ‘strong’. When this colleague was himself transferred, FIC7 once again began to experience serious difficulties which he was no longer able to resist. Eventually, the boundaries of the permissible were far exceeded. He threw himself into work and physical activity in the hope that this would relieve his tensions. Later, he wrote to the Superior General, “I have begun my retreat with much pleasure because I am acutely aware that it is essential to me. Moreover, I wish to wipe the slate clean, something which is also essential. When I look back on the past year, what can I say? I can see very little that was good, and this is greatly overshadowed by the wrongs, including my main failing. As you know, I have made many extra confessions. And yet I still try to do everything as well as possible. I ask for your prayers to help me. I know that you thought about me during your own retreat and I hope that you will not forget me in future. Despite everything, I feel content here. I really want to give much love to Our Dear Lord.”

One of the available probation reports includes the following statement: “He regards himself as a good, but strict educator, and as such appears to command respect and appreciation. He is aware of his guilt and is prepared to accept any penalty, provided he is allowed to remain in the congregation. He can indeed return to the congregation having served his sentence, but must not be allowed to teach.”

In this case, the recommendations were followed, and with appropriate discretion. After his brief period of detention, he returned to Waalwijk where he was assigned to domestic duties. His fellow brothers treated him with dignity and compassion.

In 1955, he was moved to Nijmegen and from here to Zevenaar in August 1961. It would appear that in his immediate family were still unaware of his prison term and the loss of his teaching credentials in 1958, when FIC7 received a letter from his sister requesting financial support. In a letter to the Superior General he wrote, “For me personally it is all the more painful because they naturally assume that I am still teaching and therefore earning a salary.”

FIC8 worked at a secondary school in Amsterdam from 1933 until 1951, by which time he had been promoted to head. In 1951, the congregation received several complaints about the manner in which he offered sex education. “This report includes a number of statements concerning brother FIC8. It is now my firm conviction that he can no longer be controlled. Time and again, new rumours about him emerge among the boys. Only last week, a group of boys complained to Father Van Teijlingen about the instruction he has provided on matters of morality, some of which goes much too far. I had only recently expressly forbidden such talk.”

In August 1951, the annual round of transfers and postings saw FIC8 moved to Weert. His stay was short lived because he had ‘too much contact’ with his family. He was therefore posted to Carolus School in The Hague, where he was put in charge of the fifth grade. “In The Hague, he began with a very difficult class. During the course of that year (1952/53), he experienced his first sexual urges towards pupils. He began to show a very close interest in boys who had difficulty at school, and who therefore received regular punishment. This interest developed into contacts which crossed the boundaries of the acceptable. For his part, he does not accept that he made sexual advances as often as the boys who have been interviewed claim. He claims to have discontinued such action some time ago because he realized that things were going from bad to worse. He felt guilt; he confessed and performed the prescribed penance, whereupon he felt that such urges were behind him. He claims that he had forgotten all about the matter when the complaint was lodged. He believes that, if he had really done everything of which he is accused, he would feel a very strong sense of guilt, which he does not. I believe him to be sincere in this statement.”

At the end of the school day on 5 October 1953, FIC8 was detained by police. The probation service report notes, “The possibility of repeat offences cannot be excluded, although there is no reason to
doubt his good intentions and deeper insights. Moreover, he will in future require closer supervision, although there is no reason to implement special measures intended to prevent recidivism.”

The court and regional authority nevertheless revoked his authority to teach. In 1957, the probation service, with the support of the congregation, attempted to have him reinstated. The application, dated July 1957, states that FIC8 had been assigned to general domestic duties as penance. This had been so effective that there was no longer any risk of his reoffending. In October 1957, the provincial authority replied, “We find no reason to take this request into consideration.” On his release from prison, FIC8 was taken back into the congregation at Waalwijk. He wrote to the Superior General, who had only recently returned from an extended official visit to Indonesia. “The Vicar has no doubt informed you of my fall from grace. With the help of God I was able to endure my seclusion well. My physical condition has improved, and I have also enjoyed a certain benefit in spiritual terms. However, the circumstances and all other aspects of this situation, particularly the lack of gratitude I have shown to you and the congregation, and the shame I have brought upon myself and fellow brothers, do sometimes take a heavy toll on me. God is merciful and good. In my weakness and humility, I now feel great guilt towards Him and Our Mother Maria.”

The letter does not mention the victims.

After a few years in Zevenaar, FIC8 made the move to Nijmegen in August 1961. Here, he worked as a gardener and general repairman. “Brother FIC8 is modest and sober. The religious life has not always been easy for him. Fortunately, gardening has given him a useful way in which to be of service, and he shows great skill. From time to time, he experiences a period of oversensitivity which has its roots in a serious inferiority complex. He then becomes critical, sarcastic and tetchy; in short, rather difficult. Once through this period, he is once again his helpful and attentive self. He needs attention.”

The various documents relating to these cases allow us to draw a number of conclusions:

1) Prosecution, or the threat of prosecution, was not seen as a reason for expulsion from the congregation.
2) When a brother had committed some indiscretion (or worse), reassignment to another school was the most common response.
3) A conviction and prison sentence for sexual abuse did not always permanently exclude a brother from teaching in a congregation school.
4) A transfer to some overseas mission was often considered, usually as a means to reduce the shame for the perpetrator himself.
5) Waalwijk often served as the ‘halfway house’ for those released from prison or had exceeded the bounds of acceptable behaviour in the school setting.
6) There was a great propensity for forgiveness in cases of sexual abuse. This is reflected by the statement made by Superior General Peters in the 1954 Annual Report, in which he calls on brothers to “emulate Our Dear Lord, who made Augustine a bishop despite his having committed far graver sins against the sextum than a brother who is ‘imprudent’ with children.”
7) Considerable discretion was applied with regard to brothers who had been prosecuted for sexual abuse. There are virtually no references to such cases in the archive, other than in extremely oblique terms.
8) The harm, physical or emotional, caused to the victims was apparently not a matter of concern for the congregation’s leadership.
9) Considerable efforts were made to dissuade parents from reporting incidents to the authorities (according to criminologist Kempe’s notes on the FIC8 case.)
The next Superior General’s term in office, 1958-1964, saw a further three prosecutions for offences which had largely taken place during Peters’ administration. They are nevertheless considered below in our examination of Janssens’ first term.

The warnings and admonitions issued by Peters when taking up office in 1952 were not repeated in later years. The Directorium was revised in 1955 but the rules governing interaction with pupils remained identical to those of previous editions. In the general report of his term in office, 1952-1958, Peters makes absolutely no mention of sexual abuse. Of the three vows of poverty, chastity and obedience, he regarded obedience as giving the greatest difficulty. The majority of brothers were committed to the religious life. A few were unable to muster the necessary ‘tenacity’ and had withdrawn from the order. In reporting this fact, Peters made no reference to chastity or celibacy.

6.3.3.3. The first Janssens period (1958-1964)

Janssens was elected Superior General in 1958, when he was 42 years old. He recalls his reaction to the appointment in his book Sterven voor de wereld and in the evidence given to the Commission of Inquiry on 1 June 2011:

“And so I was myself an administrator. My term in office was a rich period of development and formation for me. Almost daily in my contacts with the brothers, I was confronted with a childlike dependency which I found to be most distasteful, but I also encountered mature independence which appealed to me far more. There was much for me to learn.”

According to Janssens, at first he insisted on rigid observance of the law and the congregation’s own rules and regulations. After all, on appointment he had sworn to uphold the constitutions.

“Governing the congregation was not an easy task. On the one hand, there was the responsibility for enforcing the rules, while on the other there was that towards the members and their welfare. Although I always tried to do justice to both, I will inevitably have made wrong decisions.” His subsequent, more lenient attitude was prompted by reports from superiors informing him that they found it difficult or impossible to enforce the strict letter of the regulations, and that attempting to do so was largely fruitless.

In the report of his first term in office, 1958-1964, Janssens made a statement which caused something of a stir within the congregation: “Human weakness appears to be no less today than it ever was. During this term in office, the Superior General has been confronted with over eighty cases of varying gravity, in which brothers have engaged in inappropriate behaviour with children and fellow brothers, with women and girls. This excludes the sexual problems of a personal nature with which brothers young and old are struggling but which have not been expressed. It is of course not possible to give any accurate estimate of this number. It is, however, necessary to assume that it is markedly higher than the casual observer might suspect. For the sake of completeness, it should be noted that the number of such cases is probably no greater within our congregation than in any similar religious institution. However, in our opinion there are few arguments to support any relaxation or removal of certain protective measures.”

In his evidence to the Commission given on 1 June 2011, Janssens stated that the figure of eighty cases was a ‘subjective estimate’ and that not all had involved the sexual abuse of school pupils. His purpose in making this statement was to address a problem which had hitherto never been openly discussed.

As far as can be ascertained, three members of the congregation were tried and convicted of sexual abuse during Janssens’ first term, in fact, some of the offences concerned had been committed before Janssens took office.
• Brother FIC9 was arrested in early 1959. The charges were that, between 1955 and Christmas 1958, FIC9, then prefect of the Saint Louis boarding school in Amersfoort, had interfered with at least three boys aged fourteen and fifteen by inserting his hand into the fly of their pyjamas and touching their genitals. On 16 June 1959 he was convicted of contravening Art. 247 of the Netherlands Criminal Code (indecency with a person aged under 16) and sentenced to one year’s imprisonment, less time served on remand. The court did not order the suspension of his teaching credentials. 212

• In February 1961, brother FIC10 was arrested for offences involving a number of boys, committed between 1957 and 1960 when he was a teacher and youth leader in Maastricht. On 20 July 1961, he was sentenced to two years’ imprisonment (less time served on remand) and suspension of his teaching credentials for seven years. On appeal, the sentence was reduced to one year, of which ten months were suspended. Time on remand was not deducted, whereupon he would actually spend two months behind bars. The seven year teaching ban was upheld. 213

• Brother FIC11 was arrested in late October 1963, after a boy had accused him of repeated sexual abuse since 1959, at which time the victim had been just eight years old. At his trial, FIC11 admitted that the complainant was not his only victim. On 21 January 1964, he was sentenced to eight months’ imprisonment, of which three months were suspended. His teaching credentials were revoked for a period of five years. 214

Although there was considerable disparity in the length of these sentences, all three perpetrators were suspended from the teaching profession. There was also a marked difference in the congregation’s response. FIC10 came under intense pressure to resign. FIC9 and FIC11, by contrast, were treated with utmost leniency.

It seems that FIC9’s arrest came as a surprise and caused great shock within the Amersfoort community. He had been a ‘council brother’ for some time and was also in a position of authority as prefect of the senior school. His performance reports dating from the 1950s onwards are inconsistent. It seems that he was not easy to please. Both students and colleagues found him demanding. For FIC9, it was all or nothing. In 1954, he severely criticized a fellow prefect for taking too much interest in one particular boy. This brother was then transferred elsewhere. Moreover, FIC9 had insisted on structural alterations to the schools’ toilets: in their current form they provided too much opportunity for sexual contact between pupils. A number of boys had been expelled for this very reason. According to the court documents, he himself had begun to engage in indecent acts in 1955. By 1956, it seems that the local superior had very little control over FIC9. “He was usually too late getting up in the mornings, arrived too late in the dormitory and too late when required to supervise students, exercised extremely lax supervision, talked incessantly of inconsequential matters, and seemed to think that he had seen everything and knew everything. He had a boy make his bed, another clean his shoes, and even sent his laundry to a boy’s family.” 215 The visitation reports reveal that opinions of FIC9 were already divided in 1954. In 1955, he is found to be an effective member of staff, but in 1956 he is adjudged one of the weakest prefects.

Precisely how this case came to the attention of the police is unknown. It seems likely that the rector/confessor Fr. OSC3 played a part. Did he advise one of the victims to contact the police? In any event, he was treated with some hostility following FIC9’s arrest. 218 Given the nature of FIC9’s offences, the sentence of one year’s imprisonment seems rather severe. He made his bitterness very apparent during his incarceration. He nevertheless enjoyed considerable support from his fellow brothers, even though they were appalled when the full details of his activities were revealed. 219 Attempts were made to persuade the authorities not to revoke his teaching credentials. His lawyer contended that a person chooses the religious life on the basis of an ideal that he wishes to serve. In doing so, he makes sacrifices by renouncing material wealth, taking a vow of chastity and, supported
by his fellow brothers, is thus able to find the strength needed to fulfil his vocation. The lawyer went on to state that anyone in this position will find it particularly difficult to be told by a government authority that he may not pursue his calling, in this case teaching young people. Finally, he pointed out that the monastic life, the supervision of superiors and the brother’s own religious convictions offered certain guarantees that there would be no recurrence, particularly given that FIC9’s offences were not committed in the context of the classroom.

The authorities were not swayed by the prospect of supervision by his superiors. On enquiry, the lawyer was told. “It seems that there is a congregation in which one of the brothers has caused difficulties in Utrecht. When this case was considered by the provincial authority, it was found that the same man had been subject to prosecution in another province, but his teaching credentials had not been revoked. This brother was then transferred elsewhere by his superiors, and eventually to Utrecht where he again committed an offence. Clearly, enough was enough. Given the circumstances, the congregation’s leadership considered it futile to appeal against the decision.”

On release from prison, FIC9 moved to De Beyart in Maastricht, his place of birth, where he worked as an administrator in the education office.  

Maastricht was also the scene of the major problem involving brother FIC10, which came to light in 1960 (when FIC9 was still in prison). FIC10 had a prior record. He had been transferred several times in the late 1940s due to activities of a paedophile nature, and had even been subject to a formal canonical warning. He had intended to resign from the congregation, but was dissuaded from doing so by Superior General Meijs. In 1951 he was transferred from Bussum to Maastricht, where he joined the staff of the Bernardus School. Two years later, several students at this school accused him of indecent behaviour. He was interviewed by police but no further action was taken on this occasion. He became closely involved in youth activities outside the school itself, which included founding a walking club. (One of the incidents for which he would later stand trial took place in a tent during the Nijmegen Four-Day Marches).

His youth activities met with a mixed response. Superior General Peters was encouraging, but Janssens was very much more sceptical. His work in the school was suffering. In 1957, he was moved from De Beyart, a large and mixed community, to the much quieter house in Wijck, taking up a post in the senior school there.

In January 1960, a student informed the head of the school that FIC10 had committed ‘indecent acts’ with boys. When challenged by the head, he admitted having done so. He was then sent to Heerlen, where he was assigned to domestic duties and placed under the supervision of the Catholic neurologist, Dr J.G.Y. de Jong. From Heerlen, he was sent to the house on Postjesweg in Amsterdam and once again assigned to domestic duties. His treatment was now provided by another Catholic specialist, A.F.C. Overing.

Meanwhile, rumours had begun to circulate in Maastricht. On 15 February 1961, police opened a formal investigation. Within the space of a few days, they interviewed twelve boys, most aged 14 or 15. On 21 February, having concluded their interviews, the Maastricht police sent a telex to their colleagues in Amsterdam informing them that FIC10, currently residing at the congregation’s house on Postjesweg, was wanted on suspicion of contravening Articles 247 and 249 of the Netherlands Code of Criminal Law. Officers arrived at the house at 22:00. They left at 23:45, accompanied by FIC10 who in the meantime had signed a formal request to be released from his vows. This request was forwarded by Superior General Peters to the Bishop of Roermond on 24 February, and thence to Rome for the final stage of laicization. The covering letter states, “The applicant has for many years experienced difficulty with regard to the sextum, and in a manner which is not without risk to others. It has already been necessary to remove him from teaching in schools, but this did not serve to temper his homosexual tendencies, whereby in the opinion of the treating psychiatrist, he is not
suited to life in a religious community. Complaints from younger brothers regarding his attitude towards them, together with the interviews I have personally conducted with him, bring me to the firm conclusion that an Indult of Exclaustration is desirable as a matter of some urgency.”

The court-appointed psychiatrist who observed FIC10 prior to his trial reached the cautious conclusion that he was not homosexual as such, but was unable to control his sexual appetite and found it easier to seek contacts with persons of the same gender. The trial opened in Maastricht on 6 July 1961 and was held in camera. On 17 July, FIC10 accepted his dismissal from the congregation. On 19 July, his superior Modesto submitted a letter to the court in which he stated that he did not wish to influence the course of justice, but did wish to petition for clemency. “This person has already been subject to stringent penalties for the offences under consideration by the court, imposed by the congregation since January 1960. His authority to teach has been withdrawn, his liberty has been severely restricted and he has been required to perform work of an extremely menial nature. He has undergone this punishment over the course of a year in our houses in Heerlen and Amsterdam, doing so with exemplary fortitude in the full knowledge that he is paying penance for his wrongful behaviour. Only those within the congregation can fully appreciate how severe these internal disciplinary measures are.”

The court’s sentence was not light: two years’ imprisonment (less time served on remand), with the recommendation that FIC10 should not be allowed to teach for seven years. An appeal was lodged, and the second trial opened in Den Bosch on 4 October 1961. On 18 October, the court reduced the sentence to twelve months, of which ten months would be suspended (but with no reduction in respect of time served on remand). While FIC10 was in detention, the probation service liaised with its regular contact person within the Catholic Church in the Brabant region, a priest at the Cistercian abbey in Nieuwkuijk. He was able to arrange employment for FIC10 with a company in Den Bosch and accommodation at a boarding house in Drunen. “Everything which can remind of the past of this fifty-year-old former religious must be avoided and suppressed to the greatest extent possible.” There was to be no direct contact: everything went through the Cistercian contact person. FIC10 flourished in his new employment and was soon promoted. He also formed a romantic attachment with a woman of similar age, whom he married in 1963.

The very month in which former brother FIC10 entered into matrimony saw the arrest of FIC11. He had been on the staff of the Aloysius School (for pupils of higher social standing) in Maastricht since 1947, with only one short break. His performance reports in the years prior to his conviction had not always been glowing, but none gives any reason to suspect any sexual aberration. The Commission of Inquiry and Hulp & Recht received three reports naming FIC11 as a perpetrator of abuse.

During his trial, on 7 January 1964, FIC11 gave his own account of what one victim had experienced There, he admitted, “(...) that I repeatedly and deliberately grasped the boys’ manhood to satisfy my sexual lusts, that I required the boy to hold my own manhood, that I took the boy’s manhood into my mouth and that I forced the boy to take my manhood into his mouth.” This was not the only incident. His admission continues, “I have also committed such acts with other boys. I never set out to do so; it developed from horseplay. The first time was spontaneous. The first time was just touching, and then it went ever further after that. After the first time, I realized that something must be done. I did not dare to speak to my superior about it. My confessor had died. I had no one with whom I could talk to about it. At that time, I had a very heavy workload. As far as I know, my superiors will never again assign me to teaching duties.”

One of the victims made a statement to the police in which he gives a very detailed account of how FIC11 had touched him and had gone on to force mutual oral-genital contact. He also contended that some of these acts had taken place behind the lectern at the front of a full classroom.
The psychiatrist G.M.J. Widdershoven was called as an expert witness after FIC11 had been removed from the courtroom. He had conducted a lengthy examination of FIC11 and arrived at the conclusion that the defendant should not be held accountable for the offences for reasons of diminished responsibility. He considered a lengthy custodial sentence to be inappropriate. Similarly, he saw no reason for psychiatric care, or even supervision by the probation service.

On 21 January 1964, FIC11 was sentenced to eight months’ imprisonment, of which three months were suspended, and three years’ probation. The court also recommended that his teaching credentials should be suspended for five years. Exactly one month later, on 21 February 1964, FIC11 was given an ‘honourable discharge’ from his appointment at Aloysius School. The Education Inspector applied for his teaching credentials to be revoked on 13 May 1964, and the provincial authority did so on 25 May 1964. At this point, FIC11 was an inmate of Bergerhout prison in Alkmaar, from where he wrote a letter to Superior General Janssens. The tone was cordial. He expressed gratitude to Our Dear Lord for his care. Punishment was inevitable, and he fully accepted it, “but at the same time I cherish a sincere longing to devote myself fully in August to whatever task you give me. In recent weeks, I have realized more than ever before that I am extremely attached to the congregation and its work. Through renewed vigour, I am determined to make good everything that has gone wrong in the past.”

The Superior General replied, “I have yet to make any decision regarding your future. However, you need not be afraid that there will be nothing for you to do. I have asked one of our number to explore the possibilities and visit you. This will happen during the months ahead.” On 8 November 1965, Janssens informed FIC11 that the archdiocese sought a brother to fill the post of administrator at the Diocesan Mission Office, and that FIC11’s name had been the first to come to mind. FIC11 accepted by return of post.

Other than this correspondence and the occasional veiled reference, the archive contains nothing pertaining to FIC11’s trial and conviction. In a report of late 1963, one of the council brothers wrote: “If brother superior did not know what it means to be superior of De Beyart, he must surely be fully aware now, after the four months he has just experienced. This was a difficult trimester due to family circumstances, the case of [FIC11], and so forth.”

In 1968, FIC11 was given a new task as the author of children’s books in the ‘Wipneus and Pim’ series, first published by the congregation in 1948. To date, over four million copies of the forty titles in the series have been sold. As a celebrated children’s writer he went on book tours and held signing sessions. There are photographs which show him surrounded by children of a similar age to his former victims. His past was kept a closely-guarded secret. Various publications about the series and its authors include biographies of FIC11 which are glaringly inconsistent. A 1986 interview headed Het begon met puzzels maken (‘It began with making puzzles’) expunges his entire twenty-year career in teaching, claiming that he was already working at the Mission Office in 1951. While the church authorities were happy to allow FIC9 and FIC11 to remain in the congregation, FIC10 came under intense pressure to resign. This may well have been because the authorities believed that his homosexual feelings would also extend to his fellow brothers, and would thus have a demoralizing, if not corrupting, influence. It may also be due to the fact that FIC10 had a long history of inappropriate behaviour, or because FIC10’s activities involved a large number of victims, whereupon the risk of scandal and damage to the congregation’s reputation was that much greater.

The leniency shown towards FIC11 is remarkable given the seriousness of his offences. Exactly why the psychiatrist Dr Widdershoven concluded that he was not criminally liable due to diminished
responsibility cannot be ascertained. It seems that there was some understanding for such acts at this time. In 1961, the superior of De Beyart wrote a letter in which he laments the fact that so many brothers were sent to his house having committed indiscretions, or worse, elsewhere. Although he saw this as a problem, he also demonstrates a considerable degree of sympathy for these brothers, acknowledging that “it can happen to us all.”

A similarly understanding attitude was shown by Fr. Philotheus, superior at Saint Louis in Amersfoort at the time of the incidents involving brother FIC12 in 1961. FIC12 was the school's infirmarian. The Commission of Inquiry received a report from a witness who, around 1960 when aged eleven, was one of five young patients in the infirmary. He states that FIC12 entered the room during the night, lifted the blankets from his bed, and masturbated him to ejaculation. According to this testimony, the brother did the same with all the boys present and on several successive nights. With some trepidation, the boy reported the matter to the school authorities. Pupils were later informed that FIC12 had been dismissed or transferred elsewhere.

Brother FIC12 took his perpetual vows in 1939. In 1941, he volunteered to be sent to an overseas mission, perhaps on Java. Why he did so, and why he was not posted abroad, remains unclear (although during the Nazi occupation he would not have been allowed to leave the country anyway). By 1952, his reputation was not exactly unbesmirched. He had already been transferred no fewer than nine times and there were persistent rumours that he was not to be trusted around young boys. In 1961, he was reassigned from the Saint Louis school in Weert to its sister institution in Amersfoort.

In late 1961, superior Philotheus notified the Superior General’s Vicar that brother Simplicius had reported seeing FIC12 lying on a bed in the infirmary, interfering with its young occupant. This incident had taken place on 29 November. When challenged, FIC12 admitted that he had been on or near the bed, but insisted that there had been no ‘interference’. The following day, another brother came forward to report that he had seen FIC12 interfering with the same boy that very morning. The boy was lying supine with his legs around FIC12’s neck. This brother also stated that he had caught FIC12 showing inappropriate interest in the boys on a number of occasions. Armed with this information, the superior asked the Vicar for advice. His immediate response was, “Urgent action required. The boy concerned comes from a respectable family and will certainly not conceal this matter from his parents. I would find it extremely regrettable if Saint Louis were to court further scandal and controversy. The weakness of this brother is a priori forgivable, but he is far too unstable for this position. Are you able to put an end to this sordid history?”

The superior did not take immediate action and FIC12 proved incorrigible. It seems that the nighttime events described in the victim’s report took place during this period. On 2 February, superior Philotheus once again wrote to the Vicar. “I have had two sets of parents come to see me about the incidents involving brother FIC12. They are very amiable people: a doctor and a surgeon. Their standpoint is that Saint Louis will remain St. Louis. They just find it so tragic for the brother concerned. They have told their sons that brother superior knows everything and that they should come and talk to me. They too are marvellous boys, with whom I have now discussed everything in full. They left happy and reassured. There are seven boys who know about the brother’s transgressions. He has done the same thing to all seven, several times in one night. For me, there is alas no possible doubt. Thankfully, they have told no one else. They have not dared to do so because they were afraid that the brother would not be permitted to remain a brother. Every morning since leaving the infirmary they have watched to see whether he goes to Communion. Whether there are more victims, I do not know but I fear the worst. The parents with whom I spoke (who are not wholly ignorant on such matters) advised me to have brother [FIC12] examined by a psychiatrist. If this is a case of psychopathy (which I believe since I still cannot believe the alternative), treatment is necessary otherwise this situation will continue and can only worsen. If it is indeed a case of
conscious homosexuality, the advice to withdraw from the congregation is appropriate. His continued presence will only make it unbearably difficult for this man.”

The superior was not only relieved that the boys had come forward to report the abuse, but he was also very sympathetic towards his fellow brother. “I am telling you all this because, in hindsight, I have great sympathy for brother [FIC12].” By this time, he had informed the other staff of the reason for FIC12’s transfer to Maastricht, inviting them to say a prayer for their erstwhile colleague. “We can only wait and see if any more parents come forward in the weeks ahead. I expect some to do so, because since the departure of [FIC12] many children will find the courage to speak out.”

There a number of very interesting aspects to this entire story: the extreme sympathy of the superior towards the perpetrator, the equally extreme understanding shown by the parents, and the attitude of the victims towards the perpetrator, who seem more concerned about his job than their own welfare. Active homosexuality was not so much seen as a sin, but something which could make living in a monastic community very difficult. This also in the case of FIC10, who was presumed to be homosexual. It is also interesting to note that the Vicar thought that children from ‘respectable’ families would be more likely to report the incidents to their parents. In fact, no one – parents, children, the local superior or higher authorities – ever reported FIC12’s activities in Amersfoort to the police. Similarly, no one considered it necessary to provide any form of care or counselling to his victims.

From Amersfoort, FIC12 was sent to De Beyart in Maastricht. Later, he would be appointed to posts in The Hague and Amsterdam.

The majority of reports concerning the Brothers of Maastricht received by the Commission and by Hulp & Recht relate to incidents which took place between 1950 and 1965. Many describe events at the boarding schools in Amersfoort and Weert, and at the various (day) schools in Maastricht itself. The congregation’s archive offers very little information from which to reconstruct its response at the time, if indeed the authorities were aware of the incidents. Several reports omit to state whether the offences described were reported to anyone else. In some cases, the victims may not have dared to talk to their parents, or if they did they were simply not believed. The scant material in the archive suggests that the standard response to ‘imprudence’ was the transfer of the perpetrator, or his temporary suspension from teaching duties. For example, we know of one brother who in 1948 was allowed to return to the classroom on the advice of his confessor, having spent several years performing domestic duties. This brother is identified in several victim reports describing inappropriate physical contact with students at schools in both Amsterdam and Rotterdam, and at various times between 1954 and 1967. The archive documents occasionally note that he ‘requires special attention’, but he remained active in the congregation’s schools until his retirement in 1979.

A number of reports, some quite serious in nature, were made about the porter at Saint Louis in Amersfoort. The congregation’s archive reveals that there were ongoing concerns about this man, whose case shows some similarities with that of FIC12. According to one witness statement, the superior was aware of his conduct and had promised to take appropriate measures. It is therefore interesting to note that the superior seems to have been surprised by the porter’s sudden transfer.

Equally remarkable is the case involving a prefect at Saint Louis in Weert. There are several reports which name him in connection with separate incidents in the late 1940s and early 1960s. One alleges that he forced a boy to masturbate him in the dormitory, while another states that he required a boy to report to him whenever he had an erection. The prefect would then help him ‘deal with it’ so that the boy himself did not have to commit a deadly sin. The archive includes a report dated 1951 which notes that this prefect showed “erotic pedagogic tendencies”, while records from 1965 state that he, “the perfect prefect” had been unwell for several months, suffering from stomach complaints and
insomnia, and giving the impression of being under some stress. In 1970, he was appointed a member of the general chapter.

There are eleven reports which describe events at various schools in Maastricht. In no case can any reference to these incidents or their perpetrators be found in the archive or public records. On the other hand, the Commission of Inquiry is aware of eight cases in which members of the congregation were prosecuted for criminal offences. These cases involved some fifty victims, of whom only one contacted the Commission.

6.3.3.4. Janssens’ second term, 1964-1970
Janssens was re-elected as Superior General at the General Chapter meeting of 1964. At the same meeting it was decided that the constitutions must be revised, with a new version coming into effect in 1970. In the event, developments were so rapid that the new constitutions were implemented in 1967.

The congregation itself was now in a process of transition, but not one which found universal support. Greater attention was devoted to personal development and the congregation experimented with smaller communities. Resignations were no longer discouraged to the same extent. In 1964, however, concern about the number of brothers leaving the order was still high. A circular issued by Janssens in that year draws attention to the increasing number of resignations and examines the reasons. He states that there had been 25 resignations over the preceding six-year period, at least a third of which had involved a liaison with a member of the opposite sex. In the majority of cases, Janssens refers to “a tragic culmination of a long process in which faith has been eroded and the sense of vocation lost.” He states that only a few of these departures had been necessary “due to psychological disquiet.” In the vast majority of cases, it was entirely the brother’s own fault. “Sometimes, the desire to withdraw has its roots in serious violations of the vows of obedience or chastity, such offences generally forming the sad culmination of a series of infractions, not all of which are made known to others. As a rule, they are the manifestations or indications of a lack of religious spirit.”

Reported incidents of sexual abuse show a marked decline after 1967. Similarly, there are only two known cases of congregation members being prosecuted for sexual offences during Janssens’ second term in office (1964-1970). We have already considered the offences committed by FIC6 in 1952. In 1965, he was guilty of similar behaviour, but now on a larger scale. Following his release from prison in 1952, FIC6 spent a year working in the library at De Beyart. He was then appointed to a teaching post in Haarlem, from where he returned to Maastricht in 1957. A further transfer followed in 1964 after a pupil’s mother had complained to the superior that FIC6 had subjected her daughter to an intimate physical examination. When challenged, FIC6 admitted the offence and was promptly transferred to Helmond. At the next regular round of reassignments, in August 1964, he was sent to Venlo. At this time, he had been studying educational science for some years, presumably to gain further teaching qualifications. His studies showed varying degrees of success. On 5 December 1965, he was once again arrested by the police, this time in Venlo where he was on the staff of the Martinus School.

It was alleged that, between 1961 and 1965, while administering intelligence tests to twenty children both male and female, he had also subjected them to a physical examination during which he had touched their genitals. Some of the children concerned were from families which he regularly visited at home. According to the probation service report, his superiors now realized that he should never have been allowed to resume teaching duties. The congregation did not wish to abandon him and was entirely willing to allow him to remain, although in precisely what capacity remained unclear. Close supervision was considered necessary, because the difficulty he would experience in dealing
with his ‘loss of face’ could well prompt him to breach monastic discipline and seek opportunities for escape.

On 5 April 1966, the Maastricht court found FIC6 of contravening Articles 247 and 248 of the Netherlands Code of Criminal Law and sentenced him to eighteen months’ imprisonment, less time served on remand. On this occasion, the provincial authority opted to revoke his teaching credentials indefinitely.

During his detention in Scheveningen, FIC6 was examined by a prison psychiatrist who diagnosed a ‘neurosis’ which he promised to be able to cure. He also undertook to help him regain his teaching credentials. “There is plenty of work beyond education, but even if I did not wish to return to teaching I would consider reinstatement important, if only on formal grounds,” wrote FIC6 himself.

FIC6 agreed that his treatment should be continued after his release (in 1967). He also hoped that a prompt decision would be made regarding his future role within the congregation, and asked the Provincial to discuss the options with his psychiatrist. His own preference was some sort of involvement in sociological research, although he also saw possibilities in pastoral work, perhaps as chaplain to private sector companies. “It would be going too far to discuss the evolution now ongoing in this field, but I do wish to state my belief that this sector of society offers fertile ground for the congregation’s apostolic work.”

Within days of his release, FIC6 wrote a letter to Superior General Janssens from the abbey in Egmond: “As far as I am concerned, I am doing well. I would rather die than bear such a cross again.” The yearbooks reveal that FIC6 remained at the house in The Hague for some time, and continued his studies there. On 21 March 1969, he wrote to Janssens informing him that he had been given the post of senior group leader at a children’s home. “(...) This appointment has come about after consultation with J. Tullemans and my therapist. As you can imagine, a new spring has begun for me today. This letter is to record my gratitude to you for your interest and sympathy.” The Tullemans mentioned is Fr. Jo Tullemans (1927-1978), who at this time was a member of the congregation’s provincial council. He held a degree in philosophy, awarded by the University of Nijmegen in 1965.

Four months later, in July 1969, FIC6 left the congregation. The letter accompanying the request for the Indult of Exclusion states, “observance of the vow of chastity is causing him ever greater psychological pressure.” The documents produced by the Diocese of Haarlem also mention FIC6’s two convictions. “Throughout the intervening years, the congregation has done everything possible to help and guide him in his difficult situation. Changes to his work setting did bring about some improvement at first. However, precisely the same difficulties have re-emerged on several occasions, whereby it should also be remarked that, due to his unstable character and desire for contacts beyond the cloister, he has distanced himself ever more from the life of the religious community. Since 1966, in consultation with the congregation’s administration, he has been under the care of an expert and trusted neurologist. This doctor has always shown due concern for the brother’s personal problems, while also taking into full account the congregation’s responsibilities, both towards the brother himself and in terms of maintaining its name and reputation. There has been no lack of goodwill on FIC6’s part. He has, in consultation with the congregation, his spiritual advisor and the aforementioned doctor, made every effort to conduct himself in an appropriate manner and in accordance with the regulations of our institution. However, those efforts have not been successful. Moreover, his inner tensions are such that he has arrived in a state of increasing personal crisis, whereupon he no longer feels able to maintain the community life. In close consultation with his superiors, he has arrived at the conclusion that laicization is the only possible solution, both for himself and the community.”
Given this description of FIC6’s mental condition in 1969, it is very difficult to understand the congregation’s apparent complicity in his appointment to a children’s home.

On 2 February 1968, brother FIC13, then head of the Pius X school in Maastricht, was summoned to the police station. After questioning, he was charged and remanded in custody. The parents of X55 had contacted the police after their son, then aged 8, had told them what FIC13 had done to him at various times throughout 1967. FIC13 admitted the offences.

X55 seems to have been the only victim of abuse by FIC13 during the twenty years that he worked at Pius X. The boy struck him as pale and lonely, and he developed a particular sympathy and concern for him. He invited X55 to help him with various little jobs and later the boy himself would regularly volunteer his services. At first, physical contact was confined to playful touching. This later developed into greater intimacy. The brother wished to put an end to this situation, realizing that it was wholly improper, but recurrences became ever more frequent.

At FIC13’s trial, the psychiatrist Mesker was called as an expert witness. He concluded that there was no question of diminished responsibility, but there were mitigating circumstances: the disintegration of the monastic life, whereupon the older brother was suddenly cast, unarmed, into a situation in which he must face difficulties which were beyond the comprehension of younger or more progressive members of the congregation, who were therefore unable to provide counsel or assistance. As a result, FIC13 was in a state of sexual and erotic vulnerability, which prompted him to engage in infantile erotic games. However, he had indeed neglected to seek help when he realized that he was unable to control his behaviour. Mesker told the court, “I consider some form of probation and supervision appropriate, but experience has taught us not to expect too much of internal supervision within the religious community. For this reason, I believe that a suspended sentence, to include a supervision order and a long period of probation, to be called for in this case.”

FIC13, aged 57, made a statement in which he explained how the aforementioned state of ‘sexual and erotic vulnerability’ had come about. A few years earlier, the community house had acquired a television, whereupon brothers were allowed to view only a few selected programmes approved by the leadership. More recently, some eighteen months before the events under consideration, a second television set had been installed and the brothers could now watch anything at all, without any control. Everything he saw on television served to increase his sexual excitability. He began to seek out library books with passages of a sexual nature, which previously had meant nothing to him. He made a point of watching films on television in which ‘you could see everything’. He began to indulge in frequent masturbation, sometimes several times a week, whereas he had previously confined his self-satisfaction to about once a year, with several years of total abstinence.

During the trial, on 11 March, FIC13’s defence lawyer produced a letter from Widdershoven the psychiatrist. The court did not act on the prosecution’s recommendation that FIC13’s teaching credentials should be suspended for five years. The sentence, handed down on 25 March, was four months’ imprisonment, less time served on remand, of which one month would be suspended. On 25 April 1968, the Pius X school board granted FIC13 an ‘honourable discharge’ at his own request.

FIC13 did not wish to return to his former community, in which he had a reputation as a hard worker and a pleasant colleague. In view of his discomfiture, he was transferred to the house in Helmond. He experienced a difficult period there, although the superior and brothers did everything to make him feel welcome. The most difficult aspect for FIC13 remained his loss of status. The provincial therefore arranged another appointment, as secretary to the director of a training college in Amsterdam, where he would also act as amanuensis and librarian. He moved into a small, experimental house with only five other brothers. Here, his past could remain secret. By 1969, he
appeared to have come to terms with his offences, but preferred not to talk about them with anyone.

The archive contains few references to this case, other than the minutes of the council meeting of 5 February 1968 at which Provincial Remund announced, “A new head is needed at the Pius X school in Maastricht. The brothers at De Beyart have found their own interim solution.”

The name Widdershoven (1926-2007) appears in the archive records with some regularity. He had received his training in psychiatry from Prick in Nijmegen and Rümke in Utrecht. In 1958, he became medical director of the Calvariënberg psychiatric institute in Maastricht. There are several indications that Widdershoven was not an advocate of punitive measures against (suspected) perpetrators of sexual abuse. However, his liberal views were not shared by some colleagues or by the judicial authorities. In 1961, Widdershoven suggested that working with older boys would alleviate the ‘difficulties’ being experienced by brother FIC14. As expert witness in the FIC11 case (1964), he informed the court that the defendant was largely unaccountable for his actions due to diminished responsibility, and that neither psychiatric treatment nor supervision by the probation service was indicated.

At the trial of FIC13 (1968), he managed to persuade the court against recommending the suspension of the defendant’s teaching credentials, and went on to apply pressure on the provincial authority not to do so. As noted above, the court psychiatrist Mesker recommended supervision by the probation service, because supervision within the community often proved ineffective. The prosecutor objected to FIC13’s release on bail because he had shown too little contrition. Based on a joint diagnosis to which Widdershoven was invited to contribute, FIC13’s therapy focused on dealing with his serious feelings of guilt and on restoring his resilience to overcome his current lethargy. Widdershoven considered therapy to address underlying sexual problems unnecessary, partly due to FIC13’s age.

Widdershoven enjoyed the confidence of the congregation’s leadership, for reasons which become apparent from a letter dated 1967 in which Provincial Remund describes him as suited to the task because “he is thoroughly familiar with the congregation life, because he is more than willing to work in association with a spiritual advisor, and because he always seeks the solution within the given circumstances rather than assuming a priori that the person concerned is able to choose a different, better way of life.” This seems to be fully in keeping with the approach to the perpetrators of sexual abuse adopted by the congregation in recent decades.

6.3.4. Mistreatment
Many reports submitted to the Commission of Inquiry are concerned with instances of physical and mental mistreatment, which may or may not have had a sexual component. A number of complainants state that brothers were sexually aroused by the administration of corporal punishment. The regulations were clear, and had been since the nineteenth century: all forms of physical punishment were strictly forbidden. Nevertheless, corporal punishment was in widespread use and measures to counter the practice were generally taken only in response to complaints from parents. Because many of the reports received by the Commission show a link between physical abuse and sexual abuse, it is appropriate to consider this aspect in more detail.

X56’s evidence relates to the Saint Louis school in Amersfoort and the period around 1952. He reports that, in addition to sexual abuse, there was also mental bullying (in the form of humiliation
by staff which in turn led to teasing by peers) and physical mistreatment. He names FIC15 and FIC16 in this context, claiming that they struck him while simultaneously squeezing him in the genital region. A corroborative report can be found in the archive: “A brief postscript. This morning, brother [FIC16] came to talk with me. As you will recall, he requested to see a psychiatrist on the recommendation of his confessor. Having read your letter, the confessor considered this advisable. He has attended three appointments thus far. This morning, [FIC16] informed me that this doctor (Van der Does de Willebois) has recommended that it would be much better for his nerves if he were not to continue working at a boarding school. In other words, he should request a transfer to other duties. However, I believe that a transfer would be regrettable because he is a very good educator and is highly regarded by the parents.”

FIC16 had worked at Amersfoort since 1946. The doctor’s recommendation was (eventually) followed and in 1956 he was transferred to The Hague. He left the congregation in 1969 and married in 1970. A performance report of June 1957 describes his colleague FIC15 as “excellent in all respects.” Nevertheless, a number of letters to the Superior General allow us to deduce that there was indeed widespread physical and mental abuse at Saint Louis. The background becomes clear from the report of brother Bernoldus, who was appointed superior in Amersfoort in 1960. After seven weeks in his new post, he recorded his first impressions. “Without wishing to tar everyone with the same brush – there are a number of good exceptions – there is a general tendency to regard the boys as halfwits, spoiled children and impudent brats (although different terminology is used). There may be an element of truth in this, but the problem is that staff also treat the boys as such. Overall, we see a very petty attitude, with no respect for the nature of the work itself. Staff see a sort of class division: ‘rich, spoiled children with twisted characters (...) we will teach them differently. And we are not here to indulge parents’ wishes. We can find plenty of others.’ The result is a lack of understanding for these ‘stupid boys’ and much severity in the form of physical punishment, making them miss lunch, harsh behaviour and sarcastic remarks.”

On 14 April 1961, Bernoldus once again set pen to paper to describe the situation in Amersfoort. With regard to the intermediate school (at which results were particularly poor), he notes:

“I met with all teachers except Regis during the holidays. I have told everyone that they are gradually destroying the good name of the school by showing no understanding for the boys, by being far too severe and by showing so little concern for the boys’ welfare outside the classroom. The boys do not play in the recreation area, they merely hang aimlessly about. In the dayroom, they either stare blankly at the television or, again, loiter with no clear purpose. The pupils have become lethargic and inactive; there is no happiness or youthful exuberance. The prefect system is no longer fit for purpose. The brothers themselves call for a new regime. They wish to be good teachers rather than solely prefects and supervisors. They are willing to take turns in supervising the boys and their activities. This will create a stronger bond between the brothers and the boys.”

Various reports identify another brother who seemed determined to make the pupils’ lives a misery. His administration of corporal punishment (on the bare buttocks) was accompanied by evident sexual arousal. Eventually, he entered a relationship with a woman and resigned from the congregation in late 1974. Thirteen years earlier, in 1961, the Superior General had threatened him with expulsion due to his affair with a married woman.

There is also evidence of physical mistreatment in Nijmegen, at the boarding school for the sons of bargemen. The main culprit was brother FIC17. The report covering the first half of 1960 notes that “he assaults boys and has given one a gash on his head and a black eye. He cannot control himself. I am worried that he will seriously harm a boy before very much longer. If parents find out, there could be dire consequences.” FIC17 was transferred to Weert but further reports of physical abuse followed. He was not the only person to be guilty of such excesses, as the archive reveals. On 30
March 1954, the superior reports, “Things have gone from bad to worse with [FIC18]. He shows not a shred of responsibility for his group, or indeed anything else. Last week, he excluded a boy from classes for the entire week, and before that another for two whole weeks. What is that supposed to achieve? Last week he violently assaulted a boy, giving him a swollen arm and severe bruising to the shoulder and leg.”

The boarding school in Weert closed in 1973, that in Amersfoort two years later.

6.3.5. Nature and extent of sexual abuse

Nature
There are three main sources from which we can deduce the nature of the sexual abuse committed within the congregation: 1) sixty reports (those relating solely to physical abuse have been excluded); 2) court documents relating to eight prosecutions; 3) archive documents.

The eight trial records include a detailed description of the offences concerned. Six involved deliberate contact with the victim’s genitals (known in law as simple sexual assault) while two cases – those of FIC10 and FIC11 were of a more serious nature, involving penetration. It is difficult to classify the offences to which archive documents refer, since details are rarely given. The majority of offences are against male victims: only the two offences for which FIC6 was prosecuted involved girls. Some reports claim that FIC6 also had strong homosexual tendencies. One report names FIC19 who, it is alleged, sexually abused his own niece over a period of years.

Circumstances
In his evidence to the Commission of Inquiry, former Superior General Janssens stated, “Under what circumstances were these offences committed? As far as I am aware, the perpetrators were usually people of good will and intentions. They were weak and fell into temptation, that much is certain. But were they also not asked too much? I suspect that many priests and members of religious communities at this time took the vow of chastity without adequate forethought and without a thorough process of formation. Within the walls of the community they no doubt functioned well, but once outside they were not adequately equipped. I do not blame the people responsible for their formation; they too were constricted by the views and opinions of the day, and they were similarly ill-equipped for their task. And let us not forget the climate within the Church itself, the world in which they had grown up, which was very narrow, sometimes ailing in some respects, insular and authoritarian.”

Location and frequency
Of the sixty reports of sexual abuse, 31 relate to events at a boarding school, including 15 incidents in Amersfoort and 10 in Weert. The other 29 reports concern abuse at one of the congregation’s day schools: 10 in Maastricht, 10 in Amsterdam and the remainder elsewhere. The table below shows the number of reports received as a percentage of the school population (in 1952). The number of students remained relatively stable throughout the 1950s and 1960s, this being the period to which most reports relate.

<table>
<thead>
<tr>
<th>No. of students (1952)</th>
<th>Percentage of student total (1952)</th>
<th>No. of reports</th>
<th>Percentage of reports</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>22825</td>
<td>60</td>
<td>100</td>
</tr>
<tr>
<td>Boarding schools:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amersfoort</td>
<td>1200</td>
<td>31</td>
<td>52</td>
</tr>
<tr>
<td>Weert</td>
<td>230</td>
<td>10</td>
<td>16</td>
</tr>
<tr>
<td>Day schools:</td>
<td>21625</td>
<td>29</td>
<td>48</td>
</tr>
</tbody>
</table>
As we see from the table, the boarding schools in Amersfoort and Weert account for a disproportionately high number of reports. Amersfoort, with just 1.5% accounts for 25% of the reports, while Weert with just 1% of the total student population, represents 16% of reported incidents. The percentage of reports relating to the day schools in Maastricht and Amsterdam is slightly higher than the average. The other day schools account for relatively few reports, as do the special institutes in Zevenaar (the juvenate), Nijmegen (for bargemen’s families) and Sint Michielsgestel (for the deaf).

If we examine the location of the ten incidents reported to the police (of which eight resulted in prosecution) a different pattern emerges. Only one case involves offences committed at a boarding school (Amersfoort). The other nine involve day schools: three cases in Maastricht but none at all in Amsterdam.

The archive material which confirms sexual abuse or leads us to suspect that a transfer was further to (suspicions of) abuse confirms in part the relatively high ranking of Amersfoort and Weert, although the majority of documents are concerned with events at the day schools. The archive shows that even if there were strong suspicions of abuse, as there were in 1952 and 1958, the boarding schools were not given any special attention, and neither were any specific measures implemented.

6.3.6. Conclusions

Until the early 1960s, the Congregation of the Brothers of Maastricht was a rather closed and insular institution. Its members were expected to observe the rules of a monastic life, and those rules were rigorously enforced. The congregation retained a strong nineteenth-century character, although it was engaged in a social task which demanded ongoing adaptation in line with the changes seen in society. Individual members would certainly have experienced some tension and inner conflict as a result, which accounts for the increasing number of resignations throughout the post-war period. Later, in the 1960s, the reforms within the Catholic Church went some way towards resolving those tensions. In 1964, the congregation decided to revise its constitutions, a process which was completed with alacrity. The new constitutions came into force in 1967 and provided greater opportunity for a more contemporary interpretation of the religious community and life within it. They also made it somewhat easier for members to withdraw from the congregation and to seek fulfilment in some other sphere should they so wish.

The majority of incidents of sexual abuse within the congregation, as described in this report, took place during the period of rising tensions: between 1945 and 1967. The insularity which dominated the congregation until the 1960s manifested itself in deliberate isolation from the outside world. Its members, who had committed themselves to this life of sequestration, were to be protected. Even those who committed grave offences were not to be abandoned. Only if it became painfully obvious that they were really not suited to the monastic life, or if a public scandal seemed imminent, was expulsion or resignation seen as a viable option. The good name of the congregation and its purpose – to provide a good Catholic upbringing to as many children as possible – were the paramount interests.

In practice, this meant that the first priority when any brother committed sexual abuse (or was at risk of doing so) was to prevent any scandal. In most cases, this was achieved by simply transferring him
to another house and another school. However, the authorities were not naïve enough to believe that this measure alone would automatically reduce the likelihood of further transgressions, or to contain the damage already caused. Every effort was made to persuade parents not to report the incident to the police, or mention it to anyone else.

Where it was absolutely impossible to avoid criminal proceedings, the perpetrator was given every possible support by the congregation. Having served his sentence, he would be welcomed back into the community. To make life amid the other brothers bearable, all traces of his wrongdoings were carefully expunged.

There were some brothers who committed sexual abuse on several occasions and yet were allowed to resume teaching in the congregation’s schools. Some had even been convicted and had served a prison sentence. There are two possible reasons for this. The first was the increasing shortage of qualified teachers within the congregation. It wished to run as many schools as possible with all staff drawn from its own ranks, yet its membership was gradually declining. And what was it to do with brothers who had been trained to teach, but were not permitted to do so? In addition, the lack of knowledge about sexuality probably played a major role. There were few, if any, in positions of authority who understood what it meant when an adult showed sexual interest in children. The perpetrator himself did not wish to understand. He generally realized that he was doing something wrong, in both the legal and moral sense, but did not realize the damage that he was doing to his victim. Sexuality was something that was ignored to the greatest extent possible. According to the Directorium, the best way to avoid temptation and to preserve chastity was to simply avert one’s eyes: contact should be ‘with downcast gaze’.

6.4 The Brothers of Tilburg (CMM)

The Brothers of Tilburg is the everyday nomenclature of the Congregatio Fratrum Beatae Mariae Virginis Matris Misericordiae, or Congregation of Our Lady, Mother of Mercy. It was founded in Tilburg in 1844 by Mgr Johannes Zwijsen, then Apostolic Vicar, who went on to become Bishop of Utrecht. The congregation’s constitutions list a number of objectives, including the upbringing and education of poor and underprivileged children, the deaf and the blind, orphans and foundlings, children destined for the seminary, young men who are to enter the teaching profession, and boys in schools and boarding schools. The constitutions also require the congregation to nurse male patients in the event of a major epidemic of an infectious disease, although it has never been required to undertake this particular task in practice.

In the years prior to 1916, the congregation saw a very rapid expansion of its activities, to include some which are not mentioned in the constitutions: agricultural training and general pastoral work among both adults and young people for example. The number of houses increased accordingly. In 1916, under its ‘Protector’ Cardinal Willem Marinus van Rossum, the congregation chose to curtail its growth and discontinue some activities, such as adult education classes and the pastoral work. It nevertheless continued to observe the constitutions’ requirement of providing education to the young. One important factor behind the decision to discontinue the other activities was that they interfered with a properly ordered monastic life.

In 1957, after some initial hesitation, the youth welfare and pastoral work was resumed. By 1964, over one hundred brothers were engaged in some form of youth work. The congregation was also called upon to run a number of orphanages and foster homes for children taken into care, activities
which it had commenced in the early twentieth century. The first such institution was ‘Huize Nazareth’ in Tilburg, which opened in 1911. ‘Huize De la Salle’ in Boxtel followed in 1920. Expertise in this specialist area was limited. The minutes of a council meeting held on 12 November 1955 note: ‘The director at Boxtel once again asked whether it might not be useful to send some brothers on the official (government) child protection courses. We have had objections to doing so in the past. These objections no longer apply and we therefore intend to enrol a number of brothers on the courses by way of a trial.”

In 1963, the congregation’s brothers staffed 92 days schools and three boarding schools, De Ruwenberg in Sint Michielsgestel, Medemblik, and Sint Nicolaas in Oss. The congregation also ran an institute for the blind in Grave, the aforementioned children’s homes (Huize Nazareth in Tilburg and Huize De la Salle in Boxtel), two residential teaching colleges (in Den Bosch and Goirle) and a juvenile, or minor seminary, in Vught.

The various schools and institutes had a total of 26,919 students, of whom 1380 were boarders.

In 1952, the congregation had 29 monastic communities (houses) with a total of 823 brothers. In 1963, it had houses in Amsterdam, Boxtel, Cuyk, Deurne, Eindhoven, Goirle, Grave, The Hague (2), Den Bosch (3), Joure, Leeuwarden, Loon op Zand, Medemblik, Oisterwijk, Oss, Reusel, Sint Michielsgestel, Tilburg (6) and Zwolle. By this time, the membership had declined to 741 brothers (of whom 65 had yet to take their final vows) and 16 novices.

Since its creation, the majority of the congregation’s houses had been located in the Diocese of ‘s-Hertogenbosch (Den Bosch). In 1963, all but 100 brothers lived in this diocese. Other, generally smaller, houses were to be found in all other Dutch dioceses except Breda and Roermond.

Unlike the Brothers of Maastricht, the Brothers of Tilburg generally eschewed the large cities, preferring to establish their institutes in smaller towns and villages, mostly in the eastern and central parts of Noord-Brabant. It had very few schools in the Randstad region. Another difference is that the Brothers of Maastricht largely confined themselves to education in the school setting, while the Brothers of Tilburg also ran orphanages and care homes. The two congregations were broadly similar in size, but the Brothers of Tilburg’s membership was drawn from a far smaller region, that of Brabant itself. It had not only its own minor seminary but also ran an Episcopal seminary for lay brothers in Den Bosch. In addition, it ran a large publishing house specializing in school textbooks (which still exists). The Brothers of Tilburg played a far more significant role in the development of educational methods and materials than their counterparts from Maastricht, or at least acquired more of a reputation in the field.

6.4.2. Structure and governance

In terms of organization and discipline, the Brothers of Tilburg did not differ markedly from other orders and congregations. It too was established by pontifical right, which meant that there was no direct supervision from the local bishop. There was a Superior General, elected for a period of six years, who together with the council brothers made up the general council. The system of provinces is a later innovation, made necessary by the geographic spread of the congregation’s activities. Brothers were required to take the three vows of obedience, chastity and poverty. There was also a fourth vow by which they undertook to engage in charitable work for the benefit of others. In practice, this referred to the activities listed in the constitutions.

The further requirements of the constitutions were elaborated in the congregation’s book of regulations, known as the Directorium. Like those of the other orders, the congregation’s regulations were revised in the late 1960s, whereupon a different, more progressive, spirit prevailed. However,
the decision to ‘move with the times’ had been taken following long and difficult deliberation. Under its Superior General C. Leijgraaf (1950-1957), the congregation had been markedly conservative. Instructions to produce new constitutions were issued in 1963, but when the resulting document was presented for the approval of the general chapter in 1968, it was considered “too legal and lacking in inspiration”. The meeting proposed its own revisions which were adopted on a trial basis. They provided a basis for further internal democratization, administrative decentralization, experimentation, a new approach to the life of prayer and gave brothers greater personal responsibility.

During this period the congregation discontinued some of its traditional activities. It withdrew from its involvement in running De Ruwenberg in 1974 and from Huize Nazareth in Tilburg some months later. It withdrew from the institute for the blind (which has since moved to Nijmegen) in 1977.

6.4.3. Response to cases and allegations of abuse

6.4.3.1 Regulations

The congregation’s regulations included some provisions which were intended to prevent sexual abuse. However, the constitutions in effect between 1945 and 1968 (the period with which we are concerned) were rather vague or even evasive on this point. Chapter IX, (‘Education’) refers to the vow and the virtue of chastity. It includes four articles which, unlike the corresponding regulations of the Brothers of Maastricht, fail to devote specific attention to interaction with children.

Article 77 reads: “To preserve the virtue of chastity, Brothers will carefully guard against every overly tender friendship, and for every special affection towards any other person. In particular, they will exercise great caution and circumspection in dealings with persons of the opposite sex and will observe the modesty of eyes everywhere, but especially on the street.

Article 78 is concerned with protecting chastity: “As forceful means of preserving the chastity unbesmirched, the brothers will seek to receive the Holy Sacraments on a regular basis, will devote ongoing thought to the presence of God, to the piety of the Holiest Virgin Mary, to the ascesis of sins and the avoidance of idleness.” Engagement in charitable works (education, including that of the blind and children in care) is defined as a fourth vow in Article 96. Article 97 reads: “In the practice of charitable deeds, the brothers will always remember to see Jesus Christ himself in the person of all those charged to their care; in all things and in all places, they will strive to pursue the honour of God and the sanctity of souls.” Article 98 continues: “To elude those perils which even these works of charity bring, the brothers will ask God’s mercy every day by repeating the ejaculatory prayers; moreover, they must in all sincerity make known their troubles to their confessor and the superiors, and alongside the regulations by which our Congregation is bound, will follow the counsel given in all good conscience.”

Similarly, Chapter XIII contains no specific regulations intended to prevent sexual abuse, although Article 407 reads: “Every brother who, in the school or elsewhere, is charged with the care of children has the duty to love them sincerely, to win their hearts through his kindness, his earnestness and his amiability, thus to lead them to God through the practice of work, prayer and the holy virtues. The task of education will not be accomplished if it is not accompanied by the good example of the educator.”

The present-day leadership of the Brothers of Tilburg has made copies of a number of documents available to the Commission of Inquiry. They include circulars and extracts of regulations which elaborate on the constitution’s requirements with regard to the vow of chastity. Some documents
date back to the nineteenth century and demonstrate that the danger of sexual abuse – although of course not termed as such – has been acknowledged from the earliest days of the congregation.

The Commission was also given access to the 1949 edition of the *Reglement voor de Fraters-Onderwijzers in de scholen van de congregatie der Fraters van O.L.V. Moeder van Barmhartigheid*, the rulebook for those brothers working in the congregation’s schools. It has not been possible to ascertain the date of the first edition. Article 64 is of particular relevance in that it contains the rules governing interaction with children and young people. These rules are very similar to those established by other orders and congregations, usually by means of their constitutions but certainly by the relevant *Directorium*. The Brothers of Tilburg are instructed:

- not to engage in physical play with children;
- not to sit alongside children on the forms;
- to maintain a distance between themselves and children called to the desk or lectern;
- not to detain children after school except in the setting of formal detention or to complete overdue work in which case there should always be a group of several children present;
- not to cover or otherwise obscure the glass of windows and doors, including those of classrooms, meeting rooms and all rooms in the brothers’ house.

The rulebook includes a chapter which is specifically concerned with the duties of the supervisors within the boarding school, but it contains no reference, either overt or oblique, to sexual acts involving minors.

In the light of the many reports, and not only those concerning the Brothers of Tilburg, which complain of an intense interest on the part of some school staff in the boys’ showers, whereby there was often contact which could be construed as sexual in nature, Article 136 is of particular interest:

“It is primarily a task of the supervisors to accustom the boys to observe good personal hygiene habits and, in keeping with their age, to provide the necessary assistance (…) and without giving cause for prudishness, the emphasis must be laid on morality and good manners in the care of the body.”

When an individual brother was found to be acting inappropriately, the leadership would sometimes take this as an opportunity to remind all members of the risks. Shortly after the arrest of two brothers, one in March 1954 and the other a month later, Superior General Leijgraaf, after some hesitation, issued a circular on the prevention of sexual abuse. The intention was that the superior of each house would read it aloud to the brothers, preferably in the chapel and on the ‘day of seclusion’ (dedicated to prayer and solemn contemplation). Having read it aloud, the superior was to retain the circular which would not be made available for future reference.

*6.4.3.2. Prosecutions*

The criminologist Gerrit Kempe made a study of various cases which came before the courts between 1947 and 1957. On examining his research archive, the Commission found six cases in which members of the Brothers of Tilburg were prosecuted for sexual abuse in the period 1950 to 1957. Some reveal a rather less lenient approach on the part of the congregation’s leadership than that shown by the Brothers of Maastricht. Kempe’s files include the psychiatric reports on the various defendants which, although written in the terminology of the day and based on some outdated diagnostic insights, offer a good impression of the subjects’ mental history and sexual orientation. Extracts from these reports are given below.
CMM1
Fr. CMM1 was head of an elementary school. He was charged with having committed indecent acts with a ten-year-old girl, described as being from an ‘asocial milieu’, on various occasions between June and August 1949. These acts involved taking the girl onto his lap and masturbating in front of her. The priest’s arrest probably followed a complaint by the girl’s mother. According to the information in Kempe’s file, CMM1 faced expulsion from the congregation if convicted and given an unconditional custodial sentence. On 11 May 1950, he was indeed found guilty but given a suspended five-month sentence. He enjoyed a good reputation within the congregation and the version of events put about was that he had been the victim of entrapment. He was transferred to a school in another province, and from here to the house in Grave where he was assigned to administrative duties. By this time, it was clear that Gedeputeerde Staten (the provincial authority) intended to revoke his teaching credentials, a decision confirmed on 3 February 1951.

The psychiatric report states that CMM1 showed a ‘markedly incomplete development of sexual identity and awareness’: he was ignorant in all matters of sexuality, and barely knew how children are conceived. He had never been given any form of sex education or information, and apparently had no interest in rectifying this omission. His confessor had once warned him that he must not ‘touch himself’ and, if he had an erection he should ‘pray and work hard’. CMM1 actually asked the psychiatrist if it was a sin to touch himself while bathing. Although he had taken the vow of chastity and celibacy, he did not know precisely what it entailed: he thought that it only meant that you were not permitted to get married. On one occasion, while still a novice, he asked his confessor what he should do if he found himself with an erection. The response was, “get dressed quickly, say three Hail Marys and don’t think about it again.”

CMM1 admitted to the psychiatrist that, during his contact with the victim, he had indeed experienced ‘sensual and pleasurable’ feelings. However, he claimed that he had taken care to prevent her from seeing his arousal. During a retreat in August 1949, he told his confessor everything. The confessor replied that he had been “on the edge of the abyss’. Since then, the priest insisted, there had been absolutely no recurrence of the events which led to his arrest.

CMM2
In early 1950, Fr. CMM2, a teacher at the congregation’s school in Tilburg, was arrested for indecent behaviour (mutual masturbation) with four boys aged between ten and twelve, all members of the class for which he was responsible. On 9 November 1950 he was given a suspended one-year sentence and his teaching credentials were revoked for a period of five years. CMM2 was permitted to remain in the congregation. He was transferred to other duties, and at one point was the editor of its youth magazine. His superior tried to create a sheltered environment for him within the house but he was not given the psychiatric help he needed. CMM2 placed his trust and confidence in his superior, but following the latter’s death CMM2 fell into isolation and loneliness. In 1957, when it became apparent that he could well reoffend, CMM2 was dismissed from the congregation. He did indeed lapse into his old ways in 1959.

The psychiatrist characterized CMM2 as ‘a manifest homosexual’, noting that his choice of profession was ‘extremely unfortunate’. At this time it was common, even in the psychiatric profession, to equate homosexuality with paedophilia, an association which has long since been discredited. Kempe continues his account: “The option of castration was not discussed, since the author of the report did not expect it to have any salutary effect. Moreover, in a well-sheltered monastic environment with adequate supervision, the likelihood of recidivism was considered slight. The dossier reveals that the congregation acted fairly in that it did not abandon the perpetrator altogether, and yet is seems not
to have occurred to anyone that contact with experts was required, possibly even psychiatric
treatment. When he fell into further isolation and loneliness and the increasing risk of further
offences became apparent, it seems that the congregation did realize that it should let him go. In a
sense, it was therefore complicit in his downfall since, after so many years in a sheltered community,
this man could hardly be expected to adapt to a normal life in society.”

CMM3
Fr. CMM3 was a teacher at the congregation’s school in Oss. In 1954, on his 27th birthday, he
indecently assaulted an eight-year-old boy by touching his genitals, under the pretext of taking
measurements as part of his studies for the final teaching certificate. The boy reported the incident
to his mother who contacted the police. In court, CMM3 was given a suspended six-month sentence.
His superior considered it prudent for him to resign from the congregation, but he remained and was
assigned to kitchen duties. He was not given psychiatric treatment. His teaching credentials were
revoked in early 1958, although the local authority in Oss had advised deferring this decision until a
further psychiatric evaluation had been made. In late 1959, CMM3 applied for reinstatement. The
probation service was willing to support him, provided his superior did likewise. He did not. CMM3
remained in the congregation for several years, eventually leaving in 1969 (at the age of 42) when a
fellow brother started spreading rumours about the events of 1954.

According to the neurologist who examined him, CMM3 had absolutely no feelings of guilt or
remorse. He had only a very vague understanding of sexual matters and took a childlike approach to
the world in general. He was not able to explain in adult terms why he had opted for the religious
life. He had never displayed any interest in the opposite sex, and admitted to feeling uncomfortable
in the company of people of his own age. The neurologist diagnosed ‘anxiety neuroses’, an infantile
personality development disorder and diminished responsibility. These findings were confirmed by a
second neurologist, who further stated that it would be dangerous to allow him to resume teaching
children. Given that CMM3’s superior declined to support the probation service’s attempts to have
him reinstated, we may deduce that he was aware of, and had been influenced by, these medical
opinions.

CMM4
Fr. CMM4 was arrested in 1954 on suspicion of abusing three boys, aged approximately eight, over a
period of almost a year. CMM4 was 28 at the time and had been warned on several previous
occasions about over-familiarity with young boys. One particularly clear warning had been issued by
his superior in February 1954. Before his arrest, he continued to deny everything to the school’s
director. Under police questioning, however, he made a full admission. A few months later he was
sentenced to nine months’ imprisonment, less time served on remand, with four months suspended.
He resigned from the congregation while still in prison. In a letter to the Minister of Education, he
later stated that he had been forced to do so. In early 1955, the authorities revoked his teaching
credentials, whereupon he went to great lengths to seek reinstatement. He wrote numerous letters
to the minister, members of parliament and even the queen. He married in 1957, having been told
that this would greatly enhance his chances of being allowed to return to the classroom.

The psychiatrist’s report states that CMM4 had never succeeded in establishing an appropriate
relationship with his pupils. He was too familiar with them, and would respond angrily to any
criticism from others on this point. He had never shown any interest in the opposite sex, but had
harboured fantasies about sexual acts with a ‘young boy with a soft hand’. Asked how he had arrived
at the point of actually committing the offences with which he was charged, he replied that he had
never given it any deliberate thought. In the words of the psychiatrist, “One would not believe that
someone who has wished to enter the monastic life from a very early age would do something like
this with forethought. That is something of a paradox. The gravity of the offences has not sunk in. His
sexual development is still at a primitive stage. He should never again be allowed to have contact with children.”

CMM5
On a Sunday evening in 1956, CMM5, aged 65 and head of an intermediate school, was arrested in the community house and taken into police custody. He was charged with indecent acts with a number of boys (aged 13 to 15) and two girls. After some legal wrangling, he was released on bail on condition that he remained at the congregation’s retirement home, Huize Steenwijk in Vught, pending further enquiries. The trial documents reveal that his lawyer had asked the congregation’s leadership whether he would be expelled if an unconditional custodial sentence was handed down. The reply was in the affirmative, adding that CMM5 had already been informed accordingly. The psychiatrist urged the leadership to make a prompt decision regarding CMM5’s future, but (according to the minutes of the relevant council meeting) the decision would be deferred until the court’s sentence was handed down. In the first instance, that verdict was six months’ imprisonment, to be served in full. Shortly before Christmas 1956, however, the appeal court suspended the entire sentence. CMM5 was moved to the house in Grave, where he had work which suited him and where he would not come into contact with young people. At his own initiative, he also discouraged adults from entering his room. He did, however, display great dependency on his superior.

Kempe records that, after his teaching credentials were revoked (in 1961/62), CMM5 considered starting the process which might lead to his reinstatement, although he was by now 67 years old. He contacted the probation service, which was only prepared to lend its support if the house superior was agreeable. It seems that he was not. According to the psychiatrist, CMM5 led a generally chaste life, but he did experience some difficulties because he would sometimes be attracted to a particular boy. He was particularly susceptible to adolescents aged between thirteen and sixteen, who must show some reciprocal affection and an inclination to engage in physical contact. Provided they remained friendly and affectionate, they continued to be sexually attractive to CMM5. During the previous year, he had for the first time put a boy across his knee and spanked him on the (clothed) posterior. This gave him a certain degree of sexual satisfaction. During further seemingly innocent physical contact, he crossed the boundaries of the acceptable. He felt particularly attracted to one boy who was excluded by his peer group. CMM5 claimed to love him, but also chastised him. A paternal relationship developed, which at the same time had increasingly sexual undertones.

According to the psychiatrist, the events leading up to and following his arrest had made CMM5 extremely vulnerable. He was in a state of shock. He advised against requiring the priest to resign from the congregation because the prognosis would then be extremely uncertain, particularly given his need for affection.

CMM6
In the spring of 1957, the mother of a six-year-old male pupil at the school in Eindhoven contacted police to report sexual abuse committed by brother CMM6, then aged 36. Some days earlier, the mother had overheard her son and two of his friends discussing the brother’s practice of inserting his hand into boys’ trousers. The boy told police that he had done this to several others in his class. Several pupils confirmed the accusations, and the brother did not deny it when questioned. This was not the first time that CMM6 had attracted attention. He had been transferred between schools on several occasions in the recent past, all further to allegations of sexual impropriety. He had also been issued with a formal canonical warning, not once but twice. When he finally admitted his offences, CMM6 was immediately suspended from teaching duties and confined to the community house. The parents did not necessarily want him to stand trial, but did expect him to be permanently removed from the school. The leadership strongly advised CMM6 to resign from the congregation, which he did in May 1957. A prosecution was brought and in late 1957 he was given a suspended sentence.
It has not been possible to ascertain whether there were any prosecutions brought against members of the congregation after 1957, nor whether the leadership continued to apply the same policy. The six cases dating from the period 1950 to 1957 all played out under the leadership of Superior General Leijgraaf.

6.4.3.3. De Ruwenberg and St. Henricus

The Commission of Inquiry has attempted to gather further information about all the instances of sexual abuse described in the victim reports, as well as any abuse that has not been reported but is revealed by the archive documents. Logically, the main source of relevant information would be the reports of the individual houses and schools. The investigation therefore commenced with an examination of records pertaining to the two institutions which account for the lion’s share of the reported incidents between 1945 and 1967: the boarding school De Ruwenberg in Sint Michielsgestel and the institute for the blind, Sint Henricus in Grave. The results were disappointing because so little information is available. For this reason, and given the constraints of time, it was decided not to pursue any further systematic investigation of the other institutions.

De Ruwenberg

The Commission of Inquiry has been given access to the rulebook which was unique to De Ruwenberg, the (undated) *Plaatselijke bepalingen voor het Instituut Huize Ruwenberg*. It contains no provisions which relate specifically to the prevention of sexual abuse. The only relevant rules are those which prohibit anyone from entering a *chambrette* (cubicle) while the occupant is dressing or undressing, and the rule which requires staff to perform a headcount of pupils at least once a night, which adds, “...this must be performed with caution because the boys, particularly in summer, frequently sleep naked and this can pose a risk to propriety. To avoid surprise, the brother should first open the curtains very slightly; if he notices that the boy is in a state of immodesty, he should enter with averted eyes and cover the boy.” Another provision forbids the brothers to discuss with each other the difficulties that the night-time care of the pupils may present. Should they wish to discuss such matters, they must do so only with the director. Similarly, if they noticed that a boy was behaving in an immoral way, they must report the matter to director and not mention it to anyone else. Any ‘secret’ relationships between boys who sleep in close proximity to each other were to be prevented. Brothers were expected to ensure that the boys undressed in a modest and moral way. At those times at which the boys (particularly the older boys) were likely to be undressing, brothers were not to open a chambrette without first knocking and ascertaining that it was convenient. Brothers were also instructed to exercise caution when checking that all boys were out of bed in the morning. Finally, it was deemed permissible to “assist those newcomers who are not yet able to wash themselves properly”.

The annual reports of the school include a number of passages which may refer to improprieties, or the possibility of such improprieties. They illustrate the difficulty of working with this type of material in the absence of any corroborating sources. Extracts include:

- (1st half 1951): Brother CMM7 was in the habit of sitting on the younger pupils’ beds, where he would not only cross them but give them a goodnight kiss. This had led to talk among the boys. He first admitted this practice, but later denied it. The superior drew his attention to the impropriety of such actions and reminded him that the school regulation which forbids entering a chambrette unless absolutely necessary must be observed at all times. A similar practice was noted three years ago, when the person concerned was also warned.
• (1952): A brother who had previously worked in a day school found the behaviour of the boarders to be challenging. In particular, he was irritated by inane conduct in the classroom, whereby the least remark will prompt a fit of girlish giggling.

• (1st half 1953): Morale among the boys is good. The rector commands considerable respect and boys often ask him for a private conversation. Disagreement among the supervisors. Satisfied with brother CMM8. He is despondent because he is not permitted to work among the boys. Might it not be possible to allow him to do so provided others are present?

• (2nd half 1953): A parent has complained that brother [CMM9] is too familiar with his son. This appears to have been confined to playfulness. Another parent is concerned about the relationship between his son and [CMM10]. A conversation served to reassure him. [CMM9] was transferred in August.

• (3rd quarter 1953): 335 pupils; spirits are high. No notable infractions.

• (3rd quarter 1954 - after two brothers were arrested and the superior general’s circular had been read to all brothers): The brothers’ attitude towards the children is correct in every respect. At the last school meeting, at which the student supervisors were also present, the desirability of maintaining this attitude was again stressed and all brothers were expressly instructed not to enter the dormitory or the boys’ rooms unless absolutely necessary.

• (3rd quarter 1955): Other than the facts which have come to light about brother [CMM11] (and what a sad situation that is) I am pleased to report that I have noticed absolutely nothing untoward in the brothers’ behaviour.

• (1st half 1956): A boy from the fifth grade was expelled for immoral conduct (repeatedly). Even the rector insisted on this action. Bad relationship between [CMM10] and [CMM12]; complaints about [CMM13].

• (2nd half 1956) No unpleasant incidents in the moral sphere, with the exception of Hollandse Plaats (3-5th grade lower school) from which a boy was expelled. [This is probably the same case as that reported above]. Senior class expressed much gratitude to the brothers when leaving school. You are aware of the matter concerning [CMM14] and [X57]. I share your conviction that nothing serious took place. [CMM13] is hopeless in every respect: no authority.

• (1st half 1957): Recently, it has been apparent that the spirit among the boys of Cour Moyenne (the intermediate school) is not good with regard to matters of morality. We have been forced to expel a number of students.

• (2nd half 1957, under the heading of ‘charitable works): The rector is concerned about brothers [CMM15] and [CMM16]. Much can be expected of [CMM15]. The replacement of [CMM17] by Osmundus has proven propitious. Cooperation between the brothers who work in the dormitories is now very good. Lucas is very satisfied. Osmundus is serious.

• (1st half 1958): [CMM18] no longer accompanies children to the dormitory and no longer supervises the dormitory because he is unable to interact well with the pupils.

• (4th quarter 1959, by which point a new director has been appointed): Overall, there is no reason to remark on the behaviour of the brothers. I do however have some comments about individuals, and would welcome the opportunity to discuss these with you in private.

• The report for 1965 notes CMM19’s resignation, CMM20’s transfer to De la Salle and CMM21’s move to Oss. Two of the reports received by the Commission implicate CMM21 in abuse committed at the Sint Nicolaas boarding school in Oss between 1974 and 1978.

• (1967): A mood of disintegration within the boarding school. The younger of the two departments is practically without discipline. Adelard, on the other hand, imposes too rigid discipline.
The Commission has received twelve reports of sexual abuse at De Ruwenberg. Of these, seven include some degree of concrete information. One report relates to the 1940s, the others concern incidents in the 1950s. Several name brother CMM10, whose name also features in the school’s own reports from time to time. The victims’ testimony suggest that there was more to his activities than the official records reveal. Several reports state that in the 1940s and 1950s he would take young boys onto his lap and kiss them on the lips. He claimed this was to help them overcome any homesickness and loneliness, but this does not detract from the fact that he apparently became sexually aroused while doing so.

There are also two reports which state that CMM10 entered a boy’s cubicle and sat on his bed, or more precisely on the boy’s leg. One boy was instructed to get out of bed and perform an act of fellatio. There are also two reports concerning the superior of the school, one relating to the period 1950 to 1955 and the other 1956 to 1960, both of which suggest that he had voyeuristic tendencies.

Sint Henricus in Grave

There are twelve reports alleging sexual abuse at the institute for the blind in Grave, of which seven provided enough information to assist in the investigation. Five reports, concerning the period 1953 to 1966, name CMM22 as the perpetrator. He had been at Grave since 1938, and during the period concerned was a classroom teacher. The allegations against him are of inappropriate touching, either with the hands or by deliberately rubbing up against a boy (‘frottage’). One report alleges more serious abuse but omits any detailed description. Also named in these reports are CMM23, a student supervisor from 1955 to 1966, CMM24, head supervisor of the younger students from 1955 to 1966, and CMM25. In 1962, CMM25 moved to Belgium, where he worked as a speech therapist at the institute for the deaf, and the other two brothers named joined him there in 1966 when the institute for the blind was moved to Nijmegen. CMM22 was reassigned to domestic duties at the age of 67.

The official reports of the Grave institute include very few references to these brothers, least of all to their involvement in sexual abuse. The reports for 1949 and 1957 mention CMM24 in a positive light, although the 1957 report notes that he was somewhat rigid in his approach and had little feeling for the pupils’ own needs. A 1959 report describes CMM23 as quite ‘rough and ready’, and notes that he is not subject to any calming influence. The report of the 1955 visitation describes Grave as a community in which the superior maintains discipline effectively.

The paucity of the information in the official records is illustrated by the case of CMM26, the subject of a report received by the Commission. This brother worked at the Sint Jozef School, part of the same community that ran the institute for the blind. At the time, the victim informed the local dean that CMM26 had attempted to commit an indecent act with him. It seems that no action was taken, as the brother went on to make yet another attempt with the same victim. CMM26 resigned from the congregation in 1951 and later married. The archive records include absolutely no mention of any allegations of abuse, the dean’s involvement or the circumstances surrounding CMM26’s departure.

6.4.3.4. Nature and extent of abuse

A total of 120 reports of sexual abuse committed by members of the Brothers of Tilburg were received. Almost half (56) relate to events at De Ruwenberg. Of the remainder, 12 relate to Sint Henricus in Grave, 13 to Huize Nazareth, ten to De la Salle in Boxtel and nine to Sint Nicolaas in Oss. The boarding school in Medemblik is the subject of two reports, as is the juvenate. All other reports relate to some twenty day schools. As noted above, not all reports about events at De Ruwenberg and Sint Henricus include usable information. Moreover, it was difficult or impossible to corroborate the information provided using other sources.

There are, however, six well-documented criminal prosecutions. Remarkably, even they do not feature in the archive documents. Only one of the victims in these cases came forward to give
evidence to the Commission. It is therefore almost impossible to form an accurate impression of the actual extent of abuse within the Brothers of Tilburg congregation based on the reports, the available archive documents and the trial records.

Similarly, the reports give little basis on which to draw any conclusions regarding the nature of the sexual abuse which took place. In general terms, we can only state that very few reports allege anal or oral penetration. The documents relating to the prosecutions state the ages of the victims concerned, which may be indicative of an overall pattern.

Case 1: girl, aged 10  
Case 2: boys, aged 10-12  
Case 3: boy, aged 8  
Case 4: boys, aged 8  
Case 5: boys, aged 13-15; girls aged 10.  
Case 6: boys, aged 6-7.

6.4.4. Conclusions
Throughout the period covered by this report, the Brothers of Tilburg was a large congregation, extremely active in education, which ran a large number of schools. The Commission of Inquiry received many reports of sexual abuse by members of the congregation. The subsequent investigation of the reports amply illustrates the problems inherent in such an undertaking. While other orders and congregations could provide a sometimes unexpected wealth of archive material, this was certainly not the case here. It must also be remembered that the investigation was subject to certain time constraints.
7 THE VICTIMS

7.1 The victims: psychological problems, help and redress

This chapter focuses on the victims. In it, the Commission of Inquiry examines the psychological issues reported by victims and assesses how, in the light of these, the help and redress provided to them should best be coordinated, now and in the future.

For this purpose, the first section of Chapter 7 describes the most important patterns identified by the Commission of Inquiry in its investigation of the victims’ complaints. This concerns the psychological problems experienced by respondents to the survey who reported sexual abuse by people working in the Roman Catholic Church, as well as those of people who approached the Commission of Inquiry of their own accord.

The second section looks at how, in the judgement of the Commission of Inquiry, the Conference of Bishops and the Conference of Religious in the Netherlands (KNR) have implemented the recommendations from the report on the operation of and help provided by Hulp & Recht. The Commission of Inquiry published that interim report on 9 December 2010.1 With effect from the end of September 2011, Hulp & Recht became the Agency for Reports of Sexual Abuse in the Roman Catholic Church (Meldpunt Seksueel Misbruik in de Rooms-Katholieke Kerk).

The chapter concludes with a third section, which includes the interim evaluation of the implementation of the recommendations made on 9 December 2010. This additional section has also been published previously. In this second interim report, the Commission of Inquiry advises on the help and redress to be provided for victims in the future and on the approach that the Roman Catholic Church should adopt towards victims, after the Commission of Inquiry has completed its work.

The subjects addressed in this chapter are also covered in two essays in part two of this final report.2

7.2 Victims’ psychological problems

Sexual abuse during childhood can have a profoundly negative effect on the mental health of the victim, although this need not always be the case. By no means all victims of sexual abuse go on to develop long-term symptoms.3 However, in this respect, some victims are at greater risk than others.

These differences in the level of risk result from a complex interplay of biologically-determined factors, psychological factors and environmental influences. The biological factors include gender, age and physical health. The psychological factors relate to personality and intelligence, as well as, for example, the degree of (safe) attachment felt. Environmental influences concern social circumstances, such as social support, education, income and other life-changing events apart from abuse. In the case of these kinds of environmental influences, an accumulation of multiple risk factors is often involved, all of which contribute to the emergence of psychological problems. For example, in addition to a history of sexual abuse, these may also include past experience of
emotional neglect or divorce. There is often a relationship between these different aversive experiences.\textsuperscript{4} The absence of risk factors other than sexual abuse may explain why, in each longitudinal cohort of victims, a fair proportion of people were completely free of psychological symptoms.\textsuperscript{5}

7.2.1. Causality

Because of the complexity of risk factors, it is not possible to draw any firm conclusions about the 'psychological consequences of sexual abuse'. This is because psychological symptoms, as already stated, are influenced by many different factors. For this reason, it is not easy to identify the cause of specific symptoms. Research into the link between sexual abuse and psychological symptoms faces problems of a methodological nature: it is virtually impossible to devise any form of research from which causal conclusions can be drawn.\textsuperscript{6} With this in mind, the Commission of Inquiry will refrain from making any judgements on the question of whether and to what extent the sexual abuse reported is responsible for any current or previous psychological problems.

The Commission of Inquiry will describe the psychological symptoms reported by those who experienced sexual abuse. These may be symptoms currently being experienced or problems suffered in the past. The Commission of Inquiry will also assess these groups' potential need for help in the light of their psychological problems.

7.2.2 Questions

The Commission of Inquiry has identified different groups: people who report having been abused in the past by individuals working in the Roman Catholic Church (sometimes referred to as notifiers), survey respondents who say they experienced unwanted sexual advances as a minor by an adult non-family member and who were or were not resident in a Roman Catholic institution. These include survey respondents who reported abuse by individuals working in the Roman Catholic Church.

The empirical research by the Commission of Inquiry summarized here attempts to answer three questions.

- To what extent do these groups report psychological symptoms?
- In that respect, are there differences between victims who reported abuse and people who do not share this background?
- And are the symptoms reported by these victims of such severity that they require professional help?

It is this third question that the Commission of Inquiry considers to be particularly important. Systematic research into this issue will provide an insight into the areas which an institution such as the Agency for Reports of Sexual Abuse in the Roman Catholic Church will need to be prepared to handle, if it is to adopt a professional approach to its work. It is difficult or impossible to demonstrate any causal link between sexual abuse that may have happened in the past and later psychological symptoms. Nevertheless, the Roman Catholic Church has a moral duty to take seriously and offer its support to those who report symptoms that they attribute to experiences of sexual abuse involving
perpetrators working in the Catholic Church. An understanding of the nature and seriousness of the symptoms is therefore very important. The survey reported below aims to provide this understanding.

7.2.3 What psychological symptoms were asked about?

The Commission of Inquiry aims to present a picture of the psychological problems experienced by victims and in particular those problems which have been shown by international research to be cited relatively frequently by victims of sexual abuse. For this reason, the survey asked about current psychological symptoms, and in particular issues affecting people's moods (for example, feelings of depression), anxiety (such as panic attacks) and physical symptoms (including pain in the chest or heart, dizziness). The potential presence of these symptoms was determined using an instrument which has been used widely in this context and about which there have been a range of publications: the Brief Symptom Inventory (BSI-18).

One of the main arguments underlying the Commission of Inquiry's decision to use the BSI-18 in its research was related to the following. The BSI-18 provides results, including summary scores, for symptoms of anxiety, depression and for physical symptoms but also provides a total score that serves as a measure of the seriousness of the symptoms and the potential need for help. The Commission of Inquiry focused primarily on the latter parameter. Previous research has shown that it is sensible to apply a boundary value of 11 for this total score. If individuals exceed this score, this is a primary indication of the need for professional help. However, it must be noted that it is not possible to conduct psychiatric diagnoses using the kind of questionnaires that the Commission of Inquiry employed in its research. The indication of the need for help applies at the aggregated group level and is separate from any wish on the part of individuals to be referred to (specialist) help.

In addition, the Commission of Inquiry's questionnaires also included additional, more specific questions to notifiers and responders, based on international research. These were about symptoms often associated with sexual abuse (or other traumatic experiences). The questions aim to provide an insight into whether individuals ever had more than normal (lifetime prevalence) problems with insomnia, nightmares, flashbacks, self-harming, concentration difficulties, anger outbursts, mistrust and suspicion, problems in relationships and intimacy, feelings of guilt, feelings of shame, and physical symptoms for which there was no medical cause. The Commission of Inquiry also added questions about suicidal thoughts and suicide attempts.

7.2.4 Response bias

Questionnaires that instruct people to indicate the extent to which they experience a range of symptoms by means of a scale have their limitations. Some respondents can become irritated by the questions and therefore give an extremely high score for all symptoms. Respondents may also be so determined to demonstrate the seriousness of their symptoms that they award a maximum score to all questions. This issue is known as response bias. Lloyd et al. (2001) studied the surveys published in 1998 in the Archives of General Psychiatry, American Journal of Psychiatry and Journal of Nervous and Mental Disease. The authors counted around 390 articles in this field for that year but the issue of response bias was only evident in a fraction of them (14%). Nevertheless, this issue remains a problem: a response bias affects the accuracy of findings. It causes disruption and undermines the integrity of the database. It is for this reason that the Commission of Inquiry saw fit firstly to include
an index for the response bias in its research and secondly to use this index to correct its findings on
victims' symptoms for response bias.

Certain instruments in psychology — such as the frequently used Minnesota Multiphasic Personality
Inventory (MMPI) — include integrated validity scales that enable a correction for response bias.\textsuperscript{11}
The BSI-18 used by the Commission of Inquiry for this research does not include such validity scales.
For this reason, the Commission of Inquiry decided to include them.

More specifically, in order to gain an impression of the extent to which respondents introduced a
response bias, four unlikely symptoms from the Wildman Symptom Checklist\textsuperscript{12} were added. These
were four symptoms shown by Dutch research to distinguish most effectively between people
instructed to exaggerate their symptoms and people instructed to report their symptoms honestly.\textsuperscript{13}
These are symptoms of the type: 'I sometimes have headaches that are so bad that they make my
feet hurt'.

A more detailed account of this approach is included in Appendix A.

7.2.5. Results

Table 7.1 shows the scores of three groups for the different components. These are the group who
reported having been raised as a Roman Catholic and been subject to unwanted sexual advances and
who stayed in an institution (1), a comparable group who did not stay in an institution (2) and a
control group with none of these characteristics. For the purposes of clarity: these groups do not yet
specify whether the abuse involved a perpetrator working within the Roman Catholic Church.

<table>
<thead>
<tr>
<th>GROUP</th>
<th>Age (SD)</th>
<th>Average total BSI score (SD)</th>
<th>% below BSI boundary value</th>
<th>Average for specific symptoms (SD)</th>
<th>% suicide attempts</th>
<th>Average response bias (SD)</th>
</tr>
</thead>
</table>

From this table, the Commission of Inquiry draws four conclusions.

1. Both the BSI-18 and the specific psychological symptoms are most frequently reported by the groups who experienced unwanted sexual advances by a non-family member as a child (groups 1 and 2). In that respect, there are significant differences from the control group, which reported such symptoms to a substantially lesser extent. A similar pattern also correspondingly applies to the percentage of respondents whose score exceeded the BSI-18 boundary value (which indicates a potential need for professional help) and the percentage of respondents reporting having attempted suicide at least once.

2. The respondents who report having been subjected to unwanted sexual advances and who stayed in an institution show more symptoms across the board than respondents who reported unwanted sexual advances but did not stay in an institution. In other words, the group who were in an institution suffer greater symptoms.

3. In terms of effect sizes, the differences identified between the groups are not especially significant. This would indeed indicate that the proportion of respondents who were subjected to unwanted sexual advances by an adult non-family member but who do not show any current symptoms is far from negligible.

4. The groups also differ in terms of response bias to the extent that respondents who report having been subjected to unwanted sexual advances score significantly higher on the response bias index (see also Table 7.2.). In this case too, the group differences are not especially significant in terms of effect sizes. But more importantly, even if one corrects for the effect of this response bias, the respondents who report unwanted sexual advances also report significantly more symptoms than the control group.

Besides, it is of course the case that all groups could also have had other traumatic experiences or have been sexually abused by other people (within the family, for example) which could reduce the strength of the correlations studied.
What these analyses show is that the lists used are sensitive and not especially susceptible to the influence of response bias. This conclusion marks an important step towards the issue with which the Commission of Inquiry is primarily concerned: the symptoms of respondents and notifiers who report having been abused as children by people working in the Roman Catholic Church.

### 7.2.6. Psychological symptoms experienced by victims of abuse by people working in the Roman Catholic Church

Table 7.2 summarizes the psychological symptoms identified by the Commission of Inquiry in the 173 respondents in the survey who mention abuse by people working in the Roman Catholic Church and the 505 notifiers. Their data was compared with that of the control group.  

<table>
<thead>
<tr>
<th>GROUP</th>
<th>Age (SD)</th>
<th>Average total BSI score (SD)</th>
<th>% below BSI boundary value</th>
<th>Average for specific symptoms (SD)</th>
<th>% suicide</th>
<th>Average response bias (SD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Control group</td>
<td>55.1 (10.4)</td>
<td>6.5 (8.7)</td>
<td>18 (6.6)</td>
<td>2.8 (1.28)</td>
<td>1.44</td>
<td></td>
</tr>
<tr>
<td>(N=565)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Survey respondents</td>
<td>61.9 (8.6)</td>
<td>9.5 (11.2)</td>
<td>30 (9.0)</td>
<td>11.0 (1.71)</td>
<td>0.92</td>
<td></td>
</tr>
<tr>
<td>Perpetrator of abuse Roman Catholic Church (N=173)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Notifiers</td>
<td>60.9 (7.6)</td>
<td>19.5 (15.9)</td>
<td>71 (12.4)</td>
<td>21.4 (1.60)</td>
<td>1.65</td>
<td></td>
</tr>
<tr>
<td>(N=505)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

With regard to symptoms and reported suicide attempts, there are large differences between the three groups. Indeed, these differences are significant. Across the board, the notifiers report by far the most psychological symptoms. This is the case both for the BSI-18 items and for the specific
symptoms. The notifiers also report significantly more symptoms than survey respondents who said they were victims of sexual abuse by people working in the Roman Catholic Church.21

Suicide attempts are a clear indication that someone is suffering serious problems and would therefore benefit from professional help. Because previous national research in the Netherlands22 showed a relationship between experiences of sexual abuse and suicide attempts, the Commission of Inquiry considered it important to examine this theme.

Of the 173 respondents to the survey who reported experiences of abuse by people working in the Roman Catholic Church, 11% (n=19) reported having attempted suicide. For the 505 notifiers, this percentage figure was 21.4% (n=108). The victims therefore far exceed the national average of 4%.23

Is the seriousness of the reported abuse related to the seriousness of the psychological symptoms? Both in the case of the 173 respondents in the survey who reported experiences of abuse by people working in the Roman Catholic Church and that of the 505 notifiers, the psychological symptoms appeared to be significantly more serious in the case of rape. This applies to current symptoms (in the last week), but also for symptoms that people have struggled with throughout their life. This was also the case if several perpetrators were reported. There were significantly more symptoms if people had these negative experiences while residing in a children's home or orphanage or had been admitted to hospital or a sanatorium.

How large is the group of victims that may require help because of current psychological problems? Table 7.2 shows the percentages that exceed the boundary value for the BSI-18 scores. Of the 173 survey respondents, 30% fall into the category that would benefit from professional help. Within the group of notifiers, that percentage is substantially higher, at 71%. Both groups scored substantially higher than the control group.

In order to estimate the value of the results, it is useful to compare them with the results from the annual health survey conducted among the Dutch population aged 18 and above by the Statistics Netherlands (Centraal Bureau Statistiek; CBS).24 The percentage of 'psychologically unhealthy people' identified in this health survey is 13.7%. This relates to the data of 52,137 people from the years 2001 to 2009 combined. The figures from the research conducted by the Commission of Inquiry are higher than the percentage figures from Statistics Netherlands. This is partly related to the fact that the findings are based on different random samples. For example, the survey respondents and the notifiers included by the Commission of Inquiry in its research are older (see column 1 in Tables 7.1 and 7.2). Differences in the measurement instruments used will also have played a role: in the health survey conducted by Statistics Netherlands, mental health is measured by means of five questions whereas the Commission of Inquiry applied the 18 items from the frequently-used BSI. The BSI-18 scores and the reported suicide attempts both lead to the conclusion that victims of abuse are a group with serious psychological problems.

It was striking to note that notifiers experience by far the most symptoms. Chapter 3 shows that notifiers also provide substantially more serious descriptions of the abuse they endured, more serious than the representative group of respondents who reported abuse in the survey. It is possible that this may be a case of a dose-response relationship: the more serious the sexual trauma, the more substantial the later symptoms.25 However, as indicated previously: causal interpretations of this kind of relationship are treacherous. Other explanations are always possible. For example, the
notifiers may ultimately have suffered more symptoms because of the fact that they have recently extensively described their experiences of abuse and because of the trauma that this involves.\textsuperscript{26} It is also possible that notifiers are suffering from other psychological conditions and seek an explanation in their aversive experience of contact with individuals working in the Roman Catholic Church and that, as a result, the memories of that experience become coloured by the severity of the symptoms. These kinds of effort-after-meaning effects and memory biases have been described in the literature.\textsuperscript{27}

There is also the issue of the extent of response bias in the group of notifiers. The response bias index in Table 7.2. clearly shows that notifiers achieve by far the highest scores.\textsuperscript{28} We also know that the differences in symptom levels between the different groups remain even after the response bias has been corrected.\textsuperscript{29} Put another way, even if those people are removed from the database whose response bias index scores suggest that they did not complete the questionnaires with the care that they might have needed to, it continues to be the case firstly that notifiers experience significantly more symptoms than the control group; \textsuperscript{30} and secondly that respondents who report abuse by people working in the Roman Catholic Church experience more symptoms than the control group.\textsuperscript{31}

\textbf{7.2.7. Conclusion}

The people who submitted unsolicited reports to the Commission of Inquiry (described here as notifiers) report the most symptoms across the board. This is a group that experiences serious problems which suggests that many could benefit from professional help. Survey respondents who reported having been abused by people working in the Roman Catholic Church also show an increased level of symptoms, but, as a group, the psychological symptoms are often less serious than those of the notifiers. Despite this, there is also a reasonably sizeable group among these respondents who would benefit from professional help.

The Commission of Inquiry is keen to emphasize these findings for two reasons. Firstly, because the results provide some indication of how the Roman Catholic Church should engage in dialogue with the victims of abuse: it is a group that deserves serious attention and whose problems are difficult to dispel. Case studies indicate that many victims were ignored at the time of the abuse. Their reports were ignored by their parents and by the Church. The Commission of Inquiry cannot therefore rule out the possibility that the seriousness and extent of the psychological symptoms currently experienced by victims may also relate to the fact that no help was offered at the time the abuse took place. In other words, if help had been provided at that time, the victims may have been spared some of the psychological symptoms they now suffer. Even though it is difficult or impossible to demonstrate a causal link between sexual abuse that is said to have occurred in the past and later psychological symptoms, the Roman Catholic Church has a moral duty to take seriously and support those people who report symptoms that they attribute to experiences of sexual abuse involving perpetrators working in the Roman Catholic Church.

The Roman Catholic Church would therefore be well advised to make provisions for and maintain facilities to provide support and help to these victims.

\textbf{7.3 Towards help, redress, openness and transparency}
The Commission of Inquiry has made it a priority to investigate the way in which *Hulp & Recht* operates. This part of the research report was published previously as part of the research into and the advice on the operation of *Hulp & Recht* and the help provided. When the Commission of Inquiry issued its interim report, on 9 December 2010, neither the help provided by *Hulp & Recht* nor by the Roman Catholic Church could be described as effective.

In the third part of this chapter, the Commission of Inquiry looks at the implementation of the recommendations made on 9 December 2010 for help, redress, openness and transparency in the treatment of complaints and the provision of help after sexual abuse of minors in the Roman Catholic Church. In this section, the Commission of Inquiry returns to the establishment and operation of *Hulp & Recht*.

7.3.1. *The establishment: the memorandum 'Geschonden vertrouwen' ('Breach of Trust') issued by the Episcopal Liaison Committee on Women and the Church (Bisschoppelijke Contactcommissie Vrouw en Kerk)*

At the start of the 1990s, there were largely parallel developments in the dioceses, orders and congregations with regard to the issue of sexual abuse. The initiative was first prompted by an edition of the TV programme *Kruispunt* broadcast on 8 November 1992. In this programme, the interdenominational initiative group against sexual violence in pastoral relationships founded around 1990 revealed its findings about sexual abuse in pastoral relationships. The programme resulted in a large number of reports. There were an estimated 250 responses, of which 160 were reports of sexual abuse. These were not all women, but also included men: ‘for example, men who had been in seminaries and boarding schools’. Those reporting abuse were referred to confidential counsellors. Ten of them indicated their ‘willingness to take legal action’.

The question arose as to how bishops and higher superiors should act if victims reported to them with a complaint. ‘There were no procedures in place. Equally, bishops and higher superiors had absolutely no experience of a positive approach to victims.’ The presidium of the joint religious organization Association of Religious Priests in the Netherlands (*Samenwerking Nederlandse Priester Religieuzen*; SNPR), one of the precursors of the Conference of Religious in the Netherlands addressed the issue in early 1993. The Conference of Higher Superiors of Men in the United States was approached for information since various orders and congregations have an official complaints procedure for sexual abuse in that country. In the memorandum *'Suggesties voor hogere oversten bij gevallen van seksueel misbruik, in het bijzonder van minderjarigen'* (Suggestions for higher superiors for incidences of sexual abuse, in particular involving minors’), a number of basic principles for approaching this issue were proposed. This suggested that the higher superior may not be the most appropriate person for investigating charges of sexual abuse.

The Episcopal Liaison Committee on Women and the Church initiated a memorandum on sexual abuse in pastoral relations. Chaired by the Bishop of Breda, Monsignor H.C.A. Ernst, the Committee had some lay members, including women theologians.

The Committee’s memorandum begins with a reference to the American bishops’ *ad limina* visit to Rome. During the visit, the Pope raised the issue of sexual abuse by pastors. On 11 June 1993, Pope John Paul II said to the American bishops: ‘I fully share your sorrow and your concern, especially your concern for the victims so seriously hurt by these misdeeds.’
For those drafting the memorandum, sexual abuse was not a new phenomenon. The memorandum refers to 'the danger of sexual abuse always present when people work professionally with others who depend on them, whether they are educationalists, physicians, psychotherapists, solicitors, lawyers or pastors'.

7.3.2. Joint approach in alliance with Protestant churches

A discussion arose on the subject of sexual abuse in pastoral relationships within the Roman Catholic and Protestant churches in the Netherlands at the end of the 1980s. The debate was triggered by the announcement by a member of the parish of one of the Protestant churches that she had had a relationship with her minister for many years. She called this relationship a form of sexual abuse. Assuming that she was not alone in her experiences, she was determined to expose this kind of abuse in order to prevent it happening to others. Her case sent shockwaves through the community. Pastors had been beyond suspicion for much longer than other similar authorities. Her story was ignored, denied and trivialized. Some people said that it was a case of adultery, which was actually a private issue. Others argued: "While it may be true, the holder of the office in question is such a good pastor."

Working with others, the woman wanted to create a safe place where women caught in such predicaments could tell their stories. It needed to be something that was loyal to the churches, preferably supported by them. This led to the establishment of the interdenominational initiative group against sexual violence in pastoral relationships at the initiative of educational foundations from both the Catholic (Katholiek Bureau voor vorming en toerusting omtrent seksualiteit en relaties) and Protestant churches (Protestantse Stichting voor voorlichting en vorming omtrent seksualiteit en relaties), both of which provided a member of staff to initiate the work, along with the Reformed Churches' cooperative committee for pastoral care (Samenwerkingsorgaan voor het Pastoraat van de Nederlandse Hervormde Kerk en de Gereformeerde Kerken).

Providing refuge for victims and those who had been abused was given priority. In 1991, two agencies were set up to accept reports, the IKON-pastoraat and the KRO/RCC pastoraat, because of their accessibility, relative independence with regard to the churches and experience with anonymous pastoral care. A number of pastors and women with experience of abuse were trained in pastoral care. They formed a network of confidential counsellors intended to provide victims with pastoral support, often by telephone. The interdenominational network was launched in 1992.

However, the Roman Catholic Church soon chose to respond to the memorandum from the Episcopal Liaison Committee on Women and the Church by establishing its own internal church programme for help and justice for those who had been abused. Although the memorandum had highlighted a number of advantages of an interdenominational alliance, an intensive and long-lasting debate ensued within the Roman Catholic Church which ultimately side-lined the Roman Catholic Church’s involvement in the interdenominational initiative. The bishops told the initiators that they shared the concerns of the initiative group, believed these concerns to be legitimate and 'that they would themselves do something about it – where appropriate'.

This provoked some questions and the issue was raised at the Conference of Bishops on 12 and 13 October 1992. A memorandum for this meeting reveals the following: 'With regard to the complaints procedure, there are, as far as I know, no provisions for this in any diocese. If anyone should go so far
as to reveal sexual abuse by a priest, I suspect that the deacon, vicar or bishop are people to whom one would turn, possibly in writing. How the case is handled after that will depend on its seriousness and the judgement of the person who has been approached.40 The Conference of Bishops adopted this stance: 'The handling of any cases of sexual abuse in pastoral relationships are part of the responsibility of the Ordinaries and continue to be handled by them with great pastoral care according to the guidelines and procedures provided for this in canon law.41

7.3.3 Factual corroboration of the extent of sexual abuse

According to the memorandum from the Episcopal Liaison Committee on Women and the Church, there was hardly any hard data on the nature and extent of sexual abuse in the Netherlands. The Committee had based its recommendations on evidence from studies of sexual abuse by American priests. The figures included in the memorandum refer to 4% of American priests who sexually abuse minors. This would amount to more than 1,300 American priests. Another source cited in the memorandum referred to a percentage of 6%. According to a third source, the percentage was between 5% and 10%.42

The memorandum said nothing about a similar percentage for the Netherlands: 'But even if the percentage in the Dutch Church is just half of the figure in America, it remains a percentage that calls for a policy on this extremely serious issue'.43

To corroborate its proposals, the Episcopal Liaison Committee used factual material about the abuse of minors. It refused to be drawn on whether laypeople operating within pastoral care were also to be subject to the approach proposed in the memorandum.

7.3.4 Four basic principles in 'Geschonden Vertrouwen'

The memorandum applies for basic principles, presented as the four 'P's: positive, pastoral, prevention and pro-victim.

1. Positive, because the intention is to break through the silence and secrecy, so characteristic in cases of sexual abuse, by being open and honest. Listening, rather than remaining silent and acknowledging that mistakes have been made in the past. This was intended to form the basis for the support needed by victims and for the appropriate treatment of the perpetrators.

2. The intention was to express a pastoral attitude by refusing to countenance any excuses for sexual abuse, while trusting in the ability of perpetrators to learn from their abuse in order to be able to manage their behaviour. This did not ignore the reality of the perpetrators' continued inclination towards recidivism.


4. Pro-victim: all energy and efforts must be focused on providing the best possible support to victims of sexual abuse.44

7.3.5 Two recommendations: confidential counsellors for victims, advisers for offenders and a complaints procedure
The memorandum from the Episcopal Liaison Committee concluded by making two recommendations. The first recommendation referred to the appointment of confidential officers. This concerned both confidential counsellors to support men and women who had been abused and advisers to support perpetrators. There was a preference for confidential counsellors from the diocese, in other words appointed by the bishop concerned. In addition, an agency for receiving reports was also envisaged to take telephone calls and refer callers to confidential counsellors and advisers.

The second recommendation concerned the complaints procedure. In its memorandum, the Episcopal Liaison Committee on Women and the Church referred to the fact that the options offered by the canonical court were so unfamiliar to victims of sexual abuse that they would not dare to take the step of seeking recourse from this court. It also appeared that the court did not have the necessary expertise to handle accusations relating to sexual abuse.

For the complaints procedure, the Episcopal Liaison Committee had in mind the example of the American bishops. The complaints procedure was to be intended as a 'route towards possible measures against the accused'. In this context, the possibilities for 'a potential canon or civil process' were mentioned. For the complaints procedure, the involvement of experts was necessary 'both in the field of sexual abuse and its legal implications'. These experts would be commissioned to conduct a preliminary investigation, provide support to victims and advise bishops on measures to be taken. This therefore involved:

- a delegated individual
- trained confidential counsellors and advisers
- an assessment committee.

The appointment of a delegated individual is based on canon 1717, paragraph 1 'Whenever the Ordinary receives information, which has at least the semblance of truth, about an offence, he is to enquire carefully, either personally or through some suitable person, about the facts and circumstances, and about the imputability of the offence, unless this enquiry would appear to be entirely superfluous.'

The assessment committee would be charged with assessing the investigation conducted by the delegated individual and advising the bishop.

7.3.6 Points for consideration

At the end of the memorandum, there were five points for consideration. The Episcopal Liaison Committee wondered whether 'it was possible to offer a solution to a penitent who makes no effort to change his misconduct and refuses to seek help'. Of course, this touches on the seal of confession. The second point for consideration related to policy concerning appointments in the parishes of pastors who have been perpetrators. It would be the vicar-general's responsibility to enquire about possible reports or accusations of sexual abuse: 'If a pastor is no longer eligible for appointment in his own diocese because of sexual abuse, this prohibition should also apply to other dioceses.'
The third point for consideration concerned the selection and training of priests. This referred to careful screening, information about the issue, information on policy and education on sexual maturity. It also called for a focus on providing information to the outside world: this needed to be handled carefully in order to prevent wild rumours and speculation. Finally, policy initiated by this memorandum was to be evaluated on an annual basis.

The memorandum was submitted to the Conference of Bishops. Extensive preparations were made in determining a position on the content of the memorandum and its recommendations. It was tabled for discussion at the Conference of Bishops held on 11 and 12 October 1993.

7.3.7. Response of the bishops and the Conference of Religious in the Netherlands to ‘Geschonden Vertrouwen’

It is customary for items on the agenda at the monthly Conference of Bishops to be prepared in advance by the policy advisory committee, which includes a number of vicars-general from the seven dioceses. The policy advisory committee had 'a number of qualifying remarks and comments of varying importance' about the memorandum.

The first qualifying remark made by the policy advisory committee concerned the victim: 'In the case of sexual abuse in pastoral relationships, not only is the person who has sought pastoral help the victim, but also the Church itself.' The second qualifying remark referred to the proposed approach, which the policy advisory committee felt was comparable with disciplinary law applicable to certain professional groups. The third qualifying remark concerned criticism of the statistics used: 'the report is wrong to base itself too much on American and Canadian statistics'. The fourth qualifying remark was linked to the third: there should be a greater stress on the fact that sexual abuse is a general problem within society. The fifth qualifying remark related to celibacy: it was explicitly stated that 'there is no direct link between failure to fulfil the duty of celibacy on the one hand and sexual abuse of pastoral relations on the other'.

The advisers to the Conference of Bishops also recommended that the approach to the problem should focus much more on prevention. The policy advisory committee opposed the proposal in the memorandum to prevent a priest prohibited from taking on a pastoral role in his own diocese from taking on similar roles in the other dioceses: 'It is sufficient that information be obtained in the event that priests move between dioceses.'

Finally, the policy advisory committee recommended that the bishops adopt the memorandum subject to certain changes. This did not happen immediately.

The bishops decided to submit the memorandum for comments and reactions to the central staff in the dioceses, stichting Samenwerking Nederlandse Priesterreligieuzen and the ordinariate of the Dutch Armed Forces. Later, two other organizations, which were precursors of the Conference of Religious in the Netherlands (Samenwerking Broedercongregaties Nederland and the Samenwerking Nederlandse Vrouwelijke Religieuzen) were asked for a reaction. These reactions were received between 11 November 1993 and 10 May 1994.

In the summer of 1994, the Episcopal Liaison Committee on Women and the Church drafted advice for the Conference of Bishops. This memorandum contained the broad contours of the complaints
procedure that would be established in the course of 1995. It also outlined the role of the delegated individual tasked with conducting the preliminary investigation into the complaint and the agency for reports based within a 'Complaints Procedure Secretariat'. A proposal for such a procedure was included as an appendix to the memorandum. This also summarized the tasks of the assessment committee:

'The assessment committee will be tasked with evaluating the report and advice of the delegated individual and accompanying his advice to bishops or higher superiors with written information concerning the help and support to be provided to the person involved in the abuse. The committee will also evaluate the total policy and make recommendations to improve it. It will establish an annual budget.\textsuperscript{54}

The proposal for the procedure included a provision relating to the actions to be taken by the bishop or higher superior if the assessment committee declared the complaint to be well-founded. If the complaint was declared well-founded, the bishop or higher superior would make a decision on the future of the priest in question: 'this decision may include one or more of the following options:

- referral to a treatment programme
- placement under supervision
- restriction of tasks or position
- initiating dismissal (for laypeople)\textsuperscript{55}
- initiating a canonical process with the aim of removal from office (for/by clerics)
- asking the cleric to request voluntary release from office\textsuperscript{56}

If it was very likely to concern an offence in accordance with Article 160 of the Dutch Penal Code (\emph{Wetboek van Strafvordering}), the delegated individual should report this to the Public Prosecution Service at the time of the preliminary investigation.\textsuperscript{57}

\textit{Decision of the Conference of Bishops and Conference of Religious in the Netherlands of 10 October 1994.}

The memorandum was discussed at the Conference of Bishops of September 1994. The Conference of Bishops adopted the recommendations concerning the agency for reports, the complaints procedure and supporting and accompanying policy in its meeting of 10 October 1994. On 30 November 1994, this was followed by the council of governing bodies (\emph{besturenraad - the consultative body for the governing bodies of the joint religious organizations and the Conference of Religious in the Netherlands}). In its meeting of 12 and 13 December 1994, the Conference of Bishops approved the names of the members of the 'scrutiny and advisory committee' (\emph{toetsings- en adviescommissie}), the new name for what had previously been proposed as 'assessment committee' (\emph{beoordelingscommissie}) and the names of the persons designated by the diocese to conduct the preliminary investigations (\emph{Bisschoppelijk Gedelegeerden Vooronderzoek}).\textsuperscript{58}

\textit{7.3.8. The ecclesiastical institution Hulp & Recht}
This is how the preparations were made for the establishment of *Hulp & Recht*. On 4 April 1995, the Conference of Bishops passed a decision to establish the ‘*Landelijke Instelling Hulp & Recht na seksueel misbruik in pastorale relaties*’. It was to be based in Utrecht. The institution is a public legal person in the sense of Canon 116 of the Code of Canon Law and an independent part of the Roman Catholic community in the Netherlands and as such has the status of a legal entity in accordance with Dutch law pursuant to Article 2:2 of the Dutch Civil Code.

The board of the institution consisted of an uneven number of at least five and at most seven members. Two of the members were nominated by the Conference of Religious in the Netherlands and appointed by the Conference of Bishops. Two members were nominated by the joint scrutiny and advisory committee and appointed by the Conference of Bishops. Since 2002, this scrutiny and advisory committee has no longer existed. It has been superseded by the *Beoordelings- en adviescommissie*, which translates as assessment and advisory committee. Its chairman was directly appointed by the Conference of Bishops and the board of the Conference of Religious in the Netherlands.

The institution was given the objective of ‘offering help and justice to the victims of sexual abuse by people working in pastoral care, catechesis or spiritual care and support, having been appointed or commissioned by a bishop of the Roman Catholic Church in the Netherlands, and to offer help and justice to people accused of sexual abuse in pastoral relationships or who have sexually abused people in a pastoral relationship’. The Commission of Inquiry notes that although attention was paid to the sexual abuse of minors when establishing this institution, in its implementation, its main focus was to be on sexual abuse in pastoral relationships in general. This does not mean that minors were outside the scope of this procedure. In the course of the establishment of *Hulp & Recht*, there was explicit reference to minors: 'there were comments from religious brothers that there are indeed religious brothers in pastoral positions – the majority of which are pastoral positions for the benefit of minors – but that much of what the religious brothers do in their work in schools and boarding schools (almost exclusively for the benefit of minors) cannot be categorized by the term "pastoral relationships" even though one would very much like to also include these "relationships", in which sexual abuse can occur, in the overall total.'

The fact that, on paper, the focus was 'almost exclusively on sexual abuse within pastoral relationships' called for a more rigorous definition. 'It would still seem necessary to adapt this [text of the procedure], to make it clear that it concerns sexual abuse in the wider sense and that therefore actions of sexual abuse by members of orders and congregations not working in pastoral care also fall within the scope of the procedure'.

On its establishment, the institution had a board and a joint scrutiny and advisory committee. This committee consisted of members 'appointed separately by each bishop, ordinariate and higher superior'. The committee was given the task of 'scrutinizing whether the procedure has been carefully followed by the delegated individual and to accompany his advice to the bishop, ordinary and higher superior with additional advice on the issue of the help and support to be offered to all those involved in the sexual abuse'.

The delegated individual refers to the 'person appointed separately by each bishop, ordinary and higher superior (c.f. Canon 1717, para 1) and charged with investigating complaints of sexual abuse in pastoral relationships in accordance with the rules of this procedure. Initially,—until the procedure was changed in 2002 —the delegated individuals and the committee worked separately from each other.'
The procedure did not include job profiles for the board and the delegated individual. However, this was the case for the members of the joint scrutiny and advisory committee: 'The committee will comprise: experts on canon law and civil law, pastoral work in the field and help for victims and perpetrators. The committee's members will include women and men, clerics and laypersons, and members of institutes of consecrated life and societies of apostolic life.'\textsuperscript{69} Finally, the constitution included a 'study committee', which existed for several years after establishment.

7.3.9. \textit{The operation of Hulp & Recht until 2002: the early years}

Following the relatively high numbers of reports in the first four years of \textit{Hulp & Recht}'s existence (20 to 30 each year, with an exceptional figure of 45 in the first year), the number of reports in 1999 fell to five. An explanation for this was sought in publicity surrounding the issue. For example, the current affairs television programme \textit{Twee Vandaag}, which reported on abuse in Belgium in 1998, led to a large number of reports in the Netherlands.\textsuperscript{70} In 1999, there was no further publicity.

Despite the fall in the number of reports received, it was generally believed that \textit{Hulp & Recht} had proved its worth. This was certainly the view held by orders and congregations. On 15 and 16 April 1996, the Conference of Bishops reviewed the first year in which \textit{Hulp & Recht} had operated. The then chairperson of \textit{Hulp & Recht}, P.P.M. van der Ree, and Sister E. Verrijt, who was responsible for the agency for reports, provided the bishops with information about the launch of the new institute. The first year had resulted in 45 reports and complaints. These reports and complaints differed from each other in numerous ways. For example, the age of the notifiers and complainants varied. Not all reports resulted in a complaint: many notifiers merely issued their report. But there were also notifiers who had been abused long ago and yet still struggled with 'often quite serious' consequences.\textsuperscript{71}

According to the chairperson of \textit{Hulp & Recht}, the procedure was working as it should, but required refining. For example, it was only possible to accept a complaint for processing if it involved a pastoral relationship. This led to the problem of defining exactly what was meant by a pastoral relationship. Another problem involved situations in which the complainant reported a complaint to \textit{Hulp & Recht} but the accused had already left the religious life. In such cases, it was still possible to issue a judgement, but it made no sense to impose a measure. Another problem faced by \textit{Hulp & Recht} was the issue of 'compulsive abusers'. These were difficult to recognize and 'separate from the others'.\textsuperscript{72}

In its annual report for 1997, the board provided an impression of what had emerged from the reports and complaints. Not all reports led to a complaint: generally, each report was followed by an offer of pastoral help by one the confidential counsellors designated in each diocese. In addition to providing pastoral help, the confidential counsellor could also refer the notifier to regular help services. As soon as the notifier decided to submit a complaint, the confidential counsellor would assist the complainant throughout the procedure. Because the confidential counsellors provided confidential support to the notifiers and complainants allocated to them, this annual report (in common with later reports and accountability documents) does not include factual information about the number of discussions, the duration and nature of the support offered and the number and types of referrals to regular help services.
It emerged in the annual report that half of the reports related to abuse had been perpetrated long ago in the past. How long ago cannot be determined from the reported information available. The actual reports of abuse have been destroyed. After one year, *Hulp & Recht* had processed 30 of the total of 84 complaints. The experience gained in doing so led to questions about definitions and about certain parts of the complaints procedure that appeared to need improvement or refinement. In a letter dated 13 May 1998, the Conference of Religious in the Netherlands also approached *Hulp & Recht* asking it to adjust the procedure in a number of areas.

The annual report on 1998, 1999 and 2000 called for attention to be paid to prevention. The board was keen to find ways of ensuring this attention was given at all levels in the Church. There were calls for more time and focus to be invested in 'people's individual psychological, physical and spiritual well-being', both in training and preparation for pastoral work.

7.3.10. Towards a new procedure

After the establishment of *Hulp & Recht*, the involvement of the Conference of Bishops and the Conference of Religious in the Netherlands in policy was limited. For some time, *Hulp & Recht* was not included on the agenda at the Conference of Bishops and any policy concern expressed by the orders and congregations via the Conference of Religious in the Netherlands was limited. However, during this interim period, *Hulp & Recht* did make informal contact on a range of cases of abuse submitted to it for handling during this time. It was not until 13 November 2001 that *Hulp & Recht* was to reappear formally on the agenda of the Conference of Bishops. This concerned the report on the previous three years and a proposal for a modified procedure.\(^{73}\)

The chairman of the scrutiny and advisory committee had agreed to re-examine the procedure and present proposals for improvement to the board of *Hulp & Recht*. According to the procedure then in force, the complainant had to demonstrate the plausibility of the abuse, 'where possible with evidence'. In the case of sexual abuse, it is often difficult to provide evidence. This meant that, as had been observed, the procedure placed a great burden on complainants.

Changes to the procedure were deemed necessary.

First of all, this concerned the definition of sexual abuse. But it was also observed that 'the formulation of the procedure itself made it difficult to reach as clear a judgement as possible'. In 2000, an initial draft of a revised procedure was compiled by Dr A.P.H. Meijers. After being submitted to an assessment in terms of canon law, the text of the revised procedure would then be 'submitted to the bishops of the Netherlands and the higher superiors via the appropriate channels. Of course, they are the ones who will determine and publish the final text.'\(^{74}\)

The proposal included a number of changes:

1. Where previously there was a reference to sexual abuse in a pastoral relationship, the proposal referred to sexual abuse in a situation of dependency.

2. In the old procedure, the delegated individual carried out the investigation and the scrutiny and advisory committee scrutinized the investigation. In theory, it was possible for the delegated individual and committee to reach a different judgement. In the new procedure, it was proposed that the scrutiny and advisory committee be converted into
an assessment and advisory committee (BAC in Dutch), in which four members would be authorized to act as delegated individuals. This could result in a joint judgement and advice for the bishop or higher superior.

On 11 December 2001, the Conference of Bishops and the Conference of Religious in the Netherlands approved the new procedure.\footnote{75}

*What happened to the advice about measures to be taken against the accused?*

It is unclear/impossible to determine how the board at that time judged the way in which the bishops and higher superiors dealt with the advice presented to them. The evaluation promised in *Geschonden vertrouwen* was never carried out.\footnote{76} However, the board did engage in activities for the 'accused': in 2000, there was renewed contact with De Waag, an institution offering specialized treatment to perpetrators of sexual abuse.\footnote{77} The board had also sought contact with the central advisory agency for priests and members of religious orders or congregations (Centraal Adviesbureau voor priester en religieuzen; CAPER), an institution providing help to priests and the religious with a view to providing support to perpetrators.\footnote{78} The board announced plans for further investigations into the way in which contact would be made with the accused: ‘Because it is only possible to respond to the needs and demands they may have if contact is made with them.’\footnote{79} For the victims, 'a referral list for people needing targeted (psycho)therapeutic help' was being worked on.

In the annual report for 2001, the revision of the procedure and the development of the prevention project were mentioned as subjects on the agenda at the six board meetings that year.\footnote{80}

7.3.11. After the introduction of the new procedure in 2002

In 2002, the revision of the procedure took effect. On 1 March 2002, Cardinal A.J. Simonis signed the new procedure on behalf of the diocesan bishops, the military ordinariate and the higher superiors at the religious institutions and societies of apostolic life.

The year 2002 brought further publicity as a result of reports about abuse in the American Roman Catholic Church and about the so-called Aegon issue.\footnote{81} The board of *Hulp & Recht* received numerous requests to enlighten the Dutch media on the issue of sexual abuse. The media turned to the board of *Hulp & Recht* because they assumed it to include authoritative and expert spokespersons on the subject of sexual abuse within the Roman Catholic Church.

Because, as a result of the media coverage of cases of sexual abuse in the American Roman Catholic Church and the Aegon issue, there were exceptionally large numbers of complaints in the year 2002, the board of *Hulp & Recht* compiled an anonymized list of the 47 reports. In other years, the numbers of reports were significantly lower. Of the 47 reports, 26 related to the period prior to 1990, and 20 of these concern sexual abuse of minors (at the time of the abuse): thirteen boys and seven girls.

Of the thirteen boys, nine were said to have been abused at boarding school: ‘Just less than half of the boys were abused by several priests/members of religious orders or congregations. That was not the case for any of the girls’ reports. For the boys, it seems to involve a different system.’\footnote{82} About half of the 21 reports of abuse alleged to have occurred after 1990 involved abuse in pastoral
relationships. According to the accompanying memorandum from *Hulp & Recht*, none of the reports of abuse committed after 1990 related to minors.\(^8^3\)

In this memorandum, *Hulp & Recht* expressed its concern about the way in which sexuality was dealt with in the training and life situation of priests, young monks and novices. Eight reports, including one complaint, related to such situations.

The anonymized list was discussed at the Conference of Bishops of 9 September 2003. The minutes do not make any reference to what was discussed.\(^8^4\)

There were more than four months between the submission of the list (28 April 2003) and its discussion at the Conference of Bishops (9 September 2003).

The Conference of Religious in the Netherlands steering group (*dagelijks bestuur*) discussed the list on 2 July 2003 and the list was duly noted. In order to guarantee the anonymity of the reports in the list, the chairperson of *Hulp & Recht* asked that the list be destroyed after being read. The Conference of Religious in the Netherlands board did so\(^8^5\): the Commission of Inquiry found copies of the list in other archives including that of the Conference of Bishops and the board of *Hulp & Recht*.

### 7.3.12. Changes of personnel

The BAC chairperson, G.J.M. Corstens, announced his departure with effect from 1 January 2004. He had completed his standard term as a member and chairman of the BAC. In a letter to Cardinal Simonis, he wrote:

'Secondly, I will not attempt to conceal that we find it quite remarkable how little self-awareness is shown by the accused we found guilty. In many cases, it seems that people's main sympathy is with themselves. The understanding that they have caused suffering, sometimes serious suffering that has had a significant negative influence on the course of someone's life, often seems to be absent.'\(^8^6\)

On 14 January 2004, Cardinal A.J. Simonis appointed Y.A.J.M. van Kuijck as chairperson of the BAC. He had become a member of the BAC in the previous year.

Two weeks later, the chairperson of *Hulp & Recht*, Mr Van der Ree, announced his departure. He had reached the end of his maximum term as member of the board. On 13 April 2004, the Conference of Bishops agreed that Mr Van der Ree be succeeded by Ms S.J.E. Horstink-von Meyenfeldt.\(^8^7\)

### 7.3.13. Shortcomings identified

As early as 2003, issues with the procedure were identified. At the start of 2004, the former chairperson of the BAC had made suggestions for a revised procedure. This related in part to the way in which bishops and higher superiors dealt with advice: 'Although bishops and higher superiors maintain their freedom, the advice is not without obligation. There are occasions on which the way in which the advice is dealt with threatens the credibility of *Hulp & Recht*.'\(^8^8\)

After taking over the chair of *Hulp & Recht*, Ms Horstink-von Meyenfeldt faced even more problems. A conflict had arisen between the BAC and its member of legal staff. Ms Horstink-von Meyenfeldt was informed by the BAC that this member of legal staff was pursuing his own course of action rather too freely. Because the BAC adopted an independent position with regard to the board of *Hulp &
Recht, she was unsure of the precise nature of the issue. But one of the areas of criticism was that the legal member of staff was making undertakings that were not possible in accordance with the procedure as it then applied. These included providing undertakings to complainants that an investigation would be instigated into the accused even if they were already dead. The procedure in place at that time did not allow for this. Because no procedure could be instigated with regard to an accused who was dead, the member of legal staff was, according to the BAC, providing assistance to investigations outside the BAC. The legal adviser worked with complainants to draft written complaints which included claims varying from compensation for material damage suffered and acknowledgement of biological fatherhood to prohibition orders. These were demands that the procedure was extremely unlikely to be able to fulfil and could only lead to disappointment on the part of the complainants. A second problem involved the role of the confidential counsellors. According to the chairperson of Hulp & Recht at that time, Ms Horstink-von Meyenfeldt, some of the confidential counsellors built up such a close and deep attachment to the complainants that they almost became carers for the complainants and lost all vestiges of professional detachment. Because of the lack of any proper job descriptions or direction, both the member of legal staff and the confidential counsellors had no idea how they should act in cases in which the procedure had no jurisdiction or in which a complainant was dissatisfied with the steps in the procedure. Ms Horstink-von Meyenfeldt also found that the confidential counsellors pursued the help they offered to an extreme degree, even treating victims themselves or working out help programmes for them, even in cases where complaints had not been accepted or had been declared unfounded. The third problem involved the relationship between the new chairperson and the BAC. The Conference of Bishops was responsible for appointing the board of Hulp & Recht and the chairperson and members of the BAC. By virtue of its appointment by the Conference of Bishops, the BAC was independent of the board, whose task involved, in its view, nothing more than a facilitating and administrative role in supporting the work of the BAC and the confidential counsellors. The central bodies of Hulp & Recht worked independently of each other and there was no central management or control. The new chairperson took a different view on the procedure then in place. Following a series of discussions with the BAC, she asked Mr H.J. Schepen, vice-president of the court of Utrecht, to take a look at the procedure. He took a dim view of it, according to Ms Horstink-von Meyenfeldt in her interview with the Commission of Inquiry. The relationship between the chairperson of Hulp & Recht and at least one member of the BAC had, at that time, deteriorated to such an extent that Ms Horstink-von Meyenfeldt only served to exacerbate this by submitting the procedure to critical assessment. According to the chairperson of the BAC, Y.A.J.M. van Kuijck, it 'emerged later that communications between the board of Hulp & Recht and the BAC had, at that time, deteriorated to such an extent that Ms Horstink-von Meyenfeldt only served to exacerbate this by submitting the procedure to critical assessment. Ms Horstink-von Meyenfeldt took the view that the existing procedure was a mishmash of legislation governing complaints and canon law: 'The legal frame of reference for complaints [is] different from
that for criminal acts and the complaints procedure (partly) involves different rules of evidence. The plausibility requirement for complaints does not meet the strict requirements in canon criminal law for qualifying a person as guilty of an offence, with the possible imposition of disciplinary measures. In other words, it may be possible to declare a complaint to be well-founded without proof of an offence (in accordance with canon law) having been provided.\footnote{96}

It was Ms Horstink-von Meyenfeldt’s intention, supported by members of the board of *Hulp & Recht*, to cleanse – as she put it in her policy memorandum – the procedure of elements of canon law of criminal procedure. This also marked the end of the delegated authorized individuals and therefore also brought an end to the situation in which there was no application of the principle of hearing both sides of the argument.

In the view of Ms Horstink-von Meyenfeldt, the BAC’s role was to act as a complaints committee and only make pronouncements on whether or not the facts were accurate. She observed that the BAC was increasingly acting as if it were ‘a court of law’. In relation to this, the then chairperson wondered how it was that so few complaints emerged from the reports received by *Hulp & Recht*: ‘From her studies of the literature on the subject, [Ms Horstink-von Meyenfeldt] ascertained that one of the most important aims of those involved was to gain acknowledgement of the problem and the opportunity to talk about it. They often do not make an official police report because that leads to a very difficult procedure focused on the offender rather than on the victim. She was of the opinion that an effective set of complaint regulations were needed, focusing primarily on support for the victim.’\footnote{97}

In addition, there were also cases that are so serious that disciplinary measures are appropriate. In such cases, a court of canon law would need to make judgements, based on the preliminary investigation conducted by the BAC. According to Ms Horstink-von Meyenfeldt, in the absence of such a (disciplinary) body, there is a risk of the advice given by the BAC being side-lined too easily.

The BAC at that time had a different opinion from the board of *Hulp & Recht* and continued to advocate the canon law approach which sets higher demands in terms of evidence, as a result of which, in the opinion of Ms Horstink-von Meyenfeldt, many more complaints were declared to be unfounded than would have been the case if the complaints procedure had been less rigid. In order to verify this, she consulted some of the BAC dossiers, having, she claims, first gained permission, and found ‘the quality of the investigation conducted to be unsatisfactory’. This led to renewed conflict with the BAC who saw her viewing of the dossiers as a breach of the BAC’s independence and went on to accuse her of poor communication with the BAC.\footnote{98}

The BAC believed that there were completely different reasons underlying the changes to the procedure. In 1997, the Court in The Hague found the priest from the parish in Rijpwetering and Oud-Ade guilty of sexual abuse of a 12-year-old girl. He was sentenced for 18 months in prison, six months of which was a suspended sentence. The Bishop of Rotterdam suspended the priest. He was no longer permitted to operate as a priest.\footnote{99} The Rotterdam diocese then agreed settlement with the victim and her legal representatives. The case concerned the abuse of a child over a protracted period. Because a minor was involved in the settlement, consent from the subdistrict court was required. As part of this process, there were contacts with Aegon, the insurance company for the
ecclesiastical province to which the Rotterdam diocese belongs. It was important to ascertain the position that the insurance company would adopt. It refused to cooperate with the settlement.

The issue ultimately resulted in an amicable solution for both parties, but as a condition for enabling the settlement to be effected, Aegon insisted that any obligation to make payment must be based on the complaint in question being declared well-founded by Hulp & Recht. In this context, Aegon placed demands in terms of the rigour applied in the Hulp & Recht procedure. Until then, there had been no real rigour in the procedure: the delegated individual spoke to the complainant and then to the accused before compiling a report which the full BAC discussed in the absence of the complainant and the accused.  

This allowed the idea to gain momentum within the BAC that it was not the interests of victims, but the wishes of Aegon – and by extension, the financial interests of the Church – that had been decisive in driving a change to the procedure. Although relevant, the question of whether it was in the Church’s financial interest to modify the procedure for this reason is not easy to answer. The fact remains that the bishops have so far not made any use of the financial reserve at Aegon established in the agreement. If it had been in the financial interests of the bishops to change the procedure, it would seem obvious that a claim would have been made on the reserve at Aegon between 1 November 2001 and now (late 2010). This is not the case.

7.3.14. Changes in the new procedure

The position of the legal advisers had now been improved. The conflict between the legal member of staff and the BAC came to an end on the departure of this legal adviser. New legal advisers were hired to process the complaints submitted. The budget for 2006 accounted for five complaints per year.

This relatively low number of complaints contrasted sharply with the number of reports. Only 20% to 30% of the reports led to a complaint being processed in the complaint procedure. Often the complaint procedure was not instigated since many reports did not reach the complaint stage. This was undoubtedly related to the 'lack of transparency of the investigation for the victim and the person accused.' It was also unclear whether there was a duty to report or refer cases if those submitting complaints did not turn to the Hulp & Recht reports agency, but to a diocese, order or congregation.

One of the changes in the procedure involved the appointment of legal advisers who could support complainants in the procedure and help them to compile written complaints.

In addition, until 2007 it was not possible to instigate a complaint procedure if the accused was dead or no longer subject to the authority of a bishop or higher superior, possibly as a result of having left the religious life. The revised procedure brought changes to this. Until 2007, it was not possible to take action against volunteers active in the Church (sextons, choirmasters, etc.) who had been accused of abuse. This was made possible in the new procedure. The new procedure also set time limits. The old procedure had no time limits, which meant that it was often needlessly long, as a result of extended, unlimited pauses. The possibility for the BAC to hear the arguments of the complainant and the accused was also an important new aspect. Additional possibilities were also included for the processing of complaints (informally, in writing, etc.).
The confidential counsellors would no longer be appointed by the bishops but by the board of *Hulp & Recht*. The legal advisers were also henceforth appointed by the board of *Hulp & Recht*.

The range of people who could be accused was also extended to include those who carried out paid or unpaid work and those for whose actions the Church could be held liable in accordance with civil law. In these damages cases, there would therefore always be a BAC investigation dossier available from then on. The role of the BAC was described in more detail: it was to become a ‘commission of inquiry that purely provides advice to the ordinariate and does not operate as a court. A court of canon law will be established to handle criminal evidence in canon law.’

A more controversial change involved — just as in the case of a normal court — the complainant and the accused being heard at the same time and given the opportunity to respond to each other’s evidence. This was controversial because the procedure was based on both parties being present at the BAC hearing, unless the complainant or the accused requested to opt out of this.

From 1 January 2008, it became possible to handle more complaints and to declare fewer complaints inadmissible because they were directed at people who had so far been excluded from the complaints procedure (the deceased, those who had left the religious life or people active in the Church on an unpaid basis). It also became possible for complainants to speak with the BAC, possibly in the presence of the accused. Until then, there had been no direct contact between the BAC and the complainant. A delegated authority spoke with the complainant (and the accused) and reported to the BAC. For this reason, the board of *Hulp & Recht* proposed that complaints no longer be dealt with by the whole of the committee, but in sections of up to three members. Since the scope of the complaints procedure had now been broadened, Ms Horstink-von Meyenfeldt believed that the number of complaints to be handled would increase.

There were three meetings with the BAC to discuss the new procedure. The BAC chairperson was closely involved in drawing up the new procedure and also helped formulate the proposed changes.

As a result, the chairperson of *Hulp & Recht* believed that she had found a fellow advocate for modifications to the procedure. Ultimately, the BAC chairperson was, in common with the other members of the BAC, unable to approve the new procedure.

### 7.3.15. *The BAC’s criticism of the changes*

The BAC was of the opinion that the new procedure was unnecessary. The old procedure worked satisfactorily: ‘Although there may have been issues in the past relating to the settlement of reports/complaints, these were not a result of the procedure itself, but rather due to the lack of clarity in terms of the responsibilities of the confidential counsellors and legal advisers and the poor implementation by the Church authorities of the advice given by the BAC.’

The BAC saw the new procedure as ‘unnecessarily formalized and legalistic’: ‘Its focus is now on the Institute of the Church rather than the victim.’ The BAC at that time was unhappy that the protection of the rights and interests of the victim were the last thing to be mentioned in the preamble. In its view, the interests of the Church took priority and sexual abuse was something that could cause damage to the Church. The BAC has ‘serious difficulties’ accepting settlement of cases by a ‘section’ of the BAC and ‘the apparent principle whereby parties would be heard in each other’s
presence’. The BAC felt that this demonstrated little understanding 'of the often emotional and difficult situation in which complainants find themselves'. 111

The board of Hulp & Recht declined the BAC's request to withdraw the draft of the new procedure submitted to the Conference of Bishops. 112

The BAC's objections were discussed at the Conference of Bishops but the BAC was again unsuccessful. 113 The BAC chairperson was asked 'to indicate whether you are prepared to continue in your role as chairperson of the BAC and to carry out your work on the basis of the new regulations'. Ultimately this resulted in what the chairperson referred to as 'a parting of the ways' and the whole of the BAC stood down.

7.3.16. The new procedure in the Conference of Bishops

With the exception of the Aegon issue, there was only occasional discussion of Hulp & Recht at the Conference of Bishops in the period between 9 September 2003 and 9 May 2006. These occasional cases involved the approval of the annual budget and financial accounting and the appointment of members and staff.

The minutes of the Conference of Bishops of 9 May 2006 contain no report on what was discussed. 114 Between 9 May 2006 and 9 October 2007, the pattern was the same as in the previous period. Hulp & Recht was discussed on an occasional basis: in the case of appointments of members of the board and the BAC and the approval of the budget. During this period, the number of complaints fell to three per year.

In the minutes of 9 October 2007, there are detailed notes on what was discussed on 9 May 2006: on that date, the board of Hulp & Recht had informed the Conference of Bishops about the concerns that the board had about the operation of the BAC and about questions relating to the procedure. The Conference of Bishops had also approved the approach suggested by the board that had since led to the new procedure.

In its meeting on 9 October 2007, the Conference of Bishops and the Conference of Religious in the Netherlands approved the new procedure and the amendments to the constitution of Hulp & Recht. It was also decided to inform the chairperson and members of the BAC of the decision and to ask them to indicate by 1 November 2007 whether they would be prepared to operate in accordance with the new regulations with effect from 1 January 2008.

Initially, there was a plan to make the BAC responsible for providing advice on damage compensation, but the board of Hulp & Recht ultimately decided against this. However, in the earlier procedure the BAC had been given the opportunity to advise on the payment of costs for therapy. The board wanted to prevent the complaints procedure from being negatively affected by any financial consequences of a case and the civil liabilities involved. The board also feared that the complaints procedure would be misused in the lead-up to procedures in civil law as a means of securing damage compensation. 115 Nevertheless, a procedure in this area was considered desirable in order to agree on the level of damage compensation to be paid.

This was a topical issue at the time, because immediately before this Conference of Bishops an edition of the TV current affairs programme Netwerk on 27 September 2007 had led to something of
an outcry: 'It was observed that the Netwerk broadcast, about which a large number of negative qualifications can be made, did succeed in identifying a number of weaknesses.'

This programme raised the issue of how the Church had been dealing with victims of sexual abuse. One of the victims interviewed in the programme was Ton Leerschool, who said he had been abused in the boys' boarding school Eymard Ville in Stevensbeek.

On 16 November 2007, the BAC reported that it was 'seriously disappointed with the procedural state of affairs with regard to decision-making in the Conference of Bishops'.

The chairperson and members, as well as the official secretary took action in response to this and announced that it had led them to 'a parting of the ways'.

On 6 May 2008, the Conference of Bishops appointed the new members of the BAC.

In addition to a completely new BAC, 2008 also saw the arrival of a new chairperson for Hulp & Recht, Mr J.B. Waaijer. He took over from Ms S. J. E. Horstink-von Meyenfeldt on 15 November 2008. Ms Horstink-von Meyenfeldt had opted not to take on a second four-year term as chairperson. She abandoned her intention to improve the organization of Hulp & Recht in other areas by strengthening internal cohesion, communications and (self-) evaluation. The time it would have taken to achieve these things were too much for her.

7.3.17. Overview of reports and complaints

The table below provides an important overview of the number of reports and complaints. These are the figures up to 2010. The reports and complaints for 2010 are dealt with later.

### Table 7.3.17.1 List of reports and complaints 1995-2009

<table>
<thead>
<tr>
<th>Year</th>
<th>Reports</th>
<th>Male</th>
<th>16-</th>
<th>16+</th>
<th>Female</th>
<th>16-</th>
<th>16+</th>
<th>Well-founded</th>
<th>Unfounded</th>
<th>Inadmissible</th>
<th>Settlement</th>
</tr>
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<tbody>
<tr>
<td>1995-97</td>
<td>101’</td>
<td>34</td>
<td>27</td>
<td>7</td>
<td>48</td>
<td>9</td>
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<tr>
<td>Year</td>
<td>Men</td>
<td>Women</td>
<td>Total</td>
<td>Well-founded</td>
<td>Unfounded</td>
<td>Inadmissible</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>2009</td>
<td>10</td>
<td>6</td>
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<td>6</td>
<td>10</td>
<td>0</td>
<td></td>
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<tr>
<td>Total</td>
<td>286</td>
<td>&gt;87</td>
<td>&gt;21</td>
<td>&gt;107</td>
<td>34</td>
<td>&gt;21</td>
<td></td>
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</tr>
</tbody>
</table>


1. This figure is higher than the separate figures for men and women. It is assumed that not all reports were recorded in specified form for these years.

2. In one case, the procedure was halted, in the other case the complaint was not pursued because the accused was not found.

3. In two cases, there was no hearing. In the third case, the complaint procedure was terminated.

4. For seventeen complaints, it is not known or impossible to tell whether and if so to what extent the complaint was declared to be well-founded or unfounded. After investigating the 59 dossiers, the Commission of Inquiry determined that in at least 46 of the cases the complaints were declared to be well-founded at least for the main part.

The average number of reports per year (up to and including 2009) is nineteen, slightly fewer than half of which resulted in a complaint. However, if we ignore the complaints from the first three years ('the catch-up effect'), the average is sixteen. Almost 42% of the complaints (an average of four annually) were declared well-founded, 49% unfounded and 9% inadmissible.

There are slightly more reports from women than for men (53% and 47% respectively). Forty per cent of the reports (111) relate to people who were younger than sixteen at the time referred to in the report. More than 70% of these reports concern men who at the time of the abuse were younger than 16 and less than 30% of the reports concern women younger than 16 at the time of the abuse. Almost half of the report (133) were received in the first five years of *Hulp & Recht*'s existence. A total of 35% of the reports (100) were received in the subsequent five years. In the final five years listed (2005-2008) there were 53 reports (18% of the total).

On 7 September 2010, the Commission of Inquiry viewed 67 dossiers on the complaints handled by the BAC. This concerned 46 complaints that had been declared well-founded and 21 complaints that were declared to be inadmissible, unfounded, were suspended or still pending. Six per cent of these complaints concern complainants who were older than 16 at the time of the (first) abuse. Almost 90% of the male complainants were younger than 16 at the time of the first abuse.

---

120
Table 7.3.17.2 Complaints declared well-founded, by age (16+/16-) and by gender (M/F)

<table>
<thead>
<tr>
<th>year</th>
<th>16+</th>
<th>16-</th>
<th>M</th>
<th>F</th>
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<td>2008</td>
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</tr>
<tr>
<td>2009</td>
<td>0</td>
<td>3</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>TOTAL</td>
<td>28</td>
<td>18</td>
<td>13</td>
<td>33</td>
</tr>
</tbody>
</table>

7.3.18. Funding of Hulp & Recht

On 8 December 2009, the Conference of Bishops set the 2010 budget for *Hulp & Recht*. The figure was € 56,350. In 2008, € 49,752 was spent. The number of complaints handled in 2008 was three. This led the Financial Committee (*Economencollege*) to comment that it was impossible to ignore the fact that each complaint cost a considerable amount of money.¹²¹

Table 7.3.18 shows the annual expenditure for the years 2004 to 2010, with the figure for 2010 being the budget figure.

Table 7.3.18 *Hulp & Recht* expenditure
### Table

<table>
<thead>
<tr>
<th>Year</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditure in euro</td>
<td>54,909</td>
<td>52,577</td>
<td>56,792</td>
<td>51,694</td>
<td>49,752</td>
<td>47,070</td>
<td>511,350</td>
</tr>
</tbody>
</table>

1. As included in the budget. The figures for the other years concern actual expenditure.

7.3.19. 2010

In February 2010, several publications appeared on the subject of sexual abuse in the Roman Catholic Church abroad – in particular in Ireland and Germany – and in the Netherlands.\(^{122}\)

On 9 March 2010, the bishops discussed this publicity and its consequences for *Hulp & Recht* at their monthly conference. In a period of just a few weeks, *Hulp & Recht* had received 370 reports relating to the 1950s and 1960s.\(^{123}\) This figure far exceeded the total number of reports in the previous fifteen years. Most of the reports were received by e-mail and by letter. The chairperson of *Hulp & Recht* informed the Conference of Bishops of the problems faced by *Hulp & Recht* as a result of the large numbers of reports received in a short space of time. *Hulp & Recht* had been 'inundated'.\(^{124}\) It had no secretariat, no spokesperson and one member of staff, working part-time. The organization was being 'kept afloat' by volunteers. This limited size of the organization was not surprising in view of the number of reports and complaints received in the period prior to this.

During the course of the following week, the problems were only to worsen. On 14 March 2010, the Bishop of Groningen-Leeuwarden, Dr G.J.N. F. De Korte, announced in the television programme *Kruispunt* that victims could report to *Hulp & Recht*. Within the Conference of Bishops, Monsignor De Korte is the specialist on Church and Society and therefore the spokesperson for the Conference of Bishops on this subject. In the programme, Monsignor De Korte gave out the telephone number for the *Hulp & Recht* agency for reports. He said that people would be on hand to take the calls of people reporting abuse. Pastoral discussions were also possible, according to the Bishop.\(^{125}\) In order to ensure that the expected reports were managed properly, volunteers were asked to man the telephones to accept calls from people reporting.

These volunteers were poorly prepared. There were no instructions or the instructions were so complicated that the people attempting to make a report of abuse were unable to choose from the options given on the telephone. Most wanted to get things off their chest in an interview, but the organization was unable to arrange these interviews. The equipment being used (a mobile telephone) was outdated and if the line was engaged, callers were confronted with an incorrect and outdated recorded message. Only improvised notes were made on the calls. There was no standard formula for noting down the details of the people reporting. One of the volunteers took her notes home to work on them there. Questions from the media came in on the same telephone line as the line being used for people to report sexual abuse.\(^{126}\)

On 13 April 2010, the Conference of Bishops on 13 April 2010 discussed the situation at *Hulp & Recht*. By that time, the number of reports had reached 1,100. Problem areas included dealing with requests for help and interviews, recruiting sufficient numbers of legal advisers in order to effectively handle the flow of complaints and channelling questions about and requests for damage compensation. Contacts with notifiers and complainants showed that many were questioning the
independent position of Hulp & Recht. In the recent period, additional staff had been deployed in the secretariat. The board had recruited additional legal advisers and a spokesperson.

The latter question was, according to the minutes, not discussed at the Conference of Bishops. However, a decision was made to arrange additional support: ‘in particular Catholic lawyers for the second BAC [this refers to the expansion of the BAC: Commission of Inquiry] and secretarial support.’

In May 2010, an acting head was appointed for the secretariat. Improvements to data management were introduced and it was possible in the summer of 2010 to clear the backlog in complaint dossiers with the assistance of an additional member of legal staff. In September 2010, new members were added to the BAC.

Ultimately, Hulp & Recht received 2,016 reports in 2010-2011.

Table 7.3.20

<table>
<thead>
<tr>
<th>NATURE OF ABUSE</th>
<th>NUMBER</th>
<th>COMPLAINANTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reports from victims of sexual abuse, mental and physical abuse</td>
<td>1758</td>
<td></td>
</tr>
<tr>
<td>Reports from witnesses and/or family members about sexual abuse, mental and physical abuse</td>
<td>258</td>
<td></td>
</tr>
<tr>
<td>Of which, the total relating to sexual abuse</td>
<td>1854</td>
<td></td>
</tr>
<tr>
<td>Of which, complaints</td>
<td>565</td>
<td>478</td>
</tr>
<tr>
<td>Total</td>
<td>2016</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reports to Hulp &amp; Recht about sexual abuse</th>
<th>NUMBER</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concerning dioceses</td>
<td>311</td>
<td>17</td>
</tr>
<tr>
<td>Concerning orders and congregations</td>
<td>1116</td>
<td>60</td>
</tr>
<tr>
<td>Unknown</td>
<td>427</td>
<td>23</td>
</tr>
<tr>
<td>Total</td>
<td>1854</td>
<td>100</td>
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### Complaints

<table>
<thead>
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<th>Reports to Hulp &amp; Recht about sexual abuse</th>
<th>NUMBER</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dioceses</td>
<td>122</td>
<td>22</td>
</tr>
<tr>
<td>Orders and congregations</td>
<td>419</td>
<td>74</td>
</tr>
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<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>565</td>
<td>100</td>
</tr>
</tbody>
</table>

**7.3.21. Problem areas in the operation of Hulp & Recht**

**General**

What follows is a description of the situation at *Hulp & Recht* as the Commission of Inquiry found it in late 2010. Later in this chapter, the Commission of Inquiry will return to the current situation.

The organization *Hulp & Recht*, now superseded by the Agency for Reports of Sexual Abuse in the Roman Catholic Church (*Meldpunt voor Seksueel Misbruik in de Rooms-Katholieke Kerk*, hereafter, the Agency) was for various reasons an institution with a complicated mission:

- providing health and legal assistance;
- caring for both the complainants and the accused;\(^{130}\)
- applying both Dutch and canon law.

The complaints procedure then in place and still being used also covers complaints against those who have left the religious life or are deceased, who are then represented by the relevant diocese, order or congregation. The bishop or higher superior then stands in the accused dock. It is then the same bishop or higher superior who decides what will happen with the BAC's advice. At the same time, it was the bishop in the Conference of Bishops (together with the board of the Conference of Religious in the Netherlands) who appointed the members of the BAC and the board of *Hulp & Recht* is accountable to the Conference of Bishops and the board of the Conference of Religious in the Netherlands.

As a Roman Catholic Church institution, *Hulp & Recht* was primarily modelled on canon law. Canon law is strongly influenced by theology. Canon law has no separation of powers and has its own free and self-sufficient domain (in the sense of the societas perfecta) with all the necessary resources to achieve its ultimate goals.

In the Netherlands, legal persons in accordance with canon law are recognized in Dutch law (Article 2:2 of the Dutch Civil Code). In other European countries, legal persons in accordance with canon law do not have this status and alongside the Church and all its components as a religious community, a
vehicle is always established in accordance with civil law to administer groups, affairs and other
rights and responsibilities relating to property law. The fact that both legal domains play a
simultaneous role in the Netherlands can be explained historically and applies to all religious
bodies.\textsuperscript{131}

\textit{The organization and procedure of Hulp & Recht}

\textit{Hulp & Recht} had a board made up of a minimum of five and a maximum of seven members
appointed by the Conference of Bishops and the board of the Conference of Religious in the
Netherlands. According to its constitution, \textit{Hulp & Recht} was responsible for maintaining a reports
agency for ‘people […] if they want help or would like to submit a complaint because of sexual
abuse’.\textsuperscript{132}

In addition, the BAC was given the role of providing the bishops and higher superiors with reasoned
advice in the light of specific complaints. Finally, \textit{Hulp & Recht} had a role in conducting research and
studies in the area of sexual abuse in general and in the specific context of the Roman Catholic
Church in particular and in issuing general policy advice to bishops and higher superiors.

The first task, providing help via the Agency and submitting complaints had a number of problem
areas. The first of these was that callers ringing to report abuse were connected to a member of
administrative staff. They were instructed to tell callers that a confidential counsellor would call
them back in order to discuss the report. Based on their own reports to the Commission of Inquiry, it
appears that notifiers often needed to summon up courage in order to report abuse. For the
Commission of Inquiry the question is whether this delay in follow-up contact with the confidential
counsellor had an effect on people’s willingness to submit a complaint. The Commission of Inquiry
has been unable to determine whether or not this was the case. According to \textit{Hulp & Recht}, people
reporting abuse often wanted their report ‘to be included in the statistics’.\textsuperscript{133}

Research conducted by telephone shows that when approached a second time 32 of the 100 notifiers
decided to submit a complaint. This high percentage suggests that, in the experience of notifiers, the
difference between a report and a complaint is vague.\textsuperscript{134}

If notifiers indicated that they needed help, confidential counsellors were deployed. Previously, these
confidential counsellors had been appointed by the bishops, but from 2008, this was done by the
board of \textit{Hulp & Recht}. Their working area therefore also transcends the borders of the diocese in
which they are resident.\textsuperscript{135} The confidential counsellors have access to the dossier of the notifier,
which they can use to conduct the interview. During these interviews, the confidential counsellors
attempt to ascertain whether notifiers require additional help, for example from a lawyer or a
psychologist. This was also recorded in the report sent to \textit{Hulp & Recht}, a copy of which was also
received by the notifier. The report was not sent until approved by the notifier.

The confidential counsellors could recommend that \textit{Hulp & Recht} issue a referral to support services,
but did not do that themselves. Confidential counsellors were not informed of the follow-up on these
referrals. There was also a lack of any guidelines for this kind of situation. Equally, there was a lack of
clarity – both within the board of \textit{Hulp & Recht} and among confidential counsellors – with regard to
the maximum number of interviews that confidential counsellors could conduct with allocated
In September 2010, the board of *Hulp & Recht* approved in principle a 'New Style Framework for Confidential Counsellors', in order to plug the gaps.

Since last year, the Conference of Religious in the Netherlands and the dioceses have established committees to operate as a group of confidential counsellors and ‘to enter into discussion in the context of the acknowledgement of sexual abuse and to refer them for further support and to follow up on this process in a manner desired by the victim.’ In the Roermond diocese, a similar committee, known as *Luisterend Oor* (Listening Ear) has been established to hear the case of ‘anyone who wishes to be heard [...] and [offer] respect, acknowledgement and well-intentioned apologies’.

The interviews with victims are confidential and the reports of the diocesan committee for the Diocese of Haarlem-Amsterdam are stored confidentially in the diocese or destroyed at the request of the victim. Two victims asked for the report of the interview to be made available to the Commission of Inquiry.

When it became clear that the notifier wanted to submit a complaint to *Hulp & Recht*, one of the legal advisers was asked to contact the complainant within fourteen days to draft a written complaint with him or her. The legal advisers are lawyers who receive payment for their advice and whose work is subject to the regulations of the Netherlands Bar Association (*Orde van Advocaten*).

The written complaint is followed by the statement of defence from the accused, or from the bishop or higher superior concerned if the accused is deceased.

The way in which the statement of defence addresses what happened to the complainant varies, according to the then head of *Hulp & Recht’s* secretariat: ‘They range from "the individual involved is dead, I have no records" to carefully-drafted statements of defence in which the superior attempts to place the situation in a historical context with background information about the backdrop, the accused and the abuse. [...] There are also statements of defence from accused who are still alive and these also vary considerably. Some are sympathetic and want to talk about it to the victim whereas others completely deny that anything happened.’ In its interim report, the Commission of Inquiry observed that there was room for improvement in terms of the capacity for empathy in drafting statements of defence submitted on behalf of accused persons who were deceased. The most recent version of the *Hulp & Recht* procedure includes a hearing in which the cases of both the complainant and the accused are heard. An exception to this can be made if there is an objection in advance.

The procedure culminated in the judgement of the BAC and – if the complaint is declared to be well-founded – advice to the bishop or higher superior who is obliged to respond to these within thirty days. This response was sent in writing to the BAC, the complainant and – if still alive – the accused. The regulations (Article 18) also included provisions for feedback to be provided on the result of the measures included in the response, but these were not always followed. The BAC’s judgement was not made public.

The BAC can recommend disciplinary measures but the bishop or higher superior alone are authorized to take such measures. As such, the BAC is not a disciplinary committee, but a complaints committee. It is known that in one case, the bishop wished to restart the investigation following the
BAC’s judgement. In two cases, the BAC responded critically to the way in which its advice had been dealt with. The confidential counsellors turned to the board of Hulp & Recht instead. In a letter to the board, they asked it to continue to feel responsible for the adherence to the advice shown by the bishops and higher superiors and to ensure that '[measures] were taken as soon as possible after the judgement.'

On 7 November 2003, the board concluded that 'although bishops and higher superiors maintain their freedom, the advice is not without obligation. There are occasions on which the way in which the advice is dealt with threatens the credibility of Hulp & Recht.' This view held by the board was confirmed in a letter sent to the Conference of Bishops and the board of the Conference of Religious in the Netherlands.

In their written complaints, complainants sometimes ask for financial redress, possibly in the form of reimbursement of costs incurred for therapy and compensation for emotional/non-economic damage. According to its chairperson, the BAC ‘does not make a judgement on damage compensation but may indicate whether the individual involved requires professional support. Whether a contribution to the costs of this support should also be considered is a subject for discussion within the BAC.’

Hulp & Recht received many questions about damage compensation for sexual abuse. Damage compensation may involve: actual costs incurred (for doctors, help, therapy, etc.), financial damage (for example, loss of income) or emotional/non-economic damage.

In the past, the BAC made just a single reference to the first form of damage compensation only. Article 13.1 (Tasks of the BAC), under item c 5e reads as follows: 'The awarding of a financial payment to the complainant for therapeutic help received or to be received insofar it is eligible for such payment by the appropriate channels (based on statutory provisions) and providing that it appears reasonable.' A similar provision was missing from the later procedure (Article 17).

Article 19.4 in the later procedure was a provision on dossier management/confidentiality (see preamble to that article). Hulp & Recht is not permitted to surrender documents without the permission of the complainant. Article 19.4 was therefore included to make it possible, if and insofar as external committees are considering issues relating to damage compensation in a concrete case, for these committees to be permitted to consult the dossier. Complainants who followed the procedure therefore consented to this in advance. There was no external committee that provided advice on the level of damage compensation in concrete cases.

The lack of clarity with regard to a body to which complainants could submit their financial claims exacerbated frustration about the Hulp & Recht procedure.

There was a 'Chinese wall' between the board of Hulp & Recht and the BAC. Because of the need for the BAC to remain independent, the board was not permitted to access information about written complaints, statements of defence, judgements and advice from the BAC. However, the board was the body designated responsible for initiating contact with the Conference of Bishops and the Conference of Religious in the Netherlands. The previous board and the previous BAC had been completely independent of each other. In regular consultations between the board of Hulp & Recht and the bishops and the Conference of Religious in the Netherlands, the chairperson of the BAC was
included in the *Hulp & Recht* delegation.\(^{146}\) Previously, the BAC had drawn up anonymized lists of the complaints it had handled and issued these to the board. This provision of information was halted in 2006 when relationships between the board and the BAC became strained.

The board of *Hulp & Recht* therefore had little knowledge of the operation of confidential counsellors. Regular study days were organized for confidential counsellors. At peer-review meetings of legal advisers, confidential counsellors and others, problems relating to cases could be discussed. Before starting work as a confidential counsellor, Ms Van Helvert-Willeme attended a training course at *Hulp & Recht* with psychologists and confidential counsellors already working there.\(^{147}\) There was no systematic feedback provided to the board on this kind of activity.

With regard to the third task of *Hulp & Recht*, the board did not issue its first general policy advice to bishops and superiors until last year. This was advice on prevention, tabled for discussion at the Conference of Bishops on 13 October 2009, but postponed until the meeting in November 2009. In an interview with the Commission of Inquiry, the board of *Hulp & Recht*, represented by the vicar-general of the Diocese of Breda, pointed out that 'a great deal was invested in prevention in the years 2008 and 2009. All degree programmes in theology were asked to raise the issue of prevention and offers of guest lectures were made. Almost all degree programmes were open to this. Of course, prevention is an ongoing issue that starts with the degree programmes.

In addition, a number of study days were organized for managers in the dioceses, HR officers and people from the programmes. These often involved the use of external expertise, for example from the police. In addition, all dioceses now have rules of conduct, in which sexual abuse is included. These rules were not, incidentally, drawn up by *Hulp & Recht*.

However, he [Mr V.G.P.J.M. Schoenmakers, member of the board of *Hulp & Recht*, vicar-general of the Diocese of Breda and secretary-general of the Conference of Bishops] regrets that there is not a single type of rule of conduct for all dioceses.

[Ultimately], the bishops and members of religious orders decided to ask for a statement of indemnity concerning sexual abuse in every case of 'external' appointment of pastoral staff. If a pastor from Venray comes to work in Breda, this statement will therefore be asked for. Of course, the intention is to extend prevention towards parishioners, though the focus on this process has become somewhat distracted recently.\(^{148}\)

**Comparable procedures**

In the previous section, the Commission of Inquiry points out that the BAC is a complaints committee and not a disciplinary committee such as those in the Netherlands for lawyers and medical practitioners. However, it is possible to draw parallels with complaints procedures in such organizations as medical care providers, educational institutions and police forces.

**Clients’ Right of Complaint (Care Sector) Act (Wet klachtrecht cliënten zorgsector)**

Article 2 of the Clients’ Right of Complaint (Care Sector) Act (1995) stipulates that care institutions must have complaint regulations and a complaints committee and also sets further conditions. If
there is a complaint that indicates the existence of a serious situation of a permanent nature, the complaints committee must inform the care provider. If it appears to the complaints committee that the care provider has not taken measures to remedy the situation, the complaints committee must inform the Healthcare Inspectorate of this.\footnote{149}

Hospitals and other major care providers (such as care homes and nursing homes) generally have their own complaints committee made up (partly) of independent members and supported by the staff of the hospital or institution. The chairperson and members are appointed by the executive board. Individual professional practitioners or those working for smaller organizations are generally affiliated to regional or even national complaints committees.

Sexual abuse must be reported to the Healthcare Inspectorate. The Inspectorate will then investigate this report or arrange for it to be investigated.

Complainants have the opportunity to address their complaint directly to one of the regional disciplinary committees. This generally concerns situations in which there is reasonable suspicion, based on facts and circumstances, that one of the disciplinary standards described in the Medical Disciplinary Act (\textit{Medische Tuchtwet}) has been contravened by a professional practitioner subject to this disciplinary jurisdiction.

Earlier this year, the Dutch Cabinet submitted a draft bill enabling complainants to submit appeals against judgements on complaints to a national disputes committee. The initial evaluation of the Act showed that there was significant dissatisfaction with the complaints procedure. 'It is worthy of note that two thirds of complainants are dissatisfied with the result, despite the fact that around 50\% of complaints are upheld'.\footnote{150} The government therefore aims to improve the right to complain in healthcare through the addition of an appeals body at national level.

\textit{Educational Quality Act (Kwaliteitswet onderwijs)}

Education has a similar right to complaint with a series of different levels. In the original Quality in Education Act (\textit{Kwaliteitswet voor het onderwijs}, 1998), there are both complaint regulations and an obligation to report. Initially, this obligation to report applied only to sexual abuse and sexual intimidation. In the Supervision of Education Act (\textit{Wet op het onderwijstoezicht}, 2002), the concept of unwanted behaviour was extended and developed further. If a potential offence is involved, the Confidential Inspector (from the Educational Inspectorate) obliges the competent authority within the educational institution to report the case to the police. All staff working at an educational institution have an obligation to report if they suspect or know that a member of staff or volunteer has been guilty of unwanted behaviour towards pupils. They must report it directly to their immediate supervisor, who passes on the suspicion to the competent authority. The competent authority must report the case to the Confidential Inspector.

A complaint is a feeling of dissatisfaction, caused by conduct which the complainant believes should not be allowed to be repeated.\footnote{151} Every educational institution has a complaints committee or is affiliated to a (regional) complaints committee. Every educational institution has confidential counsellors who are not associated with the educational institution. The law does not set conditions for the qualifications required for this position. During the complaints procedure, both the complainant and the accused are allocated a confidential counsellor. The complaints committee
issues advice and it is possible to appeal to the national complaints committees. Currently, there are still national complaints committees for education based on Roman Catholic, Protestant Christian and general foundations. The aim is ultimately to have a single joint national complaints committee.

The judgements (and the related advice) issued by the national committees are published in anonymous form. The National Complaints Committee for Christian Education (Landelijke Klachtencommissie voor het Christelijk Onderwijs) is a foundation whose members are appointed by parents’ organizations (Ouders & Co) and the Besturenraad Centre for Christian Education.

**Police Act (Politiewet)**

The handling of complaints in the police is based on the Police Act of 1993 and the General Administrative Law Act (Algemene wet bestuursrecht). The different police forces are free to organize the handling of complaints in different ways.

The complaint handler, a member of the police force in question, initially attempts to solve the complaint informally, in other words by means of consultation or mediation, to the satisfaction of the complainant. If this proves unsuccessful, he or she provides the reasons for this in his or her report. Below, the complaints procedure is explained based on the working method applied at the Netherlands Police Services Agency (KLPD). The KLPD Complaints Committee is an external, independent body. The committee comprises five people, representing the judiciary, the Public Prosecution Service, the police organization, public administration and Victim Support Netherlands (Slachtofferhulp Nederland). The chairperson and members are appointed by the Minister.

The complaints committee receives a copy of each complaint, which is handled in accordance with the complaints regulations. If a complaint has been solved informally, the committee will receive a copy of the complainant’s letter, confirming that it has been handled informally. If it is not possible to solve a complaint informally, the committee receives the complaint dossier to issue its advice. After receiving the complaint dossier, the secretariat of the committee contacts the complainant in order to ascertain whether he or she wishes to put his or her case to the committee. If that is the case, there will be a hearing. The complaints committee also invites the subject of the complaint to this hearing. The committee then issues its advice to the chief constable within four weeks of processing the complaint.

The chief constable must have processed the complaint within a term of fourteen weeks after the complaint was received. The letter on the handling of the complaint also includes the advice of the complaints committee and refers to the possibility for submitting the complaint to the National Ombudsman, if the complainant is not in agreement with the way the complaint has been processed or the result. The department head receives a copy of the letter and ensures that the complaint is evaluated with the police officer involved.

If a complainant is dissatisfied with the way the complaint has been handled or the judgement on the complaint, he or she can, within one year, request that the National Ombudsman conduct an investigation. The letter draws the complainant’s attention to this possibility. If the National Ombudsman deems the request to be admissible, he or she will ask the regional police chief for a...
response. The chief constable will then advise the regional police chief. The complaints coordinator, informed directly by the office of the National Ombudsman of the regional police chief’s request, then advises the chief constable.

For regional police forces, such as Politie Haaglanden, the approach adopted is largely similar to the complaints procedure at the KPLD. There is an initial mediation interview with the complainant. The complaint handler, an officer designated by the chief constable, conducts this interview with the complainant, who is entitled to the support of a lawyer during this interview. A report is compiled on this interview, and the complainant issued with a copy. The senior officer in the station assesses the complaint. If the complainant does not wish to have a mediation interview or is not satisfied with it, the complaint will be taken to appeal.\textsuperscript{154}

The complaints committee consists of five independent members and one or more acting members originating from ‘relevant parts of society, such as the judiciary and/or the Public Prosecution Service, the legal profession, public administration or other auxiliary functions with a relevant focus on society’. The committee usually also includes one or two former members of the police.\textsuperscript{155} The chairperson and members are appointed by the regional committee having been nominated by the regional police chief.

Within one week of the complaint being registered, the complaint handler conducts an interview with the complainant and the subject of the complaint. The mayor and the chief public prosecutor receive a copy of the complaint and have the opportunity to issue advice regarding the complaint to the complaints committee. The complaint handler compiles a complaint dossier containing all documents and information that might contribute to determining the facts of the case. If necessary, the complaint handler will conduct hearings with witnesses and others who can contribute to determining the facts.

The complaint handler compiles an investigation report based on his or her findings. The complaint dossier is submitted to the chief constable for advice. Via the intermediary of a complaint coordinator, the chief constable sends the dossier to the complaints committee. The Committee gives the complainant the opportunity to present his or her case. A hearing is conducted with the accused. If a request for damage compensation has also been submitted, advice is sought from the damage and insurance office at Politie Haaglanden. In simple cases, where the amount of damages is less than € 500, the chief constable can award damage compensation.

After the committee has issued its advice, the regional police chief sends a settlement letter outlining the judgement to the complainant, the person to whom the complaint relates and the complaints committee.

When sending the letter, the regional police chief refers to the possibility of submitting a complaint to the National Ombudsman within one year.

7.3.22. The \textit{interim report}

In order to solve the problems in the operation of \textit{Hulp & Recht}, the Commission of Inquiry drew conclusions and made recommendations in its interim report issued on 9 December 2010.

These conclusions and recommendations are repeated below.
General

Hulp & Recht was a public legal person in accordance with canon law established by the Roman Catholic Church in 1995. The establishment was initially set up for sexual abuse in pastoral relations in the general sense, even though cases in the past involving the sexual abuse of minors in boarding schools, schools and seminaries were already known of at that time. While it may not have been unique in the Roman Catholic Church, Hulp & Recht was certainly an unusual organization. In other countries, there are not many examples known of institutions to which victims can turn with their complaints, which have a certain degree of independence in terms of their position with regard to the Roman Catholic Church.

The first procedure applied by the institution was based on canon law. Within this law, the approach adopted is primarily from the perspective of the institution, in the direction of the perpetrator. The procedure had many of the characteristics of a formal procedure in criminal law. This meant that the requirements with regard to the burden of evidence for alleged abuse were high and the procedure for complainants lacked transparency.

At the end of 2007, the procedure was revised. The new procedure was a version of legislation governing the right of complaint. The group of people against whom complaints could be lodged was extended in 2007, enabling complaints to be made against the deceased and against people in both paid and unpaid work for the Roman Catholic Church in the Netherlands. In addition, a new and broader definition of sexual abuse was also introduced in 2007.

In 2007, amendments were also made to the constitution of Hulp & Recht. Based on its mission, the institution was not only intended for the provision of support and handling of complaints in concrete cases, Hulp & Recht also had a role in conducting research and studies in the area of sexual abuse in general and in the specific context of the Roman Catholic Church in particular and in issuing general policy advice to bishops and superiors. According to its constitution, Hulp & Recht was an expertise centre for sexual abuse in the Roman Catholic Church. The expectations for Hulp & Recht to fulfil such a role were never realized in practice.

Because Hulp & Recht was a Roman Catholic Church institution, the lack of sufficient detachment was an impression not easily avoided. This impression was indeed reinforced since the procedure showed room for improvement in a number of areas, was not strictly followed in all cases and the investigation conducted by the BAC was sometimes, for example, repeated by a bishop or higher superior. This led to increasing distrust in the institution Hulp & Recht.

The chairperson and members of the Assessment and Advisory Committee (BAC) adopted a position that was independent of the Roman Catholic Church and carried out their work with great dedication and integrity, as did the chairperson and members of the board. This applies equally to the chairperson and members of the previous BAC, its staff and former employees.

Like its predecessor, the BAC consisted of people with a legal or court background and people from other specialisms, who are accustomed to operating independently and not allowing themselves to be influenced.
The board of Hulp & Recht was made up of Catholics appointed by the Conference of Bishops and the board of the Conference of Religious in the Netherlands, who also approved its budget on an annual basis. In addition to these formal links, it was extremely important for there to be substantive feedback between the Roman Catholic Church and the institution. In practice, this communication proved unsatisfactory.

In the period between 1995 and 2009, Hulp & Recht received 286 reports, an average of 20 per year. In the same period, these reports resulted in 141 complaints: an average of nine per year. Hulp & Recht was not prepared for the enormous increase that would happen at the start of 2010.

The large number of reports in 2010 completely inundated the institution and its office was not equipped to deal with this. There were no adequate procedures and protocols, or guidelines for recording and handling responses, follow-up or implementation. The office staff were left to their own devices. In May, the board decided to appoint an acting head and began to establish an organization and process the backlog that had accumulated. By September, the situation had to a certain extent normalized. It took too long before these reports and complaints were dealt with professionally. It took too long for the administration to be properly organized. This became an additional source of distrust in Hulp & Recht. The board is responsible, was aware of the seriousness of the situation and did not respond adequately, therefore failing in its duties.

Only those with a Catholic background were permitted to become board members or members of the BAC. There was a lack of openness and accountability in terms of what happened with the advice given by the BAC.

In terms of providing help, Hulp & Recht failed in its duty to carefully consider and organize its activities. Hulp & Recht had little or no time to fulfil the other duties laid down in its constitution.

**Conclusions about operations in the past**

- Hulp & Recht was an institution in which people worked with integrity, with heart and soul, and in which people were and are fully aware of the seriousness of sexual abuse.

- The fact that sexual abuse in relationships of dependency and with minors is a criminal offence which should be reported is not sufficiently lodged in the consciousness of those responsible within the Roman Catholic Church.

- Procedures and protocols for staff of Hulp & Recht concerning referrals for help or to the complaints procedure were lacking or not fully fit for purpose. Although there are guidelines for recording and handling reports, there was limited awareness of the procedure and the provisions it offered (support from a legal adviser, confidential counsellor).

7.4 Conclusions on necessary improvements

**Position within the Roman Catholic Church**

Because it operated as an ecclesiastical institution, Hulp & Recht was identified with the Roman Catholic Church. This, combined with the way in which bishops and higher superiors dealt with the advice of the BAC, fed distrust of Hulp & Recht.
The operation of the organization and board of Hulp & Recht

The organizational structure of Hulp & Recht served as an impediment to transparency and accountability, internally and externally.

Hulp & Recht is not an organization that provides help

Within the framework of the complaints procedure, there must be a small, but professionally-equipped organization that can support notifiers and complaints and refer them to various types of help: from practical help to more specialized mental health care via general practitioners and second-line care.

Regulations for financial redress

For complainants with requests for financial redress, there are two potential ways forward. The first involves civil law. The second is by means of an independent external committee, referred to in Article 19, paragraph 4 of the procedure for complaints of sexual abuse, but this never existed.

RECOMMENDATIONS

The operation of the organization

For the organization to operate more effectively, the Commission of Inquiry advised far-reaching improvements in a number of respects:

• a properly functioning organization, that settles all ongoing complaints as quickly as possible (within one year) and improves the complaints procedure for the future, enabling it to operate properly;

• strict protocols;

• an extensive and appropriate offering of help which can be used to refer complainants who require help and for which any (additional) costs will be charged to the Roman Catholic Church;

• a complaints procedure that operates independently and dispels existing distrust;

• regulations for determining damage and damage compensation which allows for, but does not necessitate, recourse to the normal courts.

All of this must have a firm basis in openness, including in terms of how the bishops and superiors deal with advice and judgements based on the complaints procedure. The Commission of Inquiry suggested the following improvements:

1 An organization with two committees (each with its own chairperson and its own official structure) is both disabling and confusing. The organization can consist of a complaints committee (currently the BAC), an agency for reports, a registry to support the complaints committee and a professional quality centre that can refer complainants who require help to the appropriate agencies in a professional manner.
Chairperson, board members and staff in the complaints committee will be nominated by the complaints committee and appointed by the Conference of Bishops and the Conference of Religious in the Netherlands. In the selection process, criteria relating to expertise should take priority over links to the Catholic Church. Non-Catholics can also be appointed as chairperson and members of the board, staff and to the complaints committee.

In addition to an independent chairperson, the complaints committee will have members with expertise in administrative and legal areas (judiciary and Public Prosecution Service), victim support, second- and third-line mental health care and incapacity for work and reintegration.

The complaints committee will issue a public annual report to the Conference of Bishops and the Conference of Religious in the Netherlands, stating the criteria applied in the recruitment and nomination of members and staff. The annual report will also include an anonymous list of reports, complaints received and handled, advice and a list of the way in which the advice has been handled by bishops and superiors.

The chairperson of the complaints committee will be supported by a general manager officially responsible for the operation of:

- the agency for reports, which will inform every notifier of the possibilities for handling a report (police report, complaints procedure, informal handling of the complaint, etc.). The agency for reports will take care of recording reports and complaints;
- the allocation of, if desired, confidential counsellors and, in the event of complaints, legal advisers;
- the quality centre for referring complainants who require help to the right agencies;
- the registry charged with preparing sessions of the complaints committee. It will also be the registry's duty to publish anonymized judgements and advice, evaluations and other forms of accountability;

Composition of complaints committee:

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<tr>
<th>Composition of complaints committee</th>
<th>Chairperson and members of the complaints committee</th>
<th>General Manager</th>
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<tr>
<td>Registry (complaints procedure)</td>
<td>Agency for reports</td>
<td>Confidential counsellors</td>
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<td></td>
<td>(secretariat)</td>
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<td></td>
<td>Quality centre (referrals to help)</td>
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The institution will be enabled to carry out its constitutional duties. This means that sufficient financial resources must be made available.

Complaints procedure

1. Advice issued by the complaints committee will be made public in anonymous form. Bishops and superiors are obliged to report cases of sexual abuse of which they become aware to the complaints committee and, in view of the task of the complaints committee, also cases of the sexual abuse of adults. If there is suspicion of a criminal offence (such as rape) not subject to statute of limitations, this must always be reported to the police or (in all other cases) there must be contact with the Public Prosecution Service.

2. Judgements and advice from the complaints committee will be included in anonymous form in the annual report and published (also on the internet). This also applies for the decision of the bishop or higher superior on the way in which he or she implements the advice. The bishop or higher superior must indicate to the complainant the means of appeal available against the decision. A distinction must be drawn between the complaints procedure and the disciplinary settlement that follows it: the bishop or the superior must indicate, within a specified period, to the complaints committee and the complainant, as well as publicly (also on the internet), with reasons, whether and to what extent he or she is following up on the advice of the complaints committee.

3. The complaints procedure itself is in need of improvement or at least clarification. If there is suspicion of a criminal offence not subject to statute of limitations, the chairperson of the complaints committee must contact the Public Prosecution Service.

4. Complainants must be expressly given the choice whether or not they wish to appear at the hearing of the complaints committee in the presence of the accused. While the Committee of Inquiry does not believe that the complaints committee is acting unreasonably in this respect in general, the current text of the procedure may lead to the assumption that this choice is not available and that one must invoke an exception if one does not wish to be heard in the presence of the accused. As has been seen, this can lead to painful misunderstandings.

5. It must be drawn to complainants' attention more explicitly than has been the case so far that there are more informal ways of solving their complaint to the satisfaction of all involved, for example by means of mediation or an informal approach.

6. The complaints committee will arrange for an annual external and independent evaluation to be conducted. This evaluation must also expressly include the implementation of the advice by the bishops and higher superiors. This evaluation will be published (also on the internet). This evaluation will focus on whether, disciplinary measures have been taken in the event of complaints being well-founded and to what extent such decisions relate to the recommendations included in the advice. The first evaluation will relate to the year 2010.
The complaints committee is, in accordance with its constitution, adviser to the Conference of Bishops. On an annual basis, the complaints committee will discuss the following with the Conference of Bishops and the Conference of Religious in the Netherlands:

- annual report
- support requirements
- overall themes arising from complaints and advice.

Help provided

1. For the provision of help, a Quality Centre for the Provision of Help for Sexual Abuse in the Roman Catholic Church will be established within *Hulp & Recht*. This centre will consist of a number of professionals, consultants who are well trained in offering practical help, in first-, second- and third-line mental healthcare.

   The centre will facilitate victim groups and enable group discussions with others in a similar position. The centre will also refer family members of victims to the authorities providing help.

2. Where necessary, the centre will also refer to sources of pastoral care. The centre will organize the deployment of confidential counsellors and the support of victims in the separate dioceses. In order for use to be made of this help provided, a complaint must have been made, except in cases involving referrals to pastoral care.

3. The Quality Centre will be affiliated with platforms and knowledge centres that devote attention to help for victims of sexual abuse.

Annual evaluation

The performance of confidential counsellors and legal advisers will be evaluated. Job profiles will be compiled, including descriptions of their duties, for both positions.

Confidential counsellors and legal advisers must be experts and their faith must not be a decisive selection criterion.

The name *Hulp & Recht* (literally Help & Justice) leads to confusion and misunderstanding. *Hulp & Recht* is not a help organization, nor does it offer justice. A better name will be chosen.

RULES FOR FINANCIAL REDRESS

General

In 2010 and 2011 (until 10 October 2011), *Hulp & Recht*/the Agency for Reports received 2016 reports about (sexual) abuse. The people reporting submitted 565 complaints. These complaints pass through the complaints procedure and after handling these complaints, the BAC/complaints committee issues a judgement on whether or not the complaints are well-founded. If complaints are
declared to be well-founded, the facts and circumstances are determined and are no longer subject for discussion in determining any damages.\textsuperscript{157}

Statute of limitations

It is probable that most complaints currently being handled refer to events subject to a statute of limitations.

1. If an illegal act has been declared proven, damage compensation is a legal consequence. If such a claim in civil law should prove to be subject to a statute of limitations, the invocation of a statute of limitations - the Commission of Inquiry proposes - will not be decisive in the Roman Catholic Church’s response to the question of whether the Church will or should proceed to pay damages or other type of compensation. The payment of damages and/or other form of compensation in the light of a statute of limitations, may be qualified in law as the fulfilment of a natural obligation.

2. This means that, legally, the problem of statutes of limitations no longer presents an impediment to providing financial redress. The Commission of Inquiry recommends that bishops and higher superiors take responsibility for the pain and suffering inflicted on many people as a result of sexual abuse and therefore do not allow the invoking of a statute of limitations to be decisive in the issue of financial or other compensation.

Lindenbergh Commission

The Commission of Inquiry has urged that the Lindenbergh Commission make recommendations for all sections within the Roman Catholic Church (dioceses, orders, congregations) on the way in which damages and compensation should be processed. The Commission of Inquiry considers it to be a possibility – in the interests of complainants asking for damages and compensation – that a collective scheme could be offered to these complainants. Within this kind of collective scheme, there could be differentiation in accordance with the seriousness of complaints declared to be well-founded, enabling individual differences and interests to be taken into account. The complaints procedure for \textit{Hulp & Recht} includes provisions for independent committees (Article 19, paragraph 4), which could determine how complainants should be categorized in this way.

For individual complainants asking for damages and compensation who are not in agreement with the offer from a collective scheme, recourse to the courts would be possible.

Cases not subject to a statute of limitations

There are also cases reported or about which a complaint has been submitted which are not subject to a statute of limitations.

The Commission of Inquiry urges that such cases should be reported to the police as soon as possible. If this results in criminal prosecution and a court case, the judgement can be used for the individual settlement of damages and compensation.

Recording of reports and complaints within \textit{Hulp & Recht}
This institution has, taking account of that stipulated in the Personal Data Protection Act (*Wet Bescherming Persoonsgegevens*), collected a wealth of information that must not be lost.

*Position within the Roman Catholic Church*

On 1 July 2011 at the latest, the Conference of Bishops and the Conference of Religious in the Netherlands will submit a report to the Commission of Inquiry. In this report, they will indicate whether they have accepted and implemented these recommendations, and if so in what way.

Based on this, the Commission of Inquiry will make proposals in its final report on the positioning of *Hulp & Recht* as an ecclesiastical institution or independent foundation.

The Commission of Inquiry urges the bishops and higher superiors to be united and decisive in implementing the recommendations to be adopted.

7.5. Implementing the recommendations

*The response to the recommendations*

On 14 December 2010, an initial response to the Commission of Inquiry's recommendations was received from the Conference of Bishops and the Conference of Religious in the Netherlands. This response indicated that a new type of help for victims of sexual abuse would be established by 1 July 2011 and the processing of complaints would be improved.

On 11 January 2011, the chairperson of the Commission of Inquiry spoke to the Conference of Bishops. This meeting had been preceded, on 23 December 2011, by a discussion with the chairperson of the board of the Conference of Religious in the Netherlands, Brother C.J.H.M. Van Dam and a discussion with the Bishop of Groningen-Leeuwarden, Monseigneur G.J.N. De Korte. The result of these discussions was that the recommendations of the Commission of Inquiry would be implemented fully and without delay, with the understanding that there would also be room for further improvements. On 26 January 2011, the appointment of R.J.G. Bandell to coordinate the implementation of the recommendations was announced.

On 24 June 2011, the report on the implementation of the recommendations, ‘*Wielen verwisselen onder een rijdende trein*’ (Changing the wheels of a moving train) appeared. The Commission of Inquiry received a copy of this report from Mr Bandell on 23 June 2011, accompanied by a letter from the Conference of Bishops and the Conference of Religious in the Netherlands.\textsuperscript{58}

*Evaluation*

In order to evaluate the way in which the Committee of Inquiry's recommendations have been adopted by the Conference of Bishops and the Conference of Religious in the Netherlands, the measures in the report ‘*Wielen verwisselen onder een rijdende trein*’ have been assessed in the light of the recommendations, in terms of the following three subjects:

1. The operation of the organization

2. The complaints procedure
3. From help to redress

For each subject, an indication is provided on the way in which the Conference of Bishops and the Conference of Religious in the Netherlands are implementing the recommendations. An explanation of the Commission of Inquiry’s assessment is also provided. Finally, where applicable, further recommendations from the Commission of Inquiry are given.

7.5.1. The operation of the organization

The structure of the new organization

The structure of the new organization and the appointment of the chairperson, board members and staff, as described in the report ‘*Wielen verwisselen onder een rijdende trein*’ (hereafter: the Bandell Report) broadly correspond with the recommendations of the Commission of Inquiry.

The new organization is a foundation subject to civil law. Its establishment, and the provisions relating to its composition, duties and objectives are laid down in a notarial instrument. The Foundation for Supervision and Management relating to Sexual Abuse in the Catholic Church in the Netherlands (*Stichting Beheer en Toezicht inzake Seksueel Misbruik in de Rooms-Katholieke Kerk in Nederland*, hereafter: the Foundation) aims to provide supervision and funding for the processing of reports of sexual abuse in the Roman Catholic Church, referrals to effective help, the handling of complaints and the provision of compensation (Article 2, paragraph 1 of the deed of establishment). It is worth noting that, as was the case for *Hulp & Recht*, the new organization does not distinguish on the grounds of age. It concerns sexual abuse of minors, but also adults.

The board of the Foundation consists of at least three people. The members of the board of the Foundation are appointed by the Conference of Bishops and the Conference of Religious in the Netherlands, having been nominated by the board (Article 4, paragraph 2 of the deed of establishment). This is a change to the appointment procedure for *Hulp & Recht* in which the current board did not play a decisive role in appointing new board members, although it did have an informal advisory role.

The board of the Foundation adopts the annual accounts of the financial year concluded and the budget for the next financial year. This adoption is preceded by approval from the Conference of Bishops and the Conference of Religious in the Netherlands. The Foundation publishes the annual accounts and the budget.

The parts of the new organization

In order to ensure that the Foundation’s tasks are properly carried out, the new organization consists of different independent parts. First of all, the Agency for Reports of Sexual Abuse in the Roman Catholic Church (hereafter: the Agency for Reports) which informs people who report abuse of all the options for processing a report. This Agency is responsible for the administrative processing of reports and operates as a facilitating agency for the Platform for Help following sexual abuse in the Roman Catholic Church (*Platform Hulpverlening na seksueel misbruik in de Rooms-Katholieke Kerk*, hereafter: the Platform) for referrals to appropriate help and contact with confidential counsellors. The Agency also acts as a facilitating agency for the autonomous and independent Complaints Committee for sexual abuse in the Roman Catholic Church (hereafter: the Complaints Committee). In
addition to the Complaints Committee, there is an Objections Committee. Both committees are supported by a Registry (hereafter: the Registry) which runs the secretariat.

The Complaints Committee issues judgements in the form of non-binding advice to the bishop or the higher superior concerned. The judgements of the Complaints Committee and the resulting decisions made by the bishop or higher superior concerned are published in anonymous form on the website of the Foundation, www.meldpuntmisbruikrkk.nl.

In addition to the Platform and the Complaints Committee, the new organization also includes the Compensation Committee following sexual abuse of minors in the Roman Catholic Church (hereafter: the Compensation Committee). The Compensation Committee is responsible for determining and awarding financial compensation to people who were sexually abused as minors in the Roman Catholic Church. Any employees of the Foundation working for the Compensation Committee receive direction from the chairperson of the Compensation Committee. The members of the Compensation Committee are appointed by the board of the Foundation and choose a chairperson from their own number. The chairperson of the Complaints Committee and the vice-chairperson designated by him or her may, at the invitation of the chairperson of the Compensation Committee, attend meetings of the Compensation Committee and is entitled to speak.

**Transparency and openness**

The judgements of the Complaints Committee and the resulting decisions of those responsible for administration in the Church will be published in anonymous form. The Commission of Inquiry recommended an annual publication, but the implementation of this recommendation actually goes further and the Commission of Inquiry believes it to be better.

**Independence and autonomy**

In its interim report, the Commission of Inquiry indicated that it wished to review the proposals for the positioning of the new organization in its final report: whether to continue as an ecclesiastical institution or as an independent foundation. Since there has now been a move towards a foundation subject to the law of the Netherlands, with a guarantee of transparency and a high degree of independence with regard to the composition of the separate committees, the Commission of Inquiry has decided to refrain from any further proposal in this regard. This is not necessarily the final word on the issue of the new organization's independence and autonomy. In this context, the Commission of Inquiry refers to the two occasions on which it will be asked for a judgement. In the proposal for the inquiry of 7 May 2010, it was announced that the Conference of Bishops and the Conference of Religious in the Netherlands will report to the Commission of Inquiry on the way in which they have dealt with the recommendations of the Commission of Inquiry. These reports are scheduled for six months after the presentation of the Commission of Inquiry's final report and five years after its publication. Solely for the purposes of fulfilling their original mission, the members of the Commission of Inquiry, which by then will no longer exist, are prepared to provide a joint response for the Conference of Bishops and the Conference of Religious in the Netherlands on these occasions. These reactions will be made public.
The new organization and the notifier

It is important, when assessing the way in which the new organization has been structured, that the interests of people reporting abuse (also referred to earlier as notifiers) are not forgotten. There must be nothing to prevent people making reports.

Where can people report abuse?

On a weekly, almost daily basis, the Commission of Inquiry receives questions from people who would like to make a report, submit a complaint, apply for compensation for damage suffered, who require help and who do not know how to contact the right body or committee. This is not because of a lack of bodies or committees, but precisely because of the variety from which they can choose. It is easy for people to become confused as to where they should turn to submit a report. He or she can report to the Commission of Inquiry as it has indicated that it would welcome reports in the interests of its Inquiry. Of course, there is also the Agency, as well as the Conference of Religious in the Netherlands reporting centre (Meldpunt KNR (misbruikmelding@knr.nl)) and the dioceses of Haarlem-Amsterdam and Roermond, which have both instigated committees to hear people who wish to make reports. The Bandell coordination committee and the Lindenbergh Commission are also mentioned by people asking whom they should contact with their report or question.

Outside the ecclesiastical environment, people can contact the Samson Commission, which has a telephone contact line for people to report. Of course, if it concerns a crime not subject to a statute of limitations in criminal law, the police can always be contacted. There is also KLOKK, the umbrella group for a number of, but not all, groups of fellow victims. Other groups who call on people to report include Mea Culpa United and the foundation Mannenhulpverlening na Seksueel Misbruik (www.seksueelmisbruik.info/stichting/). Victim Support Netherlands is another body that people can contact with reports. It has a special telephone number for people who have reported to the Samson Commission and the Commission of Inquiry and who require help of whatever kind. The special telephone number is 0900 9999001.

'Signposting'

There is a lack of any clear 'signposting' for people who wish to be sure of submitting their report to the right place. This is not only an important role for the Agency, but also for the Conference of Bishops, for the separate dioceses, for the Conference of Religious in the Netherlands and for the orders and congregations approached in this context. The Commission of Inquiry recommends that there be clear ‘signposting’, by indicating on the separate websites where people should report.

People reporting to the new Agency often do not know the difference between a ‘report’ and a ‘complaint’. A clear explanation is required and it is advisable for each report in principle to be considered as a complaint. Later contact will reveal whether the person reporting merely wishes to give his or her account to the Agency or one of the confidential counsellors. It may be that the person reporting is only seeking help.

Once it is clear that the person reporting would like to submit a complaint, the complaints procedure can be initiated. When recording a report, it is important that an attempt is made to obtain comprehensive information. It would promote the effective deployment of legal advisers if
complaints about the same perpetrator or in the same institution were to be channelled to the same legal adviser. If specialized legal advisers have knowledge about individual perpetrators and institutions, they can provide more effective assistance to people submitting subsequent written complaints. For many victims, drafting the written complaint is emotionally important. This approach also prevents work being duplicated.

INTERIM ASSESSMENT

The Commission of Inquiry observes that the organizational structure of the new organization effectively implements its previous recommendations. It is no longer an ecclesiastical organization, but a foundation in accordance with Dutch law that deals transparently with the judgements of the complaints committee. In addition, the Foundation can include members in the Complaints Committee and other parts of the new organization on the basis of their expertise.

This does not detract from the fact that the Commission of Inquiry has suggestions for improvement in other areas. For example, there is no concrete description of the Platform’s tasks and roles, partly in relation to the Agency and to other organizations providing help. It is not sufficiently clear to what extent the staff of the Agency, the confidential counsellors and the staff of the Registry act as a point of contact for referrals (helpdesk function) or have other duties involving the provision of help.

The work of the confidential counsellors is not sufficiently clear and it is unclear in what way these officers are related to the Agency or to the Platform. It is also unclear why confidential counsellors are appointed by the chairperson of the Platform, unlike the members of the Platform who are appointed by the board of the Foundation.

There is a lack of explanation of the content of the annual reports of the Platform, the Complaints Committee and the Agency. In its interim report, the Commission of Inquiry recommended that the Complaints Committee include details in a public annual report of the criteria used in the recruitment and nomination of members and staff and that the Registry be accountable for this.

In addition to the more organizational aspects, the Commission of Inquiry has taken into account the interests of people reporting abuse and victims of abuse in its assessment of the changes to the organizational structure. It must be possible to find the new Agency easily and quickly and people reporting must be able to obtain whatever has the most priority for them at that moment without unnecessary delay: help, contact with fellow victims, the possibility to submit a complaint.

For this purpose, the Commission of Inquiry has recommendations for the improvement of ‘signposting’, the intake of new people wishing to submit reports, and the effective drafting of written complaints.

This brings the Commission of Inquiry to a general, concluding recommendation. The most important role of the board of the Foundation is to ensure that the new organization runs effectively. The board has the possibility of enlisting the services of the most expert people imaginable from a range of different areas. The board will account for the execution of tasks in its annual accounts and annual report. In its interim report, the Commission of Inquiry recommended an annual (external) evaluation. This suggestion does not appear to have been included in the Report of the coordination committee led by Mr Bandell (the Bandell Report). The name of the new Foundation quite rightly
includes the term 'supervision'. In order to ensure that the supervisory role has form and content, the Commission of Inquiry advises the board of the Foundation to enlist the assistance of a Supervisory Board, which includes at least a representative of the organizations representing victims. This Supervisory Board will have the task of assessing the objectives included in the budget on the basis of the outcomes and results detailed in the annual report. In addition, the Supervisory Board should be responsible for the annual evaluation, preferably with external support. Ultimately, the annual report and the annual evaluations are interrelated.

RECOMMENDATIONS

1. Independence and autonomy

   In its responses to the progress reports in mid-2012 and the start of 2017, the Commission of Inquiry will assess the degree of independence and autonomy of the new organization.

2. Process of acknowledgement, processing and settlement

   The Commission of Inquiry considers the organization’s operation with regard to the acknowledgement, processing and, it is hoped, positive settlement of what for many has been an intense experience that has caused long-term effects to be extremely important. The Commission of Inquiry therefore suggests that the name of the new Foundation also incorporate the word ‘settlement’: Foundation for Supervision, Management and Settlement relating to Sexual Abuse in the Catholic Church in the Netherlands (Stichting Beheer, Toezicht en Afdoening inzake Seksueel Misbruik in de Rooms-Katholieke Kerk in Nederland). This addition does not imply, for example, that there should be no referral to the Public Prosecution Service (or the police). Quite the contrary, but the Agency must aim to ensure that people reporting abuse and submitting complaints are given help and support to such an extent that their experiences of abuse are acknowledged and that they receive redress.

3. Evaluation and supervision

   The Commission of Inquiry repeats its earlier recommendation that the operation of the new organization be evaluated on an annual basis. It supplements this recommendation with the proposal that this be the responsibility of a Supervisory Board, preferably with external support. A representative from the umbrella group of victim support groups will also be invited to join this board.

4. Signposting

   The Commission of Inquiry observes that the great deal of attention that has been paid to the problem of sexual abuse of minors in the Roman Catholic Church has resulted in the establishment of a large number of bodies and commissions or committees. As a result of this, it has become rather confusing for people wishing to submit reports, who do not necessarily know where best to turn. The Commission of Inquiry recommends that the websites of the Conference of Bishops, the Conference of Religious in the Netherlands, the dioceses and the orders and congregations approached in this regard include clear and relevant links.
5. Reports and complaints

For people reporting, it is not always clear or obvious what the difference between 'reports' and 'complaints' is. When processing reports, the Commission of Inquiry recommends that, in principle, no distinction be drawn and each report be considered as a complaint. The path leading to the submission of a written complaint is long and has many phases. After each phase, there can be consultations with the person submitting the report to discuss whether and if so when they would like to begin to compile a written report with the legal adviser. In order to ensure that the deployment of legal advisers is more effective, it is advisable for complaints about the same perpetrator and complaints about the same institution to be handled by the same legal adviser.

6. Organizational Improvements

The Commission of Inquiry suggests that there be a clear description of the tasks and role of the Platform. In addition, the Commission of Inquiry asks that the task and position of confidential counsellors in the new organization be clearly described. Finally, the Commission of Inquiry recommends that the Foundation not only accounts for itself in financial documents (annual accounts and budget) but also publishes a public annual report.

7.5.2. The complaints procedure

From a legal procedure to a complaints procedure

In its original interim report, the Commission of Inquiry compared the Hulp & Recht complaints procedure to complaints procedures in education, healthcare institutions and the police. There are two important differences when these are compared to the complaints procedure about sexual abuse in the Roman Catholic Church. First of all, there is a strictly formulated legal procedure, with concepts such as 'written complaint', 'statement of defence', 'accused' and 'well-founded' or 'unfounded'. In his discussion with the Commission of Inquiry, the new chairperson of the Complaints Committee, Mr G.A.M. Stevens pointed out the following:

'The first thing that Mr Stevens would like to have removed is the term 'unfounded', since this is appalling for people because they read it as a refutation of what they claimed. In a number of complaints declared to be unfounded in the past, a re-evaluation of these cases has been considered if it emerges later that same accused appears in the system again. These complaints are then removed. In response to Mr Kreemers' question as to what is used to replace the term 'ungrounded', the answer is that there is not yet complete agreement on this. As far as Mr Stevens is concerned, the word is unacceptable and 'unfounded' must simply be removed. In itself, and from a legal perspective, it is true that a complaint is either well-founded or unfounded, but it is possible to formulate this differently. Mr Kalbfleisch confirms that discussions with victims have shown that those who had dealings with Hulp & Recht and had their complaints rejected found the language in which it was written so cold and distant that they were deeply affected by it.'

Objections Committee

The second difference concerns the regulations governing objections against the judgement issued in the first instance in the complaints procedure. In education and in the police there is a higher appeals
body. For the police, this is the National Ombudsman. For healthcare institutions, a draft bill has been submitted proposing that a disputes committee operate as a higher appeals body. In the complaints procedure for sexual abuse in the Roman Catholic Church, it is the bishop or higher superior who, in the opinion of the complainant initially failed to properly respond to the judgement of the Complaints Committee. This makes him the judge in his own case. This situation is improved in the new organization through the instigation of an Objections Committee, consisting of members of the Complaints Committee who were not involved in the earlier judgement. Compared to the previous, recent situation in which the bishop or higher superior concerned decided on the objection, the Objections Committee is an improvement in terms of the interests of complainants, but it is a form of internal appeal rather than an appeals body, as exists in other complaints procedures.

Partly for this reason, the Commission of Inquiry advises that particular attention be paid to the regulations for this Objections Committee and, when it has been established, an assessment be made of which complainants whose complaints were rejected may still be eligible to have their objections assessed. The Commission of Inquiry will inform the Complaints Committee confidentially about judgements made by the former BAC which were not followed up by the ecclesiastical authority concerned and/or where it later emerged in the research conducted by the Commission of Inquiry that written information had not been taken into account in determining the judgements. The new Complaints Committee procedure stipulates deadlines for objections, which in these cases have long since passed.

Supporting evidence

In their interview with the Commission of Inquiry, representatives from the umbrella organization for victim groups, KLOKK, asked about the use and availability of, in particular the Commission of Inquiry's archive research materials and the database of reports in the handling of complaints procedures. The Commission of Inquiry had expected this question. It also emerged during the Commission of Inquiry's archive research. Previously, in the interests of its investigations and therefore also that of the people concerned reporting abuse, the Commission of Inquiry contacted victims of the same perpetrator or within the same institution.

Retrieving the exact facts about the abuse that may have taken place 40 or 50 years ago is an extremely difficult issue. There are generally no witnesses of the abuse, and it is often no longer possible to determine exactly what happened. The memory is not always reliable. In its interim report of 9 December 2010, the Commission of Inquiry indicated that Hulp & Recht, with due observance of that stipulated in the Personal Data Protection Act, has a wealth of information that must not be lost.

The same now applies to the Commission of Inquiry. In this context, the Commission of Inquiry would like to refer to a request made by the new chairperson of the Complaints Committee, Mr Stevens. He informed the Commission of Inquiry that information is available in various places that could be of major interest for complainants 'as supporting evidence in the cases they bring. Of course, this primarily concerns the complainant’s own knowledge, but now also includes materials held by the victim groups, the knowledge and archive information in the dioceses and orders and congregations, the information at the Agency and the Complaints Committee from the register of reports and
complaints and – and this is what the matter in hand is mainly addressing – the information from the archive research conducted by The Commission of Inquiry’.  

This led the chairperson of the Complaints Committee to ask the Commission of Inquiry 'to consider providing the Complaints Committee with access to the materials available to your Commission. I am not thinking of unlimited and unconditional availability, but, for example, responses to concrete questions posed by the Complaints Committee (or by a researcher appointed by it) regarding facts that may be of material significance for a specific complainant in a pending complaint process. I understand that this may not be without complications, but I would like to discuss it with you. Especially now that time is of the essence, since your Commission will soon be finishing its work and it is uncertain who will then have the authority to decide on access to the information.'

For obvious reasons, the Commission of Inquiry would like to meet this request, but will only offer this cooperation if it can guarantee the confidentiality of the information provided by people reporting abuse. This means that the Commission of Inquiry would like to offer its cooperation, but would like to incorporate guarantees in order to completely protect the privacy of people reporting abuse. The intention is for the Commission of Inquiry's archive to be accommodated in the National Archives of the Netherlands.

Various parts of the Commission of Inquiry's archive will be available for academic research in accordance with the usual conditions. The whole archive, which therefore also includes those parts that will not be accessible to third parties in accordance with the usual conditions, will be managed by a management committee, which will include former members and former staff of the Commission of Inquiry. They will decide on access to the inventory numbers of the archive and the conditions for permitting access, but can also play the role of the researcher referred to by the chairperson of the Complaints Committee. By doing this, the Commission of Inquiry is also responding to the question from KLOKK about the usability and availability of, in particular, the archive research and the database of reports by the Commission of Inquiry in handling the complaints procedures. Subject to certain conditions, the materials collected by the Commission of Inquiry are usable and available.

The Commission of Inquiry will make practical agreements with the chairperson of the Complaints Committee on any fact-finding that it may initiate and about cooperation by the managers of the Commission of Inquiry's archive referred to above. Any questions asked within the framework of fact-finding, will be answered with a yes or no. Factual data entrusted in confidentiality to the Commission of Inquiry will therefore remain confidential. These agreements will be published.

The handling of complaints

As at 10 October 2011, Hulp & Recht had received 2,016 reports. These reports include 565 complaints from 478 complainants. The procedure for handling these complaints is now up and running. Since 1 September, the number of session days has doubled and the Complaints Committee can handle up to 32 complaints and reach a judgement every month. It is therefore conceivable that all the complaints submitted can have been processed within 16 to 18 months. Complaints need to be handled not only carefully, but also rapidly. If not, the complainants will continue to face the uncertainty of the procedure they have instigated. The following section highlights an opportunity for reducing the load of the Complaints Committee while still maintaining this level of care.
Written complaints have been received from 191 complainants. A statement of defence has been added to this written complaint in 53 complaint dossiers. In this context, the Commission of Inquiry prefers to use the term 'substantive reaction' in the case of complaints in which perpetrators are involved.  

In 2011, the Complaints Committee issued a judgement in 87 complaint cases (situation as at 10 October 2011). Ten complaints were declared inadmissible and in two procedures, the complainants and the accused reached a settlement.

In 43 of these 87 procedures, a judgement was made in favour of the complainant, and in 32 cases the complaint was not upheld.

**Table 7.4.2 Processing of complaints**

<table>
<thead>
<tr>
<th>PERIOD</th>
<th>Well-founded</th>
<th>Unfounded</th>
<th>Not admissible</th>
<th>Settlement</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995-2009</td>
<td>59(42%)</td>
<td>66(47%)</td>
<td>16</td>
<td>1</td>
<td>142</td>
</tr>
<tr>
<td>2010-2011</td>
<td>43(49%)</td>
<td>32(37%)</td>
<td>10</td>
<td>2</td>
<td>87</td>
</tr>
</tbody>
</table>

The complaints procedure and the possibility of mediation

At the end of 2010, the Commission of Inquiry had an interview with Father H. Spronck, then a delegate of the Salesians of Don Bosco. The people reporting sexual abuse, represented jointly by the victims’ association Jongens van Don Rua (The Boys of Don Rua), felt mistrust with regard to the treatment of complaints by Hulp & Recht. The leaders of the Salesians in the Netherlands were accused of a lack of willingness to engage in dialogue with them. The Commission of Inquiry advised Father Spronck to initiate a dialogue with the victims. Father Spronck followed up on this advice and began consultations with the Jongens van Don Rua.

Starting in April last year, at the initiative of the leaders of the Salesians, it was decided to start a process of mediation under professional supervision and in accordance with strict agreements. In this process, the victims and the accused work together to solve the conflict with the assistance of an independent supervisor, the mediator. In order to succeed, mediation must be both confidential and voluntary. Both parties must actively cooperate and be willing to reach a solution. For the victims, this willingness is about healing and dealing with suffering, or at least alleviating suffering. For the accused, who in many cases is no longer alive and is therefore represented by the order, congregation or diocese, it is about acknowledging moral responsibility. In order to prevent confusion with other forms of mediation, it is perhaps better described as restorative mediation.

During discussions with bishops and higher superiors, the Commission of Inquiry pointed out that those responsible within the Roman Catholic Church were generally satisfied with the discussions they conducted with victims, but victims said they were not satisfied. In the discussions with those responsible, it was therefore recommended that the greatest priority be given to the interests of the victims, as in the example of the Salesians who entered into contact with the victim group from the Don Rua boarding school in ’s-Heerenberg. According to the Salesians, mediation or restorative
mediation is more effective and recourse to the courts should only be considered as a final resort. *De Jongens van Don Rua* have little or no confidence in the *Hulp & Recht* complaints procedure.

Although the revised procedure of what was then *Hulp & Recht* did include mediation as an option in 2007, this was rarely applied. The practicality of mediation is being investigated by the new organization, according to the Bandell Report: 'The early findings with regard to mediation, in particular as applied by *De Jongens van Don Rua* and the congregation of the Salesians of Don Bosco are enlightening.' Expertise in this area is represented in the Complaints Committee of the Agency for Reports of Sexual Abuse in the Roman Catholic Church.

Mediation focuses on finding the best solution to the conflict between both parties, allowing for sufficient space for non-legal (in other words emotional and relational) aspects. Mediation also involves a discussion between the victim and perpetrator (or the leadership of the relevant organization, if the perpetrator is no longer alive), in which the accused and the victim, are on an equal footing. The accused has the opportunity to see the effect of the abuse on the victim.

This type of mediation can provide a solution in situations involving several victims. It also provides a solution for individuals caught between two stools: for example, if there is insufficient supporting evidence to enable the Complaints Committee to reach a judgement in favour of the victim. The Commission of Inquiry is aware of cases in which those responsible within a religious institute considered the abuse to be plausible, but where there was insufficient evidence in terms of complaints legislation in order to substantiate the complaint in the complaints procedure.

In May 2011, the first phase of the mediation discussions in the Don Rua case (in which the mediators spoke separately to the victims and the accused) were completed. The general feeling among the victims was that this had been the first time they had really been able to tell their story.

The discussions in the second phase between victims and the accused had an emotional dimension, of which the Commission of Inquiry gained a general impression in a number of interviews. The third phase focuses on redress and this phase was completed at the end of October 2011 with a non-binding proposal for settlement. If this proposal is not accepted by both parties, there is a reassessment by the mediators and a new proposal. If this new proposal also proves to be unacceptable, the mediators impose a binding proposal. Where these proposals have a financial component, this is derived from the regulations suggested by the Linderbergh Commission. In a relatively short space of time, 23 members of *De Jongens van Don Rua* went through the process. The results of the mediation are recorded in a settlement agreement, in accordance with that regulated in 7:900-906 of the Dutch Civil Code.

*Improvements to the complaints procedure*

In the complaints procedure for education, there is any obligation to report and the competent authorities are obliged to report cases to the police. Although the complaints procedure may not be the ideal vehicle in which to establish a similar duty to report in an ecclesiastical context, the Commission of Inquiry would still like to make a recommendation along these lines.

The Commission of Inquiry proposes that it become possible for the complaints procedure to be suspended for a specific period, if in the judgement of the chairperson of the Complaints Committee
interruption is essential, for example within the framework of providing help or in order to provide the parties with the opportunity to reach a solution through mediation or restorative mediation.

All the advice provided by the Complaints Committee and the way in which this was handled by bishops and higher superiors will be published in anonymous form on the website with retrospective effect up to 1 January 2011. This also applies to the judgement issued by the Complaints Committee since 1 September 2011.

RECOMMENDATIONS

1. The Commission of Inquiry shares the view of the chairperson of the Complaints Committee in his desire to reduce the level of jargon from the excessively legalistic complaints procedure which would probably be more at home in a court of law than in the new Complaints Committee accommodation. The Commission of Inquiry would like to point out that any such adjustment to terminology does not of course mean that complaints are, from now on, 'well-founded' by definition. The complaint must be plausible. In this respect, the Commission of Inquiry does not wish to raise anyone’s expectations unjustifiably. The distinction between ‘well-founded’ and ‘unfounded’ could be replaced by the distinction 'complaint to be acted on, in the form of advice' and 'no action to be taken'.

2. Now that the new procedure includes the possibility for objections and indeed appeal, the Commission of Inquiry proposes that for certain judgements, the possibility of a new procedure with the Objections Committee be offered, even though the deadline for objections may have passed. This concerns previous judgements that were not followed up by the bishop or higher superior concerned and/or in which it has since emerged that not all information available nowadays was taken into account in determining the judgement.

3. The Commission of Inquiry suggests that the information included in its own archive may be used as supporting evidence providing that the guarantee of confidentiality for information entrusted to the Commission of Inquiry is strictly observed.

4. The Commission of Inquiry suggests that bishops and higher superiors use mediation as a means of handling complaints about the sexual abuse of minors in a way that is satisfactory for all parties. The Commission of Inquiry suggests that the chairperson of the Complaints Committee interrupts the complaints procedure in order to give parties the opportunity to reach a solution via mediation. If this attempt at mediation is not successful, the complaints procedure can be resumed.

5. The Commission of Inquiry suggests that the complaints procedure be suspended if its interruption is essential in the judgement of the chairperson of the Complaints Committee, for example within the context of providing help.

6. The Commission of Inquiry proposes that an obligation to report be introduced and that those responsible at an administrative level be obliged to report cases to the authorities.

7.5.3. From help to redress

Working together to provide help
The Commission of Inquiry has faced many questions from victims about the provision of help. These questions ranged from a need to air one’s views in a discussion or have contact with fellow victims to requests for advice or psychological support. However varied these questions may have been, they was one common denominator for many victims, it was unclear to whom they should turn with their request for help or it took too long before appropriate help was offered. The simultaneous existence of various committees and commissions (the Commission of Inquiry, the Samson Commission, the Bandell Coordination Commission, the Lindenbergh Commission) did not help to clear up this confusion. The changes to the organization of what was then *Hulp & Recht* and the way in which this institution communicated with victims prior to that have resulted, in many victims, in uncertainty and a lack of clarity with regard to the workings of the complaints procedure and the help provided.

The problems concerning the provision of help that victims have brought to the attention of the Commission of Inquiry are primarily organizational in nature.

The Commission of Inquiry proposes that the organizational issues relating to the help provided to victims of sexual abuse be properly solved. In this, the Commission of Inquiry supports the initiative already instigated by Victim Support Netherlands, Stichting Arq and Movisie (the Netherlands Centre for Social Development) to create a network of support and help for victims of sexual abuse within the Roman Catholic Church and juvenile care institutions and foster care. The Commission of Inquiry asked KLOKK, as an umbrella organization for victim groups, to set out their ideas in a document for the Commission of Inquiry. In compiling this report, the Commission of Inquiry has made grateful use of their memorandum.

In its advice, the Commission of Inquiry applies two conditions:

1. The Commission of Inquiry advocates that the approach adopted to the organizational issues concerning the provision of help not be focused on a specific group of victims, as was the case for the investigation of the Commission of Inquiry or the Samson Commission. Sexual abuse is not confined to specific institutions, organizations or perpetrators.

   A generic approach can contribute to improvement and more clarity in the nationwide infrastructure of help provisions as well as improving the coordination between different players providing help. This increases the likelihood of the knowledge and experience of providing help to victims being enhanced and improved. It also increases the likelihood of a better match between the need for help and the help provided.

2. Important players must receive financial and moral support. The Commission of Inquiry underlines the importance of victims’ organizations as an integrated part of the system of help provision. In order to fulfil this role, these organizations must be able to fund their existence and must be considered as fully-fledged partners by other partners in the process.

This leads to the following advice:

The Commission of Inquiry recommends the establishment of a recognizable, visible and accessible reporting agency that operates as a helpdesk (zero-line care) for victims of sexual abuse. Victims must be referred to appropriate help or be brought into contact with other victims or in accordance
with a protocol determined by all parties involved in the agency. The agency must be linked to the existing nationwide infrastructure of mental healthcare in the Netherlands.

The agency will have three roles:

1. **Intake**

   During the intake, the help required by the person reporting must be assessed by an expert in the area concerned. The report must also be recorded in a client registration system unless the person reporting objects to that.

2. **Referral**

   Based on the intake, the person reporting will be referred by the expert to suitable help as available within the existing national infrastructure of mental healthcare and/or brought into contact with fellow victims via the victims’ organization KLOKK and/or referred to the Agency's complaints procedure.

3. **Monitor**

   If the person reporting and the expert desire this or consider it necessary, the expert can act as case supervisor. This means that the expert will monitor the progress of the help provided or the complaints procedure and the person reporting will be given support in, for example, administrative issues relating to the provision of help.

The Commission of Inquiry recommends that this agency be the responsibility of three organizations: Victim Support Netherlands, the Agency and KLOKK. These organizations already serve as a kind of helpdesk, but currently do so separately from each other. The advice of the Commission of Inquiry therefore involves these organizations working more intensively together as well as coordinating and standardizing their approach. For example, this means that the staff of the Agency and KLOKK will be trained in the same way as the staff of Victim Support Netherlands with regard to the intake and referral of victims.

The three helpdesks will come together to form the new agency and in principle will perform the same function based on the protocol agreed between them. They will be distinct from each other in so far as the focus of the Agency is on the provision of help - including to those reporting that they were abused as adults - in the Roman Catholic Church and this institution acts as an entry point to the complaints procedure. In the case of the KLOKK, the focus will be on contact with fellow victims.

The three helpdesks will operate in close collaboration with each other in order to achieve effective and standardized referral to suitable help and accumulate knowledge and expertise. This means that there will be regular consultations. For the sharing of relevant information with regard to referral, in the context of complaints procedures and in order to support monitoring, the three helpdesks will use a client registration system, with due observance of privacy regulation.

In addition, the three helpdesks will maintain intensive contact with suppliers of first- and second-line mental healthcare in the Netherlands. This means that there will also be regular consultations in this context. There have already been initiatives in this area by the parties in the field. However,
the Commission of Inquiry would like to point out that many institutions in second-line care are moving towards care circuits focused on specific complaints (anxiety, depression), strict protocols are applied and the care is not focused on specific experiences.

From 1 January 2012, the excess payable in accordance with the Dutch health insurance system for treatments in first- and second-line care can be as high as € 425. The Commission of Inquiry recommends that this excess be reimbursed by the Roman Catholic Church.

In order to guarantee the continued existence of the new agency and ensure that it is permanently embedded within the existing infrastructure of mental healthcare, the Commission of Inquiry believes it to be essential that these three helpdesks are supported financially by central government in exercising the three duties referred to above. The helpdesk function is in line with the ambitions of the Ministry Of Health, Welfare and Sport to improve the help and care provided to victims of sexual abuse. To this end the three helpdesks will compile a joint annual budget, for which they will also be accountable to the Ministry. Because of its existing financial relationship with national government, Victim Support Netherlands is the obvious choice as budget holder.

Redress

Specifically for victims of sexual abuse within the Roman Catholic Church, it is necessary that the advice of the Lindenbergh Commission concerning the ‘Regulations for offering financial compensation to victims of sexual abuse as minors in which offenders belonging to institutions of the Roman Catholic Church in the Netherlands were involved’ be implemented.

Important features of these Regulations are:

a. financial compensation related to the seriousness of the abuse, in accordance with a category system with fixed or limited compensation amounts within five categories of the level of compensation

b. to be set by a body independent of the Roman Catholic Church in cases in which the abuse and its nature have already been determined

c. a brief procedure, in most cases with a decision not involving further investigation into the extent of damage incurred or causal relationships

d. the Roman Catholic Church institution only entitled to contest category-five procedure cases

e. statute of limitations cannot be invoked under the regulations

f. the Roman Catholic Church institution involved cannot invoke non-liability

g. collective financial responsibility of Roman Catholic institutions

h. payment not conditional on final discharge by victims

i. no possibility for higher appeal.

The regulations include five categories of financial compensation.
1. in the case of actions or utterances with sexual connotations involving an infringement of physical or sexual integrity, other than the actions referred to in the following categories: compensation up to € 5,000;

2. in the case of the fondling of intimate body parts: compensation up to € 7,500;

3. in the case of an extended period of fondling of intimate body parts, depending on frequency, seriousness and circumstantial factors: compensation between € 10,000 and € 20,000;

4. in the case of single or repeated rape: compensation of € 25,000;

5. in exceptional cases of sexual abuse or in cases in categories 3 and 4 in which the applicant's financial damage as a result of the sexual abuse is substantial and the causal relationship between the sexual abuse and the damage is not subject to doubt: compensation up to a maximum of € 100,000.

Since these regulations do not take effect until the victim has instigated a complaints procedure, the Commission of Inquiry considers it necessary for the Roman Catholic Church also to provide financial support for victims who do not wish to instigate this procedure but wish to deal with their experiences by other means, for example by means of mediation. The level of financial support can be determined by the Compensation Committee, which is also responsible for determining the compensation in accordance with the categories as established by the Lindenbergh Commission.

The proposal by the Lindenbergh Commission refers to payment by the Roman Catholic Church without final discharge being provided by victims. The procedure proposed by the Lindenbergh Commission is simple and straightforward with a view to quickly settling the issue. It involves a low burden of proof with regard to what actually happened in terms of the damage (and compensation for it), but also does not offer the opportunity for appeal. It is for this reason that the Commission of Inquiry is in favour of payment without final discharge.

After the Commission of Inquiry

The Commission of inquiry will cease to exist when the final report is presented. However, the issue of sexual abuse of minors within the Roman Catholic Church will certainly not have come to an end at that point.

The inquiry is the initial step in tackling this issue. The Commission of Inquiry believes it to be of major importance that the progress made is continued with determination by bishops and higher superiors. This means that financial compensation alone will not be sufficient, something which the Lindenbergh Commission also emphasized in its advice.171 It is essential that there be an intensive focus on the provision of help. Even more important, are public acknowledgement, empathy and words which endorse this acknowledgement and empathy with genuine regret and apology. Acknowledgement, empathy and words which provide satisfaction to the victims, their partners and their family. This is also important for the many Roman Catholic officials who have not been guilty of the sexual abuse of minors or involvement in it.
The Commission of Inquiry therefore considers it to be essential that those responsible for administration within the Church offer full and active cooperation in processes intending to provide help and complaints procedures. This will primarily involve processes of mediation or similar discussions and contacts with victims, individual and organized, in which mediation plays a central role. This will above all require an empathic, understanding and open attitude acknowledging the status of victims.

The Commission of Inquiry would like to emphasize that this acknowledgement should not necessarily be seen as the equivalent of an admission of guilt. If the issue is approached defensively or with an excessively legalistic attitude, as has at times been the experience of victims, this results in a hardening of contacts with victims and may have a counteractive effect on the help provided.

The contact with victims will be a long-term process during a period in which many orders and congregations see their members growing older and becoming fewer in number. In a few years, certain religious institutions will be so limited in size that they can no longer operate as a point of contact. For this reason, it is important for the Roman Catholic Church to designate a portfolio holder to serve as a point of contact on behalf of the Roman Catholic Church for victim groups and individuals. Obviously, this point of contact must be chosen in close consultation with the Conference of Religious in the Netherlands from one of the existing dioceses.

An additional advantage of such a portfolio holder is that it can also serve as a contact person when, in six months and in five years, the Commission of Inquiry will issue its evaluation of progress made in implementing its recommendations.

Communication is the keyword in public acknowledgement and apology and in contact with victims. For many people, the Roman Catholic Church is an institute whose public image is formed by one or a handful of Church officials.

Little distinction is drawn between dioceses and congregations and orders and associated responsibilities. For this reason, it is important that communication be standardized, joint and transparent.

The Commission of Inquiry recommends that this be implemented immediately, with the support of external experts in contact with victims and with regard to transparent communications with the public.

RECOMMENDATIONS

1. The Commission of Inquiry recommends the establishment of a recognizable, visible and accessible agency to operate as a helpdesk (zero-line care) for victims of sexual abuse and to refer to appropriate help or to contact with fellow victims. The agency must be linked to the existing nationwide infrastructure of mental healthcare in the Netherlands.

2. From 1 January 2012, the excess payable in accordance with the Dutch health insurance system for treatments in first- and second-line care can be as high as € 425. The Commission of Inquiry recommends that this excess be reimbursed by the Roman Catholic Church.
3. The Commission of Inquiry recommends that the regulations proposed by the Lindenbergh Commission be implemented in full without delay.

4. The Commission of Inquiry also suggests that if mediation is chosen, the cost of this procedure must be payable by the relevant order, congregation or diocese.

5. The proposal by the Lindenbergh Commission refers to payment by the Roman Catholic Church without final discharge by victims. The procedure proposed by the Lindenbergh Commission is simple and straightforward with a view to quickly settling the issue. It also involves a low burden of proof with regard to what actually happened in terms of the damage (and compensation for it), but also does not offer the opportunity for appeal. It is for this reason that the Commission of Inquiry is in favour of payment without final discharge.

6. The Commission of Inquiry would like to highlight the importance of an appropriate response to its final report and to use this response as a means of expressing acknowledgement of and empathy with the victims and their partners and families in a way that provides satisfaction to everyone affected by the abuse of minors.

7. The Commission of Inquiry recommends that a portfolio holder be designated to act as a point of contact for victim groups and individuals. In some time, various religious institutes will no longer be in a position to fulfil the role expected of them in this respect. The Commission of Inquiry recommends that one of the bishops be made responsible for this, in close consultation with the Conference of Religious in the Netherlands.
8 FINDINGS AND RECOMMENDATIONS

8.1 Background

On 7 May 2010, the Conference of Bishops and the Conference of Religious in the Netherlands were presented with ten questions. On 11 May 2010, these questions were approved as part of a proposal for an inquiry. The Commission of Inquiry concludes its final report by presenting its main findings, answering the questions posed and making recommendations, subject to the qualifications stated elsewhere in the report.

Before proceeding to do this, the Commission of Inquiry believes it is important to point out what it considers to be an extremely important principle for assessing the scale of the sexual abuse of minors within the Roman Catholic Church in the Netherlands between 1945 and 2010. The inquiry has established that the scale of this problem is relatively small when expressed as a percentage. But in absolute terms, it represents a serious problem: tens of thousands of minors have endured mild, serious or very serious forms of inappropriate sexual behaviour. In many cases, victims have suffered for decades as a result of the abuse they experienced and have found very little recognition for their plight. This has created problems for them, their close family, friends and wider circle, problems which continue to require help and support now and in years to come, and even to require professional counselling in some cases.

Given the complexity of the risk factors involved, the Commission of Inquiry believes it is impossible to make bold statements about the ‘psychological effects of sexual abuse’. This is because psychological problems, as mentioned earlier in the report, are influenced by many other factors. It is therefore far from simple to determine the cause of specific problems. From a methodological perspective, research into the connection between sexual abuse and psychological symptoms is fraught with difficulty. Bearing this in mind, the Commission of Inquiry will not venture to make sweeping statements on whether and to what extent the sexual abuse reported is responsible for any psychological problems, past and present.

But even in cases where no causal link can be established between past sexual abuse and later psychological problems or in cases where such a link is difficult to establish, the Roman Catholic Church still has a moral obligation to take seriously and to help those who report problems that they attribute to experiences of sexual abuse perpetrated by individuals working in the Roman Catholic Church. This moral obligation weighs all the more heavily as a result of the Roman Catholic Church’s publicly avowed role as a guardian of values and standards in matters of decency and ethics. At the same time, it should be acknowledged that the violation of those values and standards by people working in the Church has in itself left many people, both within and outside of the Church, feeling deeply troubled.

8.2 Nature and scale of sexual abuse of minors within the Roman Catholic Church in the Netherlands between 1945 and 2010
The fact that so many reports have been submitted to the Commission of Inquiry does not in itself constitute sufficient grounds on which to base a statement about the nature and scale of the sexual abuse of minors within the Roman Catholic Church. The Commission of Inquiry therefore had to look for other ways to provide a scientific basis for estimating the scale and the nature of the sexual abuse of minors within the Roman Catholic Church. To this end, it decided to carry out a survey among 34,234 Dutch citizens aged forty or older. The Commission of Inquiry has exercised a degree of caution in its interpretation of the data from the survey, since the questions it contains relate to events in the distant past. The fallibility of memory therefore needs to be taken into account. Another complicating factor is the range of opinions on what constitutes abuse.

1. Sexual abuse of minors in the Netherlands

From the survey carried out with the help of TNS NIPO, it emerged that one in ten Dutch people have been subjected to unwanted sexual advances by an adult non-family member (9.7% of a sample of 34,234 Dutch citizens). The survey indicates that the percentage of Dutch people who have experienced such a situation is higher among those who had a Roman Catholic upbringing than those who did not have a Roman Catholic upbringing.

It can therefore be concluded that the sexual abuse of minors occurs on a large scale. It has affected one in ten Dutch people aged forty or over. These figures relate to sexual abuse in the broadest sense of the term: mild, moderate but also serious forms of inappropriate behaviour towards minors.

2. Sexual abuse of minors in institutions

The survey also examined the extent of the risk of unwanted sexual advances for those who were placed in an institution as a child (e.g. a boarding school, a boarding institution, a seminary, a children’s home). The risk in these circumstances was twice the national average. In this regard, there is no significant difference between Roman Catholic institutions and other institutions.

3. Sexual abuse of minors by perpetrators working in the Roman Catholic Church

Between one in a hundred (0.9%) and one in three hundred (0.3%) Dutch people aged forty or older have experienced unwanted sexual advances under the age of eighteen by a perpetrator who was working in the Roman Catholic Church.

4. Reasoned estimate of the scale of the sexual abuse of minors by perpetrators working in the Roman Catholic Church

The number of victims who were raised in the Roman Catholic faith, who spent part of their youth in a Roman Catholic institution and who reported experiencing sexual abuse under the age of eighteen between 1945 and 1981 committed by perpetrators in the Roman Catholic Church is somewhere between 10,000 and 20,000. This estimate is based on a calculation made by the Netherlands Interdisciplinary Demographic Institute (NIDI) at the request of the Commission of Inquiry. This calculation includes the full range of experiences classed as sexual abuse, from very mild to very severe.
Taking this estimate as a basis and taking into account the nature of the abuse reported, the number of victims of very serious forms of sexual abuse in the above-mentioned period is estimated at around one thousand.

The total number of people who experienced sexual abuse in this period committed by perpetrators working in the Roman Catholic Church runs into the tens of thousands. It is reasonable to assume that a few thousand of them experienced serious abuse.

5. Portrayal in the media

Analysis of the unsolicited reports submitted to the Commission of Inquiry gives rise to conclusions that, generally speaking, correspond with the portrayal in various media of the sexual abuse of minors in the Roman Catholic Church. This is not surprising, given that the media based their portrayal on what they were told by individuals who also reported their experiences of sexual abuse to the Commission of Inquiry. To the Commission of Inquiry’s knowledge, the media did not carry out any further investigation into such cases. The impression that emerged was that abuse is bound up with the closed and hierarchical culture of boarding schools, boarding institutions, minor seminaries, reform schools and other institutions run by the Roman Catholic Church. As a rule, the media’s portrayal made little or no distinction between more serious and less serious forms of abuse.

Against the background of the survey carried out with the help of TNS NIPO, this portrayal needs to be adjusted on a number of key points. Firstly, the notion that the sexual abuse of minors is a matter that primarily involves the Roman Catholic Church is not accurate. The sexual abuse of minors is a widespread phenomenon in Dutch society. Secondly, it cannot be maintained that the occurrence of such abuse within the Roman Catholic Church primarily took place within educational institutions. However, it is the case that a specific problem did exist in connection with educational institutions. As the Commission of Inquiry concluded previously, the risk of a child being abused in such a setting is considerably higher than elsewhere. However, this heightened risk applies to such institutions in general and is not limited to Roman Catholic institutions. Lastly, the perception of the nature and severity of the sexual abuse, arising solely from what the notifiers themselves reported, also differs from the conclusions that can be drawn from what has been mentioned above.

8.3 Administrative responsibility

Serious shortcomings can be identified in how those in a position of administrative responsibility handled the issue of the sexual abuse of minors within the Roman Catholic Church. These shortcomings emerged in interviews that the Commission of Inquiry held with individuals in positions of administrative responsibility and from the archive research.

6. The fragmented administrative structure of the Roman Catholic Church in the Netherlands

The administrative structure of the Roman Catholic Church in the Netherlands has a long history of fragmentation. This structure is founded on autonomy as an administrative principle for the separate dioceses and for orders and congregations. The bishops all have separate responsibility for the policy within their own diocese and are held accountable to the Holy See, the Roman Catholic Church’s international administrative body. The fact that administrative duties are primarily conducted by officials within the Roman Catholic Church has contributed to the creation of a closed administrative culture without sufficient checks and balances. This administrative culture has reinforced
fragmentation, making decisive and effective action impossible to achieve in practice. This is certainly true with regard to the problem of sexual abuse within the Roman Catholic Church.

This finding forms the basis for a recommendation to the bishops and higher superiors.

**Recommendation A. Public accountability**

The Commission of Inquiry points out the importance of united action within the Roman Catholic Church, now and in the future, working with victims to contribute to repairing the suffering inflicted by providing recognition, help, redress and follow-up care. This united approach calls for open communication not only among bishops but also between bishops and higher superiors. Bishops and higher superiors should publish an annual report in which they make themselves publicly accountable for their efforts to work with victims and other parties to make a genuine contribution towards recognition, help, redress and follow-up care.

**7. Administrative awareness of sexual abuse of minors**

Contrary to current popular belief, the problem of sexual abuse of minors has been the focus of considerable attention among those with administrative responsibility in the Roman Catholic Church in the Netherlands. Although sexual abuse as such was not a commonly used term until 2000, it is interesting to note that in archives for the period until the mid 1950s it is possible to find a relatively large amount of information on sexually inappropriate behaviour among priests and members of religious orders or congregations. This focus and openness relates to rules and standards of conduct, but also includes descriptions of specific cases. The period can certainly not be characterized as one of ignorance at administrative level resulting from a culture of silence in the various dioceses, orders and congregations. Long before the 1940s until the mid 1950s there is evidence of an accumulation of rules of conduct devoted to moral and decent living for priests and members of religious orders and congregations. The topic was also discussed in many administrative meetings.

The archive research into church and religious administrative bodies shows that after the mid 1950s the relatively strong focus on sexual abuse ceased rather abruptly, apart from a few exceptions in the late 1950s and 1960s. More or less in parallel with this development, the topic (referred to indirectly in discussions on help and support for priests and religious brothers) disappears from the administrative agenda of bishops and higher superiors. This last development appears to be primarily the result of increasing pressure from Rome. At the end of the 1980s and the beginning of the 1990s, the issue reappears on the agenda and, after a lengthy period of advice and preparation, leads to the foundation of *Hulp & Recht* in 1995. However, by that time the occurrence of the sexual abuse of minors in the Roman Catholic Church was long past its peak.

Under the chairmanship of Cardinal De Jong and his successor Cardinal Alfrink, the problem of inappropriate sexual behaviour by members of the Church towards minors was known. This was also true while Cardinal Willebrands and Cardinal Simonis were in office. From the end of the 1980s and the start of the 1990s, the Conference of Bishops was confronted with 'this very serious problem' and with information about reports submitted to *Hulp & Recht*.

**8. Culture of silence**
As the previous section makes clear, there can be no suggestion that the Church was unaware of this issue. It cannot be reasonably maintained that within the Roman Catholic Church in the Netherlands there was no knowledge of sexual abuse of minors. Nevertheless, a number of reservations should be made in this regard. Until the end of the 1980s, sexual abuse of minors was a taboo subject throughout Dutch society. Within the community of the Roman Catholic Church, this was compounded by the closed nature of the culture and the administrative structure. As with other organizations within Dutch society, great care was taken not to air dirty laundry in public. The sexual abuse of minors was only spoken or written about in veiled terms. Until the 1960s, the need for solidarity and unity was cultivated within the Roman Catholic community. This even made Catholics in general susceptible to the fear of besmirching the name of the community as a whole, and led to a situation in which sexual abuse was covered up and measures failed to materialize so that further scandal would be prevented.

Reporting cases to the police was not part of the administrative repertoire of either the bishops or the higher superiors. This was left to the victims and their parents, and — we should make it clear — they were certainly not encouraged to do so. The Commission of Inquiry voices critical reservations about the hesitation and in some cases the unwillingness of administrative officials in the Church and religious orders and congregations to inform the Public Prosecution Service. After all, there is a legal obligation to bring cases of rape to the attention of the Public Prosecution Service. Any steps taken against perpetrators primarily took the form of internal measures: they were transferred, given early retirement or (temporarily) suspended from duty.

9. The celibacy issue

Celibacy is a matter of importance, since it has been debated whether celibacy might be a factor in explaining the occurrence of sexual abuse within the Roman Catholic Church. The notion that celibacy provides the definitive explanation for the extent to which sexual abuse occurs within the Roman Catholic Church — an idea expressed both in the media and within the Church — is one for which no scientific evidence exists. This argument would imply that sexual abuse occurs significantly more often within the Roman Catholic Church than in other comparable settings (i.e. institutions outside of the Roman Catholic Church). However, based on the results of the Commission of Inquiry’s survey conducted by TNS NIPO, this turns out not to be the case.

On the other hand, in light of the archive research and interviews carried out by the Commission of Inquiry, it would be equally inaccurate to conclude that there is therefore no link between sexual abuse and celibacy. The issue here is the mandatory nature of celibacy within the Roman Catholic Church, i.e. the link laid down in Church law between the priesthood and the obligation to live a celibate life. Experts in the field of mental health have emphasized that it is this obligation that can make the clergy vulnerable to various forms of inappropriate behaviour. To this observation, the Commission of Inquiry would like to add that many of those who experienced a calling to the priesthood — often at the age of twelve or thirteen — were not old enough to realize at the time what mandatory celibacy would entail for them personally. On the basis of case histories, the Commission of Inquiry concludes that — especially in the period up to the 1960s — this gave rise to ‘repressed sexuality’ in a number of cases, eventually leading members of the clergy to leave the religious life and get married. It is therefore not inconceivable that, had there been a system of
voluntary celibacy, problems such as those addressed by this report would not have occurred or would have been less prevalent.

10. Taboos surrounding sexuality and the lifting of these taboos

Placed in the historical and socio-cultural context of the period from 1945 until the present day, one of the most striking phenomena is the taboo surrounding sexuality for much of this period, both within the Roman Catholic Church and in other sections of Dutch society. In the Roman Catholic Church, substantial tension still exists between the official view of sexuality and generally accepted views regarding relationships between adults. In the interviews that the Commission of Inquiry held with the heads of the training programmes in Rolduc and De Tiltenberg, it was pointed out to the Commission of Inquiry that there are risks inherent in this tension as regards ultimately admitting young men to the priesthood. It is doubtful whether the combination of specific selection demands and spiritual counselling adopted by these institutions is sufficient. In reality, the status of celibacy as a primary selection requirement (without it, ordination is not possible) calls for training and counselling beyond the spiritual alone.

This finding leads the Commission of Inquiry to make a recommendation.

Recommendation B. Admission, training, counselling and personnel policy

The Commission of Inquiry calls upon the bishops and higher superiors to carry out a critical assessment of the admission, training and counselling of its priests and clergy, to standardize these processes where possible and to improve their personnel policy through professionalization, greater mutual cooperation and even centralization.

11. Help and support for the perpetrator

Since the 1930s, Church and religious administrators — in consultation with psychiatrists — have accumulated knowledge about what they could and should do with perpetrators of sexual abuse. Psychiatrists fulfilled the role of a sounding board and a touchstone for the relevant administrators. Input from the world of psychiatry ensured that one-sided interpretive frameworks of a religious-moral nature were expanded with insights from psychopathology. These frameworks also corresponded to the general application of criminal law in the Netherlands as regards sex offences. In this regard, psychiatrists often played a pivotal role in relation to the psychiatric treatment of sex offenders and the rehabilitation process.

Psychiatrists often advised on areas in which perpetrators of abuse would be able to work without posing a risk: this generally involved a ban on working with minors and the presence of supervision and checks. Nevertheless, research has shown that, in some cases these requirements were only met on a temporary basis. This can be attributed to the lack of a central ‘personnel policy’. The fragmented organizational structure of the Roman Catholic Church means that there was and is no vantage point from which to oversee the further career of perpetrators and to therefore assess the risk that they might reoffend.

At the end of the 1960s, the focus of the help and support given to perpetrators of sexual abuse with a view to rehabilitation shifted from Roman Catholic psychiatric hospitals to the non-institutionalized circuit of independent psychiatrists and psychologists. The services of the latter sector were also
employed with regard to the long-established practice of evaluating and assessing candidates for the
priesthood and priests with specific problems. In the late 1950s, this practice was subject to criticism
from Rome, where they preferred the clergy to carry out selection procedures for their own ranks. In
order to counter this criticism, the Church and religious administrators in the Netherlands made a
point of selecting those psychiatrists and psychologists who were likely to withstand the test of
ecclesiastical criticism.

This finding leads the Commission of Inquiry to make a recommendation.

Recommendation C. Further research into the role of psychiatry

Further research is needed to clarify the criteria set for these mainly independent professionals. The
Commission of Inquiry also determines that, during the 1970s and 1980s, Church and religious
administrators in this situation also made use of new centres for reflection and support, located both
in the Netherlands and abroad and often established by orders and congregations of priests. It is
doubtful whether these centres were actually equipped to treat individuals who had sexually abused
minors.

12. Help and support for the victims

The nature of the sources examined does not provide sufficient basis for making clear-cut statements
on whether the perpetrators were aware of what they were inflicting on the children they abused.
When it comes to awareness of the victims of abuse among the administrators, the Commission of
Inquiry ascertains that, from the 1990s, there is evidence of a policy that can be described as giving
greater priority to the victims, albeit with some reluctance. The reports of sexual abuse in recent
years have regularly led to confrontations between victim and perpetrator, or in cases where the
perpetrator is no longer alive, between victim and administrator. In most cases, the perpetrator has
expressed regret. Cases involving apologies and compensation usually date from after 2000.

Before the 1990s, the situation appears to have been less policy led. The research findings support
the Commission of Inquiry’s impression that avoiding publicity or preventing a police report and
limiting any damage to the Church’s reputation consistently formed the main motivation for seeking
contact with victims in an attempt to reach a settlement with them or their representatives. The
research reveals that Church and religious administrators never took the initiative for such contact,
but only did so when pressured into believing that they had no other choice. This pressure was often
the result of complaints by parents, clergy or other parties involved, in some cases accompanied by
threats to take the matter to the police or other authorities. Case studies show that, in a handful of
instances, the confessional was used as a way of silencing victims.

The social position and status of the complainant also had an influence on the administrators’
response. The Commission of Inquiry has the impression that the young victims were also aware of
such factors.

It emerged from the reports submitted to the Commission of Inquiry that young victims who
sounded the alarm were not always taken seriously. They were told that it was best to keep quiet.
There is no evidence of any counselling being provided for the victims. In some cases, victims who
took their case to court were regarded as ‘accessories’ or as having instigated the abuse. This last
tendency did not change under the influence of new pedagogic principles which began to gain
ground in education from the 1950s and which gave a more central position to the child and his or her potential.

Applications by members of a religious order or congregation to be released from their vows after having committed acts of sexual abuse reveal that, in a considerable number of cases, they were pressured into leaving the religious life by their confessors. In most cases, such sources do not reveal whether this was done to prevent more victims or to protect the image of the religious within society. In cases where the complaint did not remain within the Church but was brought to the attention of other institutions — in this regard the police or the authorities — the victim was no better off.

The Commission of Inquiry observes that children in 24-hour institutions for education, upbringing and reform were more vulnerable to abuse because there was more opportunity on a daily basis for perpetrators to engage in inappropriate behaviour without being discovered. In addition, this increased vulnerability was clearly related to the structural absence of the parents. It also put parents at a disadvantage when they had to evaluate situations in the context of boarding schools, residential homes or institutions based on accounts given by their children. If their child told them that he or she had been the object of unwanted sexual advances, or had been harassed or even abused, it was difficult for them to judge the significance of this information. A parental judgement of this nature often favoured the adults to whom they had entrusted the upbringing and education of their child and whose authority they were reluctant to undermine.

At non-residential schools, the distance between the world in which the children lived and that of their parents was much smaller because parents dealt with their children on a daily basis and were therefore more familiar with the situations they encountered at school and outside. Complaints made by parents to superiors or school directors — including the parish priest, who was often chairman of the school board — prompted a quick response in such a setting.

The reports gave the Commission of Inquiry a much greater insight into those complaints by victims whereby parents or guardians had not been notified. Data from the archive research relating to such complaints provide evidence of primarily administrative deliberations and references to pre-existing agreements. Little was found in the archives regarding any follow-up care for victims. Apparently this did not form part of any settlement.

13. No general conclusion, but room for differentiation

The Commission of Inquiry did not carry out exhaustive research into each separate section of the Roman Catholic Church in the Netherlands. Its inquiry was restricted to twelve extensive studies, five more limited studies and five limited studies. These covered seven dioceses, the orders of the Franciscans and Jesuits, and thirteen congregations.

Below, the Commission of Inquiry presents the findings with regard to one diocese, one order and three congregations. These findings exactly pinpoint instances of administrative shortcomings within the organizations in question and specify the levels at which and the respects in which things went wrong within these organizations (supervision, preventative measures, detection, response, correction and reporting, help, support and follow-up care).
In this section of the concluding chapter, the Commission of Inquiry also presents a number of — interim — findings regarding physical violence, related or unrelated to sexual abuse.


In the Diocese of Rotterdam in the 1980s, men were admitted to ordination despite not being regarded as suitable candidates. A number of these men had been guilty of abusing minors. They were admitted against the advice of the selection committee at the time. In the course of its inquiry, the Commission of Inquiry discovered five actual cases.

Remarkably, no corrective measures or measures to prevent recurrence were taken in response to their offences and misconduct. The outside world — including the victims and their families — were told that stringent measures had been taken, but in fact these only amounted to empty gestures. The Commission of Inquiry is mystified by the relatively light-hearted response from the bishop at the time, Monsignor Bär, to the criminal conviction of one of these priests.

This case is not an isolated one, which gives rise to the question of whether the bishop at the time was capable of adequately fulfilling his administrative responsibility. The Commission of Inquiry tends towards a negative answer to this question. During Monsignor Bär’s time as bishop, no adequate measures were taken. Priests who could no longer be effectively managed within the Diocese of Rotterdam were put to work in other dioceses. The risks of this transfer process were woefully underestimated, despite the possible adverse effects on the physical and mental wellbeing of the minors who came into contact with such priests. Priests against whom measures were taken ignored the bishop’s pronouncements. Monsignor Bär’s departure and the arrival of a new bishop put an end to this situation.

13b. Brothers of Amsterdam

The Diocese of Haarlem-Amsterdam was home to Our Lady of the Seven Sorrows, a congregation of diocesan right, commonly referred to as the Brothers of Amsterdam. This congregation of religious brothers was engaged in ‘raising and teaching poor and neglected boys’. One of the homes run by the brothers was Harreveld, in the small town of Lichtenvoorde. In the mid 1950s, this was the scene of a ‘crisis’ that occasioned Cardinal Alfrink to conduct an inspection of Harreveld, which was under the auspices of the archdiocese.

At this time, Harreveld had a poor reputation among the organizations that placed children in care and these organizations exerted pressure on the brothers to improve their knowledge of the principles of raising children, which involved learning more about growing boys and the psychological and physical changes they undergo, including sexuality. In 1956 it became clear how serious the abuses at Harreveld were: sexual abuse involving brothers, pupils and former pupils, in which alcohol played a part and which had partly taken place in the garden and on the farm, where it could be witnessed by local residents. The fact that this situation was allowed to continue had everything to do with the local superior, who was directly involved in the abuse and was partially responsible for it.

Female inspectors from the Child Protection Agency sounded the alarm and demanded that all of the boys be removed from the home. The authorities became involved, despite the brothers’ efforts to have prominent Roman Catholic politicians intercede on their behalf. A second inspection in 1964
recommended that the entire congregation gradually be dissolved by not accepting new candidates and by absorbing members into other congregations. This did not happen.

13c. Brothers of Saint Joseph

This congregation was also established by diocesan right. The Brothers of Saint Joseph were dedicated to the care of the elderly, the mentally handicapped and young people. The archives of the Diocese of Roermond show that, in the early 1950s, many problems existed within the leadership of the congregation, problems that would escalate in the years that followed.

One of these problems came to light during the Commission of Inquiry’s research into cases of sexual abuse known to have taken place in the Diocese of Roermond. It concerns a series of suspicious deaths that occurred in Huize Sint Joseph in Heel. Sexual abuse also took place at this home, although this only came to light later, in 1959, at the sexual abuse trial of a brother from Huize Meerssenhoven, who had committed similar offences in Heel. The cautious complaints previously made about this matter were hardly investigated by the diocese, and were also played down.

13d. The Salesians of Don Bosco

In 1965 the congregation of Salesians had 193 members in the Netherlands: 89 priests, 40 clerics (trainee priests) and 64 religious brothers (coadjutors). The total number of members in the period from 1945 to 2000, based on the number of personal files in the delegates archive in Soest, can be estimated at around 450. Of this number, 60 people are mentioned in the notifiers’ reports, while 11 other perpetrators are identified in the archive along with another 11 possible perpetrators. This means that between 15% and 18% of the priests and religious brothers from this congregation have been implicated in sexual abuse of minors. Even taking into account the necessary reservations, this represents a relatively high number.

The congregation’s standards and prescriptions in cases of abuse were strict. The question is whether and to what extent these standards and prescriptions were actually implemented. The archive research reveals that, in practice, they were implemented with great leniency. There are indications that sexually inappropriate behaviour within the congregation towards its own young trainees and novices may well have been part of the internal monastic culture. In cases where the superiors responsible were definitely or probably aware of abuse, transferring the perpetrator — in some cases abroad — was one of the measures most frequently taken. If the perpetrator was not a full member of the congregation, getting him to leave the religious life was the preferred option, ideally on a ‘voluntary’ basis. The abuse of underage boys by fellow religious brothers of a young age was often regarded as an expression of repressed sexuality, which could be ‘cured’ by leaving the religious life and getting married. Particularly when the abuse involved priests, the evidence suggests that leaving the religious life was regarded as an option best avoided in practice, one consideration being that a ‘scandal’ should be avoided. Penance, transferring the culprit and, in some cases, treatment were seen as more desirable options.

It is not unusual for a ‘culture of silence’ to develop within organizations with such a strong esprit de corps, even from their earliest beginnings. After all, there were compelling reasons for keeping quiet: scandals that surfaced in the outside world could form a very real threat to the Salesians. The many incidents involving priests and brothers illustrate this tendency towards silence. Scandals relating to
fellow religious brothers leaving the congregation were dealt with as secretly as possible. It is questionable whether the local superiors were always willing to follow the clear instructions given and report such cases to their seniors, in this case the provincial superior.

The archives show that the central authorities in Italy were not informed in all cases either. The explanation given by the provincial superior as to why the individual in question had left the religious life was often kept deliberately vague. Such cases were usually addressed in a conversation with the ‘regional superior’ (a member of the administrative board) during his visits or inspections.

Contact with or help for the victims and their parents appears to have been a very exceptional occurrence and, in those cases where it did take place, the main concern seems to have been to avoid publicity. The word ‘victim’ first was first used by the provincial board in 1994.

The existence of ‘a culture of silence’ among the Salesians is very likely but difficult to document. This conclusion is largely based on the fact that most of the reported cases of abuse have barely been registered in the archives in the Netherlands. The reason why such information could not be found in the archives of the Roman Catholic Church in the Netherlands, despite a thorough search, cannot be given with any certainty. Was this due to administrative shortcomings, rigorous clean-up, random destruction or the destruction of specific material? The Commission of Inquiry is unable to provide a definitive answer to this question. However, it is clear that the central archives of the international orders and congregations may be of value to historical research into abuse in the Roman Catholic Church in the Netherlands and that they should therefore be opened up for this purpose.

13. The Jesuits

At the start of the 1960s, there were over 600 members and aspiring members of the Jesuits in the Netherlands, in addition to a sizeable contingent in Indonesia. Even after the considerable exodus in the fifteen years that followed, at the end of 1974 there were still over 450 members (372 priests, 27 priests in training and 53 religious brothers). A total of over one thousand members and aspiring members for the period 1945 to 2010 would be a realistic estimate. The number of perpetrators and suspected perpetrators either reported or traced is 31: a relatively low percentage.

The individual cases of abuse, forty of which have been identified from reports and archive research, are unevenly distributed over a period of over forty years (1945–88). A clear peak can be seen in the period from 1949 to 1959 (17 cases). Most of the abuse cases reported and detected relate to the field of education, most notably secondary education. One case involves a repeat abuser who was allowed to continue over a long period due to a lack of communication between one provincial superior and another.

A striking number of notifiers say relatively little in their reports about the actual nature of the abuse: half of these reports contain descriptions couched in general terms. Shame and suppression may have played a part in this, even after so many years have passed. In many cases, it is therefore not possible to state the seriousness of what took place. However, it can be said that the more serious forms of abuse are clearly in the minority. In five cases, mention is made of corporal punishment within an abusive context. Another notable factor is the high number of cases reported (13) in which there was a special confidential relationship between the perpetrator and the victim,
such as confessor or family friend of the parents, thereby compounding the abuse with a violation of special trust.

The heads of the Jesuit order, especially prior to 1965, enforced strict standards and in many cases took firm action against those who violated their vow of chastity. Sexual escapades were punished. However, it is also apparent that the most punitive measure in the constitution (banning from the order) became more difficult to impose the higher the religious status of the offender and the greater his ‘merits’ to the order. In most cases, it was considered preferable for the perpetrator to request ‘voluntary’ demission, though he was probably put under a great deal of pressure to do so. Other courses of action, such as punishment — in some cases combined with transfer — or professional treatment, were also possible.

Of course, it was very much in the order’s interests that cases of abuse attracted as little outside publicity as possible. However, it is worth noting that such cases were also kept as quiet as possible within the organization. It appears that the heads of the order even succeeded in keeping the lid on two cases that culminated in legal prosecution, attributing any problems to ‘nervous exhaustion’ and forbidding other religious brothers to speak about the matter to those directly involved. It is unclear whether the local superiors were also kept in the dark following internal transfers.

There are no known cases in which the order itself reported abuse to the police or the authorities. It was not until 2002 that the provincial superiors discussed the obligation to do so. Until 1988, attempts were still being made to persuade the parents of victims not to press charges. The reports and the archives do not reveal any cases where reports were withdrawn or prosecution abandoned as a result of influence exerted by the order.

13f. Acts of physical violence

The Commission of Inquiry observed that, in the reports submitted to it and to other organizations such as Hulp & Recht, physical violence was regularly mentioned as a form of inappropriate behaviour, either combined with or separate from sexual abuse. Similar indications also emerged from the archive research. Most, though not all, of these indications relate to institutions in which young people were educated and raised. This is particularly true of reform school and education institutions, which can be divided into boarding schools — whose primary purpose was educational — and homes and institutes — which were explicitly intended as a substitute for the family and whose primary purpose was care, welfare and in some cases reform.

On this basis, the Commission of Inquiry presents a number of provisional findings with regard to acts of physical violence directed towards the minors in these institutions.

The Commission of Inquiry concludes that acts of physical violence in an educational or care setting from the end of the 1940s were regarded as highly inappropriate and also humiliating in the congregations of priests and religious brothers who worked in education and/or care. The guidelines of teaching congregations working in primary education, such as the Brothers of Maastricht or the Friars of Tilburg or Utrecht, are clear on this matter. The indications that the Commission of Inquiry discovered in reports and archive research with regard to the 1950s and the 1960s relate to actions of and measures taken by teachers and those raising children in loco parentis which were considered undesirable or even irresponsible according to the pedagogical standards of the time.
The fact that such guidelines were given official status and were periodically and repeatedly read aloud within the context of congregations (teaching and otherwise) shows that it was apparently necessary to do so. This assumption is confirmed by information contained in the reports and the archive research.

**Brothers of Charity**

The ban on ‘physical chastisement’ within the Brothers of Charity, for example, did not prevent the brothers from meting out harsh treatment to the children at their boarding schools, including Eikenburg and Jonkerbosch (for mentally disabled boys). In their reports of sexual abuse, former pupils complain of being hit hard, screamed at, denied food or being literally left out in the cold for long periods. The heads only intervened if such rough treatment caused a stir that reached beyond the school itself, for instance because pupils complained to their parents about how they had been treated.

The violence was also sexually charged. Pupils who were afraid of the unpredictable and violent behaviour of the brothers tried to win their friendship. In doing so, they became easy prey for sexual abuse.

**Priests of the Sacred Heart**

In the course of its research, the Commission of Inquiry encountered evidence of excessive forms of violence at Huize St. Jozef in Cadier en Keer, which was run by priests of the Sacred Heart of Jesus (SCJ). The Commission of Inquiry has the impression that violent behaviour was an intrinsic part of life at Huize St. Jozef. This institution can be described as having a tough and inhospitable regime.

14a. The background of the perpetrators

There is evidence to show that, both in the dioceses and the religious orders and congregations, a number of the perpetrators also had problems in numerous other areas.

The most noticeable of these were alcoholism and financial difficulties. The combination of alcohol and abuse appears primarily to have arisen among secular priests, probably because there was very little social control in the parish priest’s residence, especially in parishes served by a single priest. This differed from the situation in religious communities where alcohol was certainly consumed but excessive consumption was more likely to be noticed. Church officials often complained about these perpetrators with a combination of problems, as ensuring that they complied with the assignments and prescriptions issued by their diocese or congregation was a task fraught with difficulty. Remarks to this effect, many of them taking the form of asides in letters or the minutes of meetings, reveal the lengths to which officials sometimes had to go to assert their authority over these men.

A number of these perpetrators were diagnosed with psychiatric conditions from the 1930s onwards. Among the secular priests, many perpetrators exhibited some form of behavioural disorder. In such cases, church officials found a sounding board and a touchstone in the medical practitioners who treated the perpetrators. On request, these practitioners gave their professional opinion on whether priests or religious brothers were still suited to the field in which they worked, whether they were capable of starting over in another field and, if so, which fields might be appropriate.
During its archive research, the Commission of Inquiry encountered cases of sexual abuse in which the perpetrator had himself been similarly abused in his youth. Strikingly, this abuse was often committed in the preparatory or training phase of the congregation or order which they later joined. This observation, which will have to be corroborated by further research, relates to perpetrators from the respective dioceses, the orders and the congregations. In the dioceses of Haarlem-Amsterdam, Roermond and Rotterdam, a number of priests are known to have been abused in their youth.

In the Brothers of Charity, there are clear indications that younger members of the order (i.e. trainees, postulants and novices) were abused by more senior members. Many of these cases involved underage boys, as trainees were usually between twelve and fifteen years of age. Local and provincial superiors were very circumspect in their treatment of such abuse cases in their own training programmes, primarily for fear that such inappropriate behaviour would cause the victim to leave. In other words, their policy was geared towards ensuring that such victims remained within the congregation.

The archive research also provides a small number of indications regarding differences in those entering the priesthood or joining religious orders and congregations. Church officials themselves stated in the late 1940s and early 1950s that their candidates included an increasing number of young men with psychological problems. These problems were usually described in terms of neurosis. Some were sent to a psychiatrist before the end of their training. This is in line with the growing importance given to mental health care in the Netherlands, a tendency also found in Roman Catholic circles. This increased focus reflects the broader understanding of the psychological damage that the Second World War had inflicted on various groups in all kinds of ways. Such damage often went unnoticed but was no less serious for it.

It should be noted that such psychological problems often formed no barrier to entering the religious life. Although such problems were identified by those who assessed the candidates, this had no bearing unless the candidate himself decided not to take his vows. This points to the fact that, in admitting such a candidate, the religious community — motivated by its professional obligations in a range of areas — was apparently prepared to lower its standards and also admit candidates with whom ‘something’ was wrong psychologically. This unwritten policy was at odds with the guidelines imposed by Rome as regards the selection of candidates, at least if the psychological difficulties were also related to sex or were physically and/or sexually expressed.

A similar sense of flexible standards emerges with regard to late vocations, as they were known. In the 1950s these only occurred sporadically but from the 1960s onwards the number of candidates entering the priesthood as a second life choice increased. From the 1970s this increase accelerated, while the age at which this second choice was made also rose considerably. In a considerable number of cases, these were men who almost literally had a whole life behind them, and who had sometimes been a husband and a father. This development should be seen in the context of the pressing shortage of priests, which has been calculated with great accuracy since the 1960s and has been a matter of great concern for both church and religious officials. The Commission of Inquiry makes mention of this in its report because a late vocation is a determining variable in the profile of a number of the most reported perpetrators.

14b. The number of possible perpetrators in the reports
A total of 2,026 people submitted reports to the Commission of Inquiry, either directly or via other organizations such as *Hulp & Recht*. The vast majority of these reports concern abuse suffered by the notifiers themselves or by a close family member.

These reports often contain many specific details about the nature of the abuse and the circumstances in which it took place, but also about fellow victims, witnesses and perpetrators or possible perpetrators. At the start of 2011, the Commission of Inquiry drew up a list of the individuals mentioned. This list originally contained around 1,400 names but the Commission of Inquiry had the impression that in some cases several names in fact referred to the same person. This was particularly true of unusual names, which were more likely to be misspelled or subject to confusion.

Inquiries showed that a number of the perpetrators mentioned by name were unknown at the dioceses, orders or congregations concerned. In a number of other cases, it proved reasonable to suppose that two or more of the names in fact referred to one and the same person. This was the result of misspelling or confusion with regard to the names, especially personal religious titles. Information was received from all dioceses and 65 orders and congregations, including 18 female religious congregations. Two congregations of religious sisters indicated that the names we supplied gave too little basis for answering the questions posed. This concerned three names. From one congregation of religious sisters we received no answer at all. That case related to a single name. In total, the Commission of Inquiry received no response regarding 35 of the names submitted.

However, the Commission of Inquiry did receive a response with regard to 769 names. Of these names, 396 related to persons who had since died, 21 of whom had left the religious life prior to their death. With regard to 268 names, the identity could not be ascertained or it remained unclear whether the people referred to were still alive. In 105 cases, the names relate to individuals who are still alive (as of 3 October 2011) and, of these 105 persons, 14 have since left the religious life.

On the basis of the reports, the Commission of Inquiry concludes that around 800 names can be traced to persons who are working or who used to work in dioceses, orders and congregations. Of these 800 individuals, at least 105 are known to still be alive. The number still in office remains unclear. The relevant bishops and higher superiors are aware of these facts. The Complaints Commission of the new Agency for Reports on Sexual Abuse in the Roman Catholic Church is prioritizing complaints involving perpetrators who are still alive.

### 8.4 The consequences of sexual abuse

#### 15. Psychological problems

The victims of sexual abuse within the Roman Catholic Church who made unsolicited reports to the Commission of Inquiry (i.e. notifiers) have reported suffering all kinds of psychological problems. It is a group that is experiencing serious problems and their accounts suggest that many would benefit from receiving professional help. The responses of those who participated in the survey and who reported abuse by persons working in the Roman Catholic Church also indicated higher than average problems, although as a group their psychological problems are less serious than those of the notifiers. Nevertheless, even among those who took part in the survey, a considerable number may well be in need of professional help.

#### 16. The need for help and the necessity for provision of help
The Commission of Inquiry believes it is plausible that the seriousness and scope of the present problems have been partly caused by the lack of help and support at the time of the abuse or shortly after the abuse occurred. In other words, if those with administrative responsibility had provided help at the time, it is possible that many people would have been spared some of the suffering associated with their current problems. This leads the Commission of Inquiry to make a recommendation.

**Recommendation D: Dialogue between the Roman Catholic Church and the victims; help and guidance**

The result of the research into psychological problems says something about how the Roman Catholic Church should enter into dialogue with victims of abuse: this is a group which deserves serious attention and whose problems cannot be easily dismissed. The second recommendation is that the Roman Catholic Church would do well to make and maintain provision for the guidance, help and support of this group.

Such provisions should firstly take the form of a helpdesk for dealing with reports, with the necessary expertise to refer people to professional care providers. This facility should form part of a chain of organizations to which victims of sexual abuse can turn. Victim Support Netherlands and the umbrella organization for other victim support groups should play a prominent part in this chain.

17. **Dealing with complaints and redress**

It is vital that complaints be dealt with effectively. In the Commission of Inquiry’s view, this also entails access to information and documentation that can serve as evidence or supporting evidence. In its archive research, the Commission of Inquiry has found sources which are relevant in this regard. The Commission of Inquiry’s following recommendations relate to dealing with complaints effectively.

**Recommendation E. Evidence or supporting evidence**

Where necessary, the Commission of Inquiry is willing to point out information which was unavailable until recently and which could be of importance to complainants in cases already handled. At the same time, the Commission of Inquiry wishes to make it possible in future for the Complaints Commission to give a definite answer on request with regard to evidence or supporting evidence that might be among the research data collected by the Commission of Inquiry. This role cannot be carried out by the Commission of Inquiry itself, as it will cease to exist after the publication of this final report and its own archive will become part of The National Archives of the Netherlands. This is why, in close consultation with The National Archives, a resource will be established to ensure the provision of information while safeguarding the privacy of the notifiers and the confidentiality of the information.

**Recommendation F. Other ways of dealing with complaints**

In addition to an effective complaints procedure, it is also important that complaints can be settled alongside the formal procedure. In theory, the existing complaints procedure already allows for the possibility of mediation but, in practice, only limited use is made of this facility.
**Recommendation G. Financial redress**

Help and support alone is not enough to give victims redress. Financial compensation is inextricably linked with the opportunity for recovery that should be offered to victims. Last year, the Commission of Inquiry proposed a generic arrangement which can be applied by adopting the proposals made by the Lindenbergh Commission.

**Recommendation H. Point of contact within the Roman Catholic Church**

Maintaining contact with victims will be a lengthy process at a time when many religious orders and congregations are facing the prospect of an ageing population and dwindling numbers. In a few years’ time, some religious institutions will be so limited in size that they will no longer be able to act as a point of contact. It is therefore important that the Roman Catholic Church engages in a dialogue with victim support groups and individuals. This calls for a clear point of contact. The most obvious solution would be to select one of the current bishops, in close consultation with the Conference of Religious in the Netherlands.

The Commission of Inquiry concludes with a recommendation directed at the Dutch government through the Conference of Bishops and the Conference of Religious in the Netherlands.

**Recommendation I. Tackling a widespread and serious problem: sexual abuse of minors in the Netherlands**

‘Child abuse has always been with us and it takes many different forms.’ This statement was made by the Health Council of the Netherlands in an advisory report published in 2011. It is estimated that over 100,000 children are abused in the Netherlands each year. As the data from the Health Council’s report reveals, this abuse is emotional, physical but also sexual. The Council describes the total sum of this abuse as ‘a major social problem’. Its statements underline the significance of the present report by the Commission of Inquiry and a number of other recently completed or ongoing inquiries. The present report confirms the main conclusions of the Health Council’s report.

This widespread — and unfortunately still increasing — problem is also evidenced by the report published by the National Rapporteur on Human Trafficking referred to in Chapter 1 and presented to the Minister of Security and Justice and the Minister of Health, Welfare and Sport on 12 October 2011.

A solution to this problem is not in sight. As the National Rapporteur on Human Trafficking recommends, the government has an important part to play in this regard. This role should include the central coordination of prevention, identification, registration, investigation, prosecution, legal proceedings, help, support and follow-up care. This combination of activities is the best way to contain the problem and prevent new victims. But central coordination also entails the cooperation of others. Many of the reports submitted to the Commission of Inquiry relate to cases which largely took place over thirty years ago. What people today expect of the Roman Catholic Church is that the wrong done in the past is rectified and that amends are made. This calls for recognition, help and support, compensation and redress.

The Samson Commission began its inquiry into sexual abuse in youth care and foster homes at almost the same time as the Commission of Inquiry began its work. The two inquiries were
commissioned by different organizations, had different assignments and addressed different questions and each took its own approach. Both commissions sought contact with one another and were happy to exchange information with a view to preventing duplication and so as not to lose any time in completing their respective inquiries. The Commission of Inquiry has now produced its final report. The Samson Commission is expected to follow suit within a matter of months. Of course, the Commission of Inquiry cannot anticipate the findings, conclusions and recommendations of the Samson Commission. The Commission of Inquiry can only hope that the reports and advisory reports by the Health Council of the Netherlands and the National Rapporteur on Human Trafficking, together with its own final report and that of the Samson Commission will lead to the issue of the sexual abuse of minors receiving the attention it deserves across the political and social spectrum. In the Commission of Inquiry’s opinion, nothing less will suffice.

The Commission of Inquiry calls on the Conference of Bishops and the Conference of Religious in the Netherlands to urge the government to take an integrated and effective approach to tackling the problem of sexual abuse and violence directed towards minors.
NOTES CHAPTER 1

5. The decision to set up this e-mail address was an emergency measure. From the moment that his name was mentioned in connection with the inquiry, Wim Deetman began to receive letters sent to various addresses (the Council of State, the City of The Hague, the Lower House of the Dutch Parliament and Hulp & Recht) and e-mails, most of which were sent via the Council of State. Once the Commission of Inquiry’s administrative support team was fully equipped, the e-mail address reactie@onderzoekrk.nl was launched.
7. See Appendix A.
8. See Appendix A.
10. The Commission of Inquiry decided to take a pragmatic approach to this matter (i.e. dealing with the question insofar as it arose in the course of the inquiry). A budget proposal was presented to the commissioning bodies on 10 October 2010. The Commission of Inquiry asked the CAOP to draw up a final account statement and to submit it to a registered accountant for approval. The final account statement and the report by the registered accountant are due for publication in the spring of 2012.
13. W.J. Deetman, Voorstel voor Onderzoek naar Seksueel Misbruik in de Rooms-Katholieke Kerk. The Hague, 7 May 2010, p. 3. See Appendix A for a detailed account of the way in which the inquiry was set up.
14. In its proposal for an inquiry, the Commission of Inquiry takes the age limit of 21 as the dividing line between adult and minor for sexual abuse prior to 1988.
18. R.J.G. Bandell, Wielen verwisselen onder een rijdende trein, 24 June 2011. All of the reports mentioned in this section can be found on www.onderzoekrk.nl.
NOTES CHAPTER 2

2. Ibid, p. 525.
15. Due to the frailties of old age, the cardinal could not be personally present at the stadium in Utrecht where the festival was celebrated on 16 May 1953. His speech was relayed via the public address system. See essay by D.F.J. Bosscher, ‘De Nederlandse Rooms-Katholieken in een overgangstijd. Onrustig temidden van de woelige baren’.
17. In 1955, Alfrink was made Archbishop of Utrecht and thus the head of the Roman Catholic Church in the Netherlands (‘primate’ or ‘metropolitan bishop’). He became a cardinal in 1960. The latter (the fact that, after five years, the Netherlands had a cardinal again) was both a tribute to the man himself and a Vatican homage to Dutch Catholicism. See essay by


19. On 9 September 1965, the episcopate withdrew its prohibition on the membership of trade unions. At the same time, ‘in the context of their pastoral responsibility’, the bishops called on the faithful to join Catholic social organizations (or to continue to do so). See essay by D.F.J. Bosscher, ‘De Nederlandse Rooms-Katholieken in een overgangstijd. Onrustig temidden van de woelige baren’.


23. From the late 1950s, the concept of ‘non-churchgoing’ (or ‘secularization’) came to replace the term ‘apostasy’.


26. From 1938 onwards it was the ‘Katholieke Economische Hogeschool’, and in 1963 it became the ‘Katholieke Hogeschool Tilburg’. From 1986 onwards it was known as the ‘Katholieke Universiteit Brabant’, in 2004 it became ‘Universiteit van Tilburg’, and it is currently officially known as ‘Tilburg University’. See essay by D.F.J. Bosscher, ‘De Nederlandse Rooms-Katholieken in een overgangstijd. Onrustig temidden van de woelige baren’.

27. Before then there was old Dutch law, then the French Penal Code (at the time of French rule) and, for a short time, the Criminal Code for the Kingdom of Holland (1811). See essay by R.S.B. Kool, ‘Schuivende panelen. Een achtergrondstudie naar wereldlijke en kerkelijke ontwikkelingen rondom seksueel misbruik binnen de Rooms-Katholieke Kerkprovincie (1945-2010)’.

28. Appendices Acts of Parliament, Lower House 1909-1910, 293, No. 56, 2, p. 15. Edmond Regout, the Minister of Justice, spoke of ‘a general conviction in the country, which supports an early and more extensive involvement by the legislature, a strongly rooted and mature sense of justice that requires satisfaction, to deter a moral decline of our nation, which is still characterized by modesty and simplicity’. See essay by R.S.B. Kool, ‘Schuivende panelen. Een achtergrondstudie naar wereldlijke en kerkelijke ontwikkelingen rondom seksueel misbruik binnen de Rooms-Katholieke Kerkprovincie (1945-2010)’.

29. Stuurman (1983), p. 223, where he writes: “the social and, where possible, legal excommunication of dissenting views in the area of sex and marital order was a key point in the confessional counteroffensive against the ‘modern’ errors of our age”. See essay by R.S.B. Kool, ‘Schuivende panelen. Een achtergrondstudie naar wereldlijke en kerkelijke ontwikkelingen rondom seksueel misbruik binnen de Rooms-Katholieke Kerkprovincie (1945-2010)’.

30. In 1937, Drukker sighed and exclaimed “All too often, the institutions responsible for this tend to forget that a normal family life is the foundation stone on which to build a morally healthy population.” L. Drukker, *De sexuele criminaliteit in Nederland, 1910-1931*, 1937, p. 40. See essay by R.S.B. Kool, ‘Schuivende panelen. Een achtergrondstudie naar wereldlijke en kerkelijke ontwikkelingen rondom seksueel misbruik binnen de Rooms-Katholieke Kerkprovincie (1945-2010)’.

31. This resistance to homosexual relations should be understood in the light of the functional view of sexuality within Catholic ethics. As they can serve no reproductive purpose,
homosexual contacts involve nothing but lust. See essay by R.S.B. Kool, ‘Schuivende panelen. Een achtergrondstudie naar wereldlijke en kerkelijke ontwikkelingen rondom seksueel misbruik binnen de Rooms-Katholieke Kerkprovincie (1945-2010)’.

32. In 1999, Article 248ter Sr was changed to Article 248a Sr. Unlike the prohibition on voluntary homosexual contacts with minors, the seduction of minors remains an offense to this day. See essay by R.S.B. Kool, ‘Schuivende panelen. Een achtergrondstudie naar wereldlijke en kerkelijke ontwikkelingen rondom seksueel misbruik binnen de Rooms-Katholieke Kerkprovincie (1945-2010)’.

33. L. Drukker, De sexuele criminaliteit in Nederland; 1910-1931, 1937; J.M. van Bemmelen, ‘De zedendelicten’, Tijdschrift voor Strafrecht, part lxx, issue 1, pp. 23-24, 29 (1961). Incidentally, this trend continued in the 1950s. The notes to the crime statistics issued by Statistics Netherlands for the period from 1948 to 1949 included the following comment: ‘Regarding trends in the figures for sexual offenses, the news is not good, almost all of the figures continue to worsen, and the majority far exceed the figures for previous years’. Friesland had the lowest relative total figures for 1949, Limburg the highest. The overall provincial ranking (from low to high) in that year was as follows: Friesland, Groningen, Overijssel, Zuid-Holland, Utrecht, Drenthe, Zeeland, Noord-Brabant, Noord-Holland, Gelderland and Limburg (Statistics Netherlands, Criminele statistiek. Gevangenisstatistiek. Statistiek van de toepassing der kinderwetten 1948 en 1949 (Utrecht 1951), p. 16. See essay by R.S.B. Kool, ‘Schuivende panelen. Een achtergrondstudie naar wereldlijke en kerkelijke ontwikkelingen rondom seksueel misbruik binnen de Rooms-Katholieke Kerkprovincie (1945-2010)’.


36. Hanneke Westhoff, Geestelijke bevrijders. Nederlandse katholieken en hun beweging voor geestelijke volksgezondheid in de twintigste eeuw, 1996, p. 94. In this connection, a pastoral letter was issued in September 1945 concerning the demands of married life. Analecta voor het aartsbisdom Utrecht no. 18, pp. 17-24 (1945). This is illustrated by a quote from the 1949 journal of the Utrecht Diocesan Union, quoted in: Hans Righart, ‘Ons gezin is ons kleine vaderland’. In: Hansje Galesloot & Margreet Schrevel (ed.) In fatsoen hersteld. Zedelijkheid en wederopbouw na de oorlog, 1987, p. 64: ‘(is) poisoned by sensuality, which drags people down, intoxicates them, and prevents them from seeing and tasting the divine. The spiritual aspect of man is stifled. It is all about the stimulation of sensuality, theatre, culture, virtually everything gratifies the baser instincts of man. Such a world makes it almost impossible to think straight, to see things in the light of eternity. The noblest sentiments suffocate in that atmosphere of sultry sensuality’. See essay by R.S.B. Kool, ‘Schuivende panelen. Een achtergrondstudie naar wereldlijke en kerkelijke ontwikkelingen rondom seksueel misbruik binnen de Rooms-Katholieke Kerkprovincie (1945-2010)’.


41. ‘Moderne jeugd op haar weg naar volwassenheid’. In: De Maasbode (6 November 1953).


44. In the wake of this, traditional class differences became blurred, especially among young people. This is illustrated by a quote from a core member of the Provo movement, reported by De Rooy: ‘Provo was not as intellectual as other leftist movements. And age was more important than social background. It opposed the old bastards, which meant not only the insiders or mayors but also the bosses at work’; P. de Rooy, ‘Vetkuifje, waarheen? Jongeren in Nederland in de jaren vijftig’. In: H.W. von der Dunk et al, Wederopbouw, welvaart en onrust, 1986, pp. 144-145. See essay by R.S.B. Kool, ‘Schuivende panelen. Een achtergrondstudie naar wereldlijke en kerkelijke ontwikkelingen rondom seksueel misbruik binnen de Rooms-Katholieke Kerkprovincie (1945-2010)’.

45. C.P. Middendorp speaks of the emergence of a ‘centrifugal democracy’, in which the former political elites still exist, but undergo reforms and are compelled to conduct their power struggle in the political arena, where - from now on - they attack one another on ideological grounds. C. P. Middendorp, Ontzuiling, politisering en restauratie in Nederland. De jaren 60 en 70, 1979, p. 12. See essay by R.S.B. Kool, ‘Schuivende panelen. Een achtergrondstudie naar wereldlijke en kerkelijke ontwikkelingen rondom seksueel misbruik binnen de Rooms-Katholieke Kerkprovincie (1945-2010)’.


52. Stuurman expressed the view that the Roman Catholic block was in a state of ‘disintegration’; S. Stuurman, Verzuiling, kapitalisme en patriarchaat, 1983, p. 15. See essay by R.S.B. Kool,
‘Schuivende panelen. Een achtergrondstudie naar wereldlijke en kerkelijke ontwikkelingen rondom seksueel misbruik binnen de Rooms-Katholieke Kerkprovincie (1945-2010)’.


60. Accordingly, the birth rate fell by ten percent between 1967 and 1977. Previously, in 1937, the birth rate had dropped to an historic low, before rising again to return to its pre-war level in the 1960s. See also: P. Schnabel, ‘Seksualiteit, sociologisch gezien’. In: Jos Frenken, Seksuologie, een interdisciplinaire benadering, 1980, p. 19, which states that the Sexual Revolution was not a ‘spontaneous’ phenomenon, instead it should be seen against the background of the consequence-free nature of sexual contacts that resulted from the free availability of contraceptives. In this publication Schnabel also refers to the ‘social irrelevance’ of sexuality, by this he means that there is no need for the social control of sexuality, in the light of the need to preserve the socio-demographic balance. However, that argument fails to take account of the fact that the sexual discourse has, for centuries, been characterized by a strong moralistic bias. See essay by R.S.B. Kool, ‘Schuivende panelen. Een achtergrondstudie naar wereldlijke en kerkelijke ontwikkelingen rondom seksueel misbruik binnen de Rooms-Katholieke Kerkprovincie (1945-2010)’.


63. This position was confirmed in later years, when the principle was stated as ‘If in doubt, do not ordain’. Secretariat of the Roman Catholic Conference of Bishops, ‘Opmerkingen, informative en adviezen vanuit de bezoeken aan de verschillende Romeinse instanties bij gelegenheid van het a.s. liminabezoek’, June 1998, Archive of the Conference of Bishops, file 12412. O’Grady also points out that, outside the western branch of the Roman Catholic Church, there is a different approach to the celibacy requirement, in the sense that this requirement does not apply to all ranks of the priesthood. Ron O’Grady, The Hidden Shame of the Church. Sexual Abuse of Children and the Church, 2001. See essay by R.S.B. Kool,


Apostolic exhortation. On the renewal of the religious life according to the teaching of the Second Vatican Council’ (29 June 1970). This position was repeated in a 2011 report drawn up by the John Jay College Research Team at the request of the American bishops. This document concluded that it is not possible to pinpoint a single cause for the sexual abuse that took place within the Catholic church, however it did find an increase in such abuse during the 1960s and 1970s. The cause of this was identified as the ‘social and cultural changes in the 1960s and 1970s’; The John Jay College Research Team, *The causes and Context of Sexual Abuse of minors by Catholic Priest in the United States, 1950-2010*, May 2011, p. 2. Doyle responded critically to this, pointing to ‘ bishops’ blame-shifting tactics’, by which the Roman Catholic Church in the United States was sheltering behind the ‘Woodstock defence’, Doyle (2011). See the essay by H.P.M. Kreemers entitled ‘De “Woodstock-defence” en seksueel misbruik van minderjarigen in de Nederlandse Rooms-Katholieke Kerkprovincie’; R.S.B. Kool, ‘Schuivende panelen. Een achtergrondstudie naar wereldlijke en kerkelijke ontwikkelingen rondom seksueel misbruik binnen de Rooms-Katholieke Kerkprovincie (1945-2010)’.

Archive of the Diocese of Haarlem-Amsterdam. ‘Brief van de regent van Hageveld’, 2 June 1964


It should be noted that, shortly after the Second World War, the Centre for Culture and Leisure (COC) was established. This organization provided a safe haven for homosexuals at secular level. See essay by R.S.B. Kool, ‘Schuivende panelen. Een achtergrondstudie naar wereldlijke en kerkelijke ontwikkelingen rondom seksueel misbruik binnen de Rooms-Katholieke Kerkprovincie (1945-2010)’.

Legislation of 6 May 1971, *Staatsblad* 1971, 291. This should be viewed in the context of the then applicable age of majority. At that time, this was twenty-one, which made homosexual contacts between young men aged between eighteen and twenty-one a punishable offence. See essay by R.S.B. Kool, ‘Schuivende panelen. Een achtergrondstudie naar wereldlijke en kerkelijke ontwikkelingen rondom seksueel misbruik binnen de Rooms-Katholieke Kerkprovincie (1945-2010)’.

For instance, one of the underlying issues of the request for advice submitted to the Health Council of the Netherlands (Speyer Committee) was the question of whether homosexuality led to mental illness. See essay by R.S.B. Kool, ‘Schuivende panelen. Een achtergrondstudie naar wereldlijke en kerkelijke ontwikkelingen rondom seksueel misbruik binnen de Rooms-Katholieke Kerkprovincie (1945-2010)’.
This view, in which the expression of sexuality was - first and foremost - related to lust, was later graphically described by Anthony Giddens as ‘plastic sexuality’; Anthony Giddens, *The transformation of intimacy, sexuality, love and eroticism in modern societies*, 1992. It is this view of things, with its implicit assumption of the ‘availability’ of women, that was later attacked by the women’s movement. In this connection, there is also: P. Schnabel, ‘25 jaar na “Afscheid van de seksualiteit”’. Hoe het anders ging en hoe anders het ging’, *Tijdschrift voor Seksuologie*, p. 278, (1995), who describes ‘sexual vulgarism’ and ‘sexual biologism’. See essay by R.S.B. Kool, ‘Schuivende panelen. Een achtergrondstudie naar wereldlijke en kerkelijke ontwikkelingen rondom seksueel misbruik binnen de Rooms-Katholieke Kerkprovincie (1945-2010)’.

John Humblet, *De oorverdovende stilte. Omtrent pedofilie: het gepolariseerde debat voorbij*, 2007, pp. 35, 118. Humblet notes that the liberalization of sexuality at that time was supported by the emerging scientific discourse of sexology. See also Boutellier, who indicated that contemporary views of sexuality involving children were not necessarily adverse; JC J. Boutellier, ‘Seksueel misbruik van kinderen; van pijnlijk geheim tot spektakelstuk’, *Justitiële Verkenningen* (1989) and E. Brunt and L. Brunt, ‘Zedelijk leven’, *De Gids* (1980). See essay by R.S.B. Kool, ‘Schuivende panelen. Een achtergrondstudie naar wereldlijke en kerkelijke ontwikkelingen rondom seksueel misbruik binnen de Rooms-Katholieke Kerkprovincie (1945-2010)’.

Humblet suggests that the sexual revolution was primarily a way of bridging everyday practice with morality. While the range of sexual forms predated those times, they had never before been aired in public; John Humblet, *De oorverdovende stilte. Omtrent pedofilie: het gepolariseerde debat voorbij*, 2007, p. 29. See essay by R.S.B. Kool, ‘Schuivende panelen. Een achtergrondstudie naar wereldlijke en kerkelijke ontwikkelingen rondom seksueel misbruik binnen de Rooms-Katholieke Kerkprovincie (1945-2010)’.


E. Brongersma, ‘Seksualiteit en wetgeving’. In: Jos Frenken, *Seksuologie, een interdisciplinaire benadering*, 1980, pp. 40-41. Brongersma stated that the Melai Committee was instructed to report on five points: 1. Giving offence; 2. The use of violence or abuse of powerlessness for the furtherance of sexual desire; 3. Prostitution (the regulation thereof); 4. The protection of young people against encounters with sex, and 5. Abortion. Ultimately, three subsidiary reports were issued. See essay by R.S.B. Kool, ‘Schuivende panelen. Een achtergrondstudie naar wereldlijke en kerkelijke ontwikkelingen rondom seksueel misbruik binnen de Rooms-Katholieke Kerkprovincie (1945-2010)’.


volksgezondheid in de twintigste eeuw, 1996, p. 432. This is also illustrated by the establishment of Catholic Homosexual Pastoral Workers, a working group in 1980. See essay by R.S.B. Kool, ‘Schuivende panelen. Een achtergrondstudie naar wereldlijke en kerkelijke ontwikkelingen rondom seksueel misbruik binnen de Rooms-Katholieke Kerk provincie (1945-2010)’.


82. A significant development in this regard was the closure of PINK (the Pastoral Institute of the Roman Catholic Church in the Netherlands) in 1981, an institute that had made such an important contribution to the Pastoral Council. In its place came the LPO, (National Pastoral Consultation Body), which focused, to a large extent, on how to deal with increasing diversity and, in this context, how to shape the social responsibility that faith entailed; Goddijn et al. (1999), p. 282. See essay by R.S.B. Kool, ‘Schuivende panelen. Een achtergrondstudie naar wereldlijke en kerkelijke ontwikkelingen rondom seksueel misbruik binnen de Rooms-Katholieke Kerk provincie (1945-2010)’.


85. Walter Goddijn, Jan Jacobs & Gérard Tillo, Tot vrijheid geroepen. Katholieken in Nederland 1945-2000, 1999, p. 284. The aim was to discuss the collegial tensions within the Dutch episcopate and the lack of solidarity and unity within the Roman Catholic Church in the Netherlands. See essay by Dr R.S.B. Kool, ‘Schuivende panelen. Een achtergrondstudie naar wereldlijke en kerkelijke ontwikkelingen rondom seksueel misbruik binnen de Rooms-Katholieke Kerk provincie (1945-2010)’.


89. For a summary of this: R.S.B. Kool, De strafwaardigheid van seksueel misbruik, 1999, chapter 4.


92. As the Minister of Justice, Winnie Sorgdrager (a member of the D66 political party) put it at the time: ‘While some restrictions have been eased, that which is prohibited will be subject to harsher punishment’. Appendices Acts of Parliament, Lower House 1997-1998, 20 930, No. 7, p. 2. See essay by R.S.B. Kool, ‘Schuivende panelen. Een achtergrondstudie naar
93. Boutellier and Beunders have independently pointed out that the theme of the sexual abuse of minors is more in keeping with the women’s movement’s struggle than paedosexuality, due to the possible link to unequal male/female ratios. While sexual abuse also includes homosexual contacts, the focus on this particular issue is nevertheless more recent. Accordingly, care for forms of sexual abuse originating outside the family circle was only able to reach maturity once the issue of sexual abuse within the family had been recognized as a social problem. Henri Beunders, *Publieke tranen; de drijfveren van de emotie-cultuur*, 2002, pp. 86-87. J. Boutellier, ‘Seksueel misbruik van kinderen; van pijnlijk geheim tot spektakelstuk’, *Justitiële Verkenningen* (1989). See essay by Dr R.S.B. Kool, ‘Schuivende panelen. Een achtergrondstudie naar wereldlijke en kerkelijke ontwikkelingen rondom seksueel misbruik binnen de Rooms-Katholieke Kerkprovincie (1945-2010)’.


96. Women and Justice Committee, *Geschonden vertrouwen. Seksueel misbruik in Pastorale Relaties*, 1993. See also: J.Y.H.A. Jacobs, *Werken in een dwarsverband. Een portret van de gezamenlijke Nederlandse priesterreligieuzen 1840-2004*, 2010, p. 338 and ‘Ontuchtige geestelijke aangepakt’, *Volkskrant*, (24 November 1993). A subsequent response from the Schrama-Van Santvoord-Snijders working group is based on the view that it would be unrealistic to assume that sexual abuse can be prevented. In the view of this working group, the only realistic questions are: ‘How can we curb it, and how should we deal with those cases that do slip through this net? The general idea is that if crimes are committed, prosecution under canon law will not suffice. Such cases must be reported to the appropriate civil authorities.’ In the year 2000, the Foundation against Sexual Abuse in Pastoral Relationships (SMPR) was founded. See essay by R.S.B. Kool, ‘Schuivende panelen. Een achtergrondstudie naar wereldlijke en kerkelijke ontwikkelingen rondom seksueel misbruik binnen de Rooms-Katholieke Kerkprovincie (1945-2010)’.


100. At that time, Pope John Paul II called on young people not to be discouraged by the sins committed by some members of the church. J. Dohmen, *Vrome zondaars: misbruik in de Rooms-Katholieke Kerk*, 2010, p. 48.

101. The protocol was drawn up by the Conference of Religious in the Netherlands (KNR) and Cardinal Simonis; J. Dohmen, *Vrome zondaars: misbruik in de Rooms-Katholieke Kerk*, 2010, p. 104. The rules were not consistently observed; in later years, several cases came to light in which clergy who were known to be guilty of sexual abuse had simply been transferred.


NOTES CHAPTER 3

1. The Commission of Inquiry places a decimal after the point to enable the reader to reconstruct the total numbers.

2. This category does not fall under the Commission of Inquiry’s 'strict' definition.

3. The comparison is based on experiences of sexual abuse according to the Commission of Inquiry’s ‘strict’ definition. This means that instances of sexual abuse among the group of 774 unsolicited reports where there was no physical contact or the abuse was perpetrated by a family member were omitted. In order to draw a comparison with those who filled in a questionnaire which inquired about unwanted sexual advances involving touching before the age of eighteen, experiences that occurred between the ages of eighteen and twenty-one were omitted. This produced a set of 728 unsolicited reports.

4. For both groups, the percentage basis is the number of cases for which information is available on the victim or the incident.

5. Ibid.

6. Ibid.


8. The *Commission of Inquiry* reads the term 'adult' as 'to be of age'.

9. This estimate is based on the statistical findings, an estimate of the effect of any corrections made after conducting the previously mentioned study into inconsistent answers, and the qualitative observations made.


11. For both groups, the percentage basis for each characteristic is the number of cases for which information is available on the victim or the incident.

12. For the sake of clarity, the Commission of Inquiry has listed these results alongside one another. A comparison between the first column (unsolicited reports) and the last column (follow-up study) is not possible since we are dealing here with two different groups, one of which is based on data from unsolicited reports and the other on the results of a standardized questionnaire.

NOTES CHAPTER 4

1. This information is based upon Hans Wortelboer, *Het instituut Rooms-Katholieke Kerk: compleet overzicht*, 2008, pp. 544 et seq.


5. CIC, Canon 491.

6. The Jesuit order is covered separately in Chapter 6.


8. The Salesians are covered separately in Chapter 6. The best introduction to this congregation can be found in Guerrino Pellicia and Giancarlo Rocca (eds), *Dizionario degli Istituti di Perfezione*, vol. VIII, 1988, pp. 1689-1714.

9. See the introduction in: Jan De Maeyer, Sophie Leplae and Joachim Schmiedl, *Religious Institutes in Western Europe in the 19th and 20th Centuries: Historiography, Research and Legal Position*, 2004. Also, in the same work, the appendix: Joos van Vugt, “‘Should it happen that God should permit...’: The Political and Legal Position of Orders and Congregations in the Netherlands”, pp. 277-308.

10. This information is based upon the investigative report on the Brothers of Utrecht, held in the Commission of Inquiry archive. A summary can be found in Appendix B, subappendix 14.


12. Constitution of 1956, Article 64.


21. Ibid., pp. 197-211.
22. Ibid., pp. 297-302.


26. Archive of the Conference of Bishops. The Commission of Inquiry’s found numerous mentions of this subject in the minutes of episcopal meetings.


28. The expectation in the Netherlands was that approximately 4% of priests would resign their office in 1966, although in the end the actual figure was less. The public perception, however, was that the percentage was much higher. See: Marit Monteiro, “Verkondigers van heil: narratieve van uitgetreden priesters over zelf, geloof en kerk als spiegel van religieuze transformaties in de jaren 1960”. In: Mirjam de Baar, Yme Kuiper and Hans Renders (eds.), *Religie en Biografie*, 2011 (in press).


32. This was related to the Commission of Inquiry by Monsignor T.C.M. Hoogenboom, Utrecht, 23 February 2011.


38. See: Monteiro, *Gods Predikers*, p. 625. The general and other superiors of leading orders like the Dominicans were members of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life at that time, and so were well aware of – and indeed partly responsible for – what the Roman Curia expected of their members. There was the same
close relationship between this congregation and international religious umbrella organizations like the Union des Supérieurs Généraux.

39. Ibid., pp. 738-746, describes a case in which Dutch Dominicans advocated mixed communities of members of a religious order or congregation and lay men and of men and women. One of these provoked a power struggle between the provincial and general board in the early 1980s. The attitude adopted by the Dutch provincial was influenced by the removal of Arrupe and his vicar-general; he wanted to avoid any such interference in the running of the Dominican order at all costs.

40. The various religious umbrella organizations (predecessors of the Conference of Religious in the Netherlands, but still separate for each type of community) played a role in this. The Commission of Inquiry believes that it would be exceeding its terms of reference to go into this any further.

41. Circular supplied to the Commission of Inquiry by the Brothers of Tilburg.

42. Archive of the Brothers of Tilburg. Personal circular to the brother director for Whitsun 1918, 19 May 1918.

43. Archive of the Brothers of Maastricht, inv. no. 72.

44. Archive of the Brothers of Tilburg. Circular from Fr M. Radulphus, Tilburg, 15 October 1917.

45. A researcher for the Commission of Inquiry has found more information about this case. It involved abuse at a home for “mentally handicapped” boys, a phenomenon encountered by the Commission of Inquiry at various locations.

46. Archive of the Brothers of Tilburg. Circular from Fr Tharcisio to the brother director, 23 May 1934.

47. Ibid. Circular from Fr M. Radulphus, Tilburg, 15 October 1917.


52. Statement by H.J.A.M. Theloosen for the Commission of Inquiry into sexual abuse in the Roman Catholic Church, 8 September 2010.


55. For an impression of the Dutch sexual climate in the 1950s, see, for example: Hugo Röling, “De kortstondige, stille triomf van een ‘volksbeweging voor het geluk’: de jaren vijftig vanuit het perspectief van de NVSH”. In: Paul Luykx and Pim Slot (eds), Een stille revolutie? Cultuur en mentaliteit in de lange jaren vijftig, 1997, pp. 147-170.

56. ANSI Nijmegen, inv. 213.


58. Ibid., inv. no. 58. Speech by R. Ziggioiti to all directors at Twello (translated), 31 March 1954.

59. Ibid., inv. no. 58. Circular from R. Ziggioiti to the provincials, 24 October 1954.


61. ENK, AR-B021, archive of the Brothers of Utrecht, inv. no. 371. Blank questionnaire for the “Half-yearly report”, ca 1950. As stated above, these reports have been destroyed. Another file (inv. no. 8) of documents left by Fr Bult, the general superior until 1948, includes a list of no fewer than 21 questions on “purity”.

62. NB. Purity is addressed here as one of the three sacred commitments; the questionnaire most likely covered all three. Blank questionnaire for the “Half-yearly report”, ca 1950. In: ENK, AR-B021, archive of the Brothers of Utrecht, inv. no. 371. As stated above, these reports have been destroyed. Another file (inv. no. 8) of documents left by Fr Bult, the general superior until 1948, includes a list of no fewer than 21 questions on “purity”.

63. ENK, AR-B021, archive of the Brothers of Utrecht, inv. no. 26 (March 1954).

64. Ibid., inv. no. 27.

65. This is apparent from the Commission of Inquiry’s investigations of the Brothers of Utrecht, the Brothers of the Christian Schools, the Brothers of Charity, the Brothers of Tilburg and the Brothers of Maastricht.

66. ENK, AR-B021, archive of the Brothers of Utrecht, inv. no. 8. Probably before 1948: an undated stencil which formed the basis for a report on “order and discipline in the community”. Question 15 reads, “Are the ‘tips and instructions’ concerning supervision, the physical treatment of the pupils, observed strictly?”.

67. Over het opvoeden van knapen en jongelingen in scholen en opvoedingsgestichten, ENK, inv. no. 64 (48 pp., no author named), p. 23.

68. Ibid.
By “special friendship” or “sensual friendship” is meant “every sensitive tendency” which might “soften the heart and the will” and “eventually inflame the evil temptation”: a veiled description of homoerotic attraction. See: Dr P. Hubertus van Groessen OFM cap., Het kerelik recht voor religieuzen; met aantekeningen over het particulier recht der Nederlandse en Belgische bisdommen, 1956 (third revised edition) pp. 155-156.

Note that this advice was given to the teaching brothers, who were unordained and so could not act as confessors. In other words, subjects were being referred to a spiritual guide who, by definition, was not a member of this community of brothers.

See the section on the Brothers of Maastricht in Chapter 6.


Similar examples of brothers applying to be dispensed from their vows under pressure from above have also been found at the Brothers of Amsterdam.

The Utrecht Archives (Het Utrechts Archief, HUA), Archive of the Diocese of Utrecht, dossier for the Brothers of Utrecht. Letters from the general superior to the [vicars of the] Diocese of Utrecht, dd. 6 August 1952, 23 July 1953, 1 August 1953 and 29 August 1953.

ENK, AR-B021, archive of the Brothers of Utrecht, inv. nos. 26-27.

See the section on the Brothers of Maastricht in Chapter 6.

Statistics Netherlands (Centraal Bureau voor de Statistiek, CBS), Criminele statistiek. Gevangenisstatistiek. Statistiek van de toepassing der kinderwetten 1948 en 1949, 1951, p. 16. Friesland had the lowest relative total figures for 1949, Limburg the highest. The overall provincial ranking (from low to high) in that year was as follows: Friesland, Groningen, Overijssel, Zuid-Holland, Utrecht, Drenthe, Zeeland, Noord-Brabant, Noord-Holland, Gelderland and Limburg.

“Mr. Kneepkens geeft voorkeur aan ‘stille getuigen’”, Utrechts Nieuwsblad, 26 March 1949.

Archive of the Brothers of Tilburg. Circular from Fr M. Petrus Canisius, June 1954.

Archive of the Pompe Institute. Letter from W.P.J. Pompe to State Secretary A. de Waal, 28 June 1956. The Commission of Inquiry wishes to point out here that, if the situation outlined by Pompe is correct, then countering recidivism may possibly have been more successful in more closed systems like orders and congregations than in ordinary education because there was direct power over the perpetrator, thus making it possible to exclude him from risky situations.

Van Vugt, Broeders in de katholieke beweging, 1994, p. 270.


85. This and subsequent paragraphs are based largely upon the essay by Marit Monteiro, “Discretie en deskundigheid”, reproduced in Appendix B 3.


89. Archive of the Conference of Bishops. Minutes of the Conference of Bishops at Breda, 4 and 5 September 1951 (agenda item 6).

90. “Over Roeping en psychose”, Nederlandse Katholieke Stemmen 37, 1937, pp. 164-174, pp. 199-206. Bless’ archive, which is now held at the Catholic Documentation Centre in Nijmegen, also contains another similar address (inv. no. 148, undated but possibly from the 1950s): “Psychiatrische keuring van de geestelijke stand”.


93. See also: Jacobs, Werken in een dwarsverband, pp. 352-353. Jacobs, unlike the Commission of Inquiry, was not granted access to the minutes of the Dutch Conference of Bishops for his study of the SNPR.

94. The distinction between geriatric and psychiatric conditions is not drawn very precisely in the Bless Report. But he does say that he has disregarded those priests he terms “demented”, who are housed at charitable institutions like Sint Joseph in Heel, run by the Brothers of St Joseph.

95. Archive of the Diocese of Roermond; letter from Geerdinck to Alfrink on the Bless Report, 9 February 1954. Cf. Archive of the Conference of Bishops; minutes of the Conference of Bishops at Utrecht, 13 and 14 December 1948 (agenda item 21). On that occasion the bishops discussed the psychiatric treatment of members of a religious order or congregation in the context of the forthcoming establishment of the Central Catholic Association for Public Mental Health.


98. The words of the then chairman, the Jesuit Kolfschoten.


100. ASNPR, loose folder, 1952-1957 circulars.
Desmazières, *L'inconscient au paradis*, pp. 221-222, describes this as a form of clinical psychological treatment for priests at a turning point in their lives which might entail a risk of scandal.


“Verslag van de (interconfessionele) bijeenkomst van R. K. Geestelijke Verzorgers bij de inrichtingen van Justitie, 10 en 11 september op Drakenburgh” (1951), lecture by De Smet, pp. 4-17, especially pp. 4 and 16.


Archive of the Archdiocese of Utrecht, dossier on the Bless Report, contains a similar reaction from J. Groot, Vicar-General of the Diocese of Den Bosch, dd. 10 March 1955. In this he reiterates “the freedom of the ecclesiastical government”.

In 80% of the cases of castration investigated by researcher Van der Meer, the subjects were men who would be classified today as paedophiles. See: T. Van der Meer, “‘Vrijwillige’ en ‘therapeutische’ castratie van TBR-verpleegden, 1938-1968”. In: E.C. Coppens *et al.* (eds), *Fabrica iuris: opstellen over de “werkplaats van het recht” aangeboden aan Sjoerd Faber*, 2009, pp. 301-327.


This debate centred on the relationship between criminality and the history of social discrimination against Catholics, which they were still unable to overcome to any great extent. For a summary, see: H.P.M. Litjens, *De criminaliteit in Limburg: een historisch overzicht*, 1973.

Published by J.J. Romen & Zonen of Roermond. This work was a collection of the lectures he had delivered in the late 1940s to local branches of the St Adalbert Association in Helmond and Venray at to the Catholic Circle in Eindhoven.

The statutes of this organization were approved by the Dutch bishops in 1949, and in the 1950s it received grants from them.

This process, which would prove quite difficult, is described in: Westhoff, *Geestelijke bevrijders*. For a broader history of mental health provision and its institutional development in the Netherlands, see: Leonie de Goei, *De psychohygiënisten: psychiatrie, cultuurkritiek en de beweging voor geestelijke volksgezondheid in Nederland 1924-1970*, 2001.


Cf. the review by the lawyer E. Brongersma in *Te Elfder Ure* 1, 1954, pp. 30-32.


Ibid., pp. 7-8.


“Verslag van de (interconfessionele) bijeenkomst van R. K. Geestelijke Verzorgers bij de inrichtingen van Justitie, 10 en 11 september op Drakenburgh” (1951). Havermans gave an introductory talk entitled “On the unbalanced person and his reactions to detention” in which he drew a distinction between criminal detention (serving a prison sentence) and detention “at the court’s pleasure” in a secure psychiatric clinic, which was based in part upon the court’s interpretation of a psychiatric assessment and was conditional or provisional in nature.


Ibid., folder CM1, letter from J. Uytdewilligen to the provincial superior, Breda, 2 June 1952.

Ibid., folder CM1. Letter from G. Janssens to the provincial superior, 4 June 1952.

Ibid., folder CM1. Letter from G. Janssens to the provincial superior, 12 June 1952.

Ibid., folder CM1. Letter from G. Janssens to J.P. Hustinx, public prosecutor for the District Court of Breda, 12 June 1952.

Ibid.

Ibid., folder CM1. Letter from the public prosecutor, J.W. Bosch, to the provincial superior, Breda 22 June 1952.

Ibid., folder CM1. Letter from the public prosecutor, C. Moons, to the provincial superior, Breda, 13 March 1957.

Ibid., folder CM1. Letter from G. Janssens to the provincial superior, Vught, 1 April 1957.

Ibid., folder CM1. Letter from the public prosecutor, C. Moons, to the provincial superior, Breda, 8 April 1957.

E-mail from provincial superior H. Jaspers, 7 July 2011 at 22.24.

Westhoff, *Geestelijke bevrijders*.

See: Monteiro, “Discretie en deskundigheid”.


See: Monteiro, “Discretie en deskundigheid”.

138. The name Heerenhuis appears in the minutes of the Conference of Bishops from 1945 and in documents discussing the 1953 case described below. The original Heerenhuis building was occupied by a different category of patients from 1933 until its demolition in 1978. In those years priests were accommodated either in the “Open Ward First Class”, if their treatment was being paid for, or at the so-called Mariapaviljoen (or Maria I), which remained in use until the late 1960s.


140. Commission of Inquiry interview with Dr Ton Meijers, 23 September 2010.

141. Breda City Archives (Stadsarchief van Breda), Archive of the Diocese of Breda, inv. no. 2.107.4. Correspondence between van Apostolic Nuncio Giobbe and Archbishop Coadjutor Alfrink, 4 January 1954. Giobbe refers to Canon 250, Article 4, which asserted the legal authority of the Congregation for the Propagation of the Faith over everything related to Church councils, synods and the Conference of Bishops.

142. Archive of the Archdiocese of Utrecht, inv. no. 711. Apostolic Nuncio Giobbe to Archbishop Coadjutor Alfrink, 19 July 1954, and Alfrink’s reply, 24 July 1954. That reply states specifically that Tromp is a member of the Holy Office and acting on behalf of the Sacred Congregation of Seminaries and Universities.

143. The archive of the Apostolic Nuncio in The Hague might contain more, but was not accessible by the Commission of Inquiry.

144. Archive of the Conference of Bishops. Minutes of the Conference of Bishops of 3-4 September 1956 (agenda item 2). The same meeting also addressed Terruwe’s request to appear in person to discuss the matter. The warning was repeated the following year by Apostolic Nuncio Giobbe, this time to those responsible for the major and minor religious seminaries. Monteiro, *Gods Predikers*, p. 476.


147. HUA, Archive of the Archdiocese of Utrecht, inv. no. 551. Apostolic Nuncio Giobbe to Archbishop Alfrink, 15 October 1956 (circular missing, however), and Alfrink’s reply, 20 October 1956. That reply states that the guidelines had been passed on to the tutors at the diocesan major and minor seminaries, and that those at the major seminaries had been instructed to pay particular attention to this subject in their lectures on moral theology.

148. See also the entry for Hein Ruygers, by Frans Oudejans, in the *Biografisch Woordenboek van Nederland*. URL: http://www.historici.nl/Onderzoek/Projecten/BWN/lemmata/bwn4/ruyger.

149. Archive of the Diocese of Roermond, Secret Archive, Duynstee Dossier. Letter to all bishops dd. 20 October 1957. This was apparently distributed via the archdiocese, as there is another letter attached, from Alfrink, dd. 4 November 1957, and also to all bishops.
150. Ibid. See also: Monteiro, “Discretie en deskundigheid”.

151. Westhoff, Geestelijke bevrijders, p. 327. A small committee was formed to consult on the matter: Ruygers, Bless, Van Boxtel, Han Fortmann, Herman Fortmann, Willem Grossouw and the moral theologian C. van Ouwerkerk.


153. Ruygers eventually published this paper in 1965, in the theological journal *Tijdschrift voor Theologie*, after Terruwe had set our her view of the investigation and the *Monitum in Opening van zaken* – and after its contents, which were not originally intended for publication, were revealed in the press. Westhoff, Geestelijke bevrijders, p. 328, footnote 2, states that Ruygers himself was treated by Terruwe whilst a student at Nijmegen. Her mentor, Duynstee, was his spiritual adviser and confessor for many years.


155. Ibid., p. 320.

156. Ibid., p. 322. Westhoff states that a “shroud of secrecy and tension” surrounds the commission for historical researchers, its pattern set by the journalist Henk Suër in his 1968 book – commissioned by the KCV – *Niet te geloven: de geschiedenis van een pastorale kommissie*.

157. Ibid., p. 319.

158. See the section on the Jesuits in Chapter 6.

159. Desmazières, *L'inconscient au paradis*, pp. 169-180. See also: Westhoff, Geestelijke bevrijders, pp. 299-305. Pius XII’s speech to this congress ended with a direct allusion to the Terruwe affair, in words which could have come straight from Ellerbeck. In a psychotherapeutic setting, said the pontiff, nobody should be driven to “material sin”. Amongst those present were Eugène Carp, Professor of Psychiatry at Leiden and Terruwe’s PhD supervisor, as well as the Flemish Jesuit psychologists Raymond Hostie and A. Snoeck. It was Snoeck who, at the so-called “masturbators’ congress” of February 1949, held under the auspices of Association of Roman Catholic Doctors, had advocated the adoption of a strict moral line in the assessment and treatment of “adolescent onanism”.


161. Ibid., pp. 334-335.

162. Ibid., pp. 455-456.

163. Successively, those documents were the “apostolic exhortation to the clergy of the entire world” *Menti Nostrae* in 1950, an instruction from the Sacred Congregation of Seminaries and Universities in 1951 and the encyclical *Sacra Virginitas* in 1954.

164. As Desmazières shows in Chapter 8 of *L'inconscient au paradis*.

165. Issued by the Sacred Congregation for the Discipline of the Sacraments in Rome. *Magna equidem* was itself a reminder of the almost identical *Quam ingens* of 1930.

166. HUA, Archive of the Archdiocese of Utrecht, inv. no. 707. “Brief an die Bischöfe zum dreihundertsten Todestag des Hl. Vinzenz von Paul über einige wichtige Probleme der
This instruction has since been widely published on the internet. See, for example: http://www.papalencyclicals.net/John23/j23religios.htm.


169. The Commission of Inquiry found a printed copy of the 1922 *Instructio in cause sollicitationis* and a manuscript from 1946 in a safe at the Diocese of Breda. Also discovered were documents pertaining to further information requested by Monsignor Hopmans, in respect of the 1922 version. For more on both instructions, see the essay by Klaus Lüdicke, *Seksueel Misbruik van Minderjarigen en Canoniek Recht*, in Appendix B 3.


175. Westhoff, *Geestelijke bevrijders*, p. 456 (note 4). Accompanying the prohibition was a reminder of Canon 139, Article 2 of the Codex, which banned clerics from practising medicine without papal permission. This provision was now deemed to include work as a psychoanalyst, and even the psychological training of priests and members of a religious order of congregation.

176. This is discussed at length in Monteiro, “Discretie en deskundigheid”.


180. No author named, but probably J.J.M. Brouwers.


185. Ibid. Minutes of the Conference of Bishops at Breda, 7 October 1969 (agenda item 26/68).


187. For more on this development, see the essay by Dr A. Bisschops, Het celibaat in de 20e eeuw, in Appendix B 3.


190. Quant et al., *Feiten over uitgetreden priesteres*, p. 9.

191. See also: Monteiro, “Discretie en Deskundigheid”.


195. Ibid. Press communiqué from Dutch bishops, Utrecht, 19 January 1970. See also: Goddijn, Jacobs en Van Tillo, *Tot vrijheid geroepen*, pp. 209-211. This was in line with the internal report “Naar een vruchtbaar en vernieuwd functioneren van de amtsbediening: ontwerprapport ter voorbereiding van de Plenaire Vergadering op 2-5-6-7 januari”, prepared by a committee chaired by the sociologist Prof. Osmund Schreuder until the summer of 1969, then by the dogmatician Dr B.A. Willems OP.


199. Archive of the Conference of Bishops. Letter from the bishops to their priests, Utrecht, 11 August 1970.

201. See also Chapter 5, section 5.8.


203. The first part of this section is based upon Monteiro, “Discretie en deskundigheid”.


205. Not until CAPER had been established was obligatory celibacy raised within the Dutch Church as a possible cause of the difficulties faced by some secular and religious priests.


211. Ibid. Minutes of the Conference of Bishops at Deventer, 9-10 April 1990 (agenda item 19); minutes of the Conference of Bishops at Amersfoort, 11-12 June 1990 (agenda item 12).


214. For the Harreveld case, see the section on the Diocese of Haarlem-Rotterdam in Chapter 5 and Appendix B 5-6 on the Congregation of Our Lady of the Seven Sorrows (Brothers of Amsterdam).

215. The following account is based primarily upon the Commission of Inquiry’s interview with Sister Christa Schrama, 18 August 2011.


217. Established by Pope Paul VI as a permanent papal advisory and consultative body in 1965.


219. See http://www.bishop-accountability.org/treatment/HoA/.


223. In 2007 the Catholic Theological University in Utrecht and Tilburg University’s Faculty of Theology and Religious Studies merged to form the Tilburg School of Catholic Theology, with premises both there and in Utrecht. Recognized by both the Holy See and the Dutch Conference of Bishops, this is the only academic institution in the Netherlands certified to train future priests, deacons and pastoral workers for office or service in the Church.

224. See the section on the reports about the Archdiocese of Utrecht and the Diocese of Rotterdam in Chapter 6.


230. Based upon the investigative report on the Diocese of Haarlem-Rotterdam.

231. Cf. Michael N. Kane, “A Qualitative Survey of the Attitudes of Catholic Priests Toward Bishops and Ministry Following the Sexual Abuse Revelations of 2002”, *Pastoral Psychology* 57, 2008, pp. 183-198. This reveals that American priests are aware that their bishops attempt to shift all responsibility for cases of sexual abuse within their diocese to the priests directly involved, thus trying to play down their own administrative liability in the legal sense as much as possible.


235. Ibid., p. 287.

236. HUA, Archief of the Franciscans, Administrative Archive, inv. no. 433. Report by the Hoogveld Institute, section on Venray, p. 159.
237. Information based upon the investigative report on the Brothers of Dongen, held in
the Commission of Inquiry archive.

238. Ibid.

239. Information based upon the investigative report on the Franciscans, held in the
Commission of Inquiry archive.

240. Information based upon the investigative report on the Jesuits, held in the
Commission of Inquiry archive.

241. Information based upon the investigative report on the Diocese of Roermond, held in
the Commission of Inquiry archive.

242. Information based upon the investigative report on the Brothers of Dongen, held in
the Commission of Inquiry archive.

243. KDC, Stokman archive. Letter from Fr Stokman SJ to Fr P. Canisius, 18 September
1956.

244. Information based upon the investigative report on the Salesians, held in the
Commission of Inquiry archive.

245. Constitution of 1956, Article 227. See also Appendix B 5-8 on the Brothers of Charity.

246. As “cloister mentality”, these notions are developed and explained in more detail in:

kloosterleven*, 2011.


249. For more about St Jozef, see Appendix B 5-5 on the Congregation of the Sacred Heart
of Jesus.

250. Information based upon the investigative report on the Brothers of Amsterdam, held
in the Commission of Inquiry archive.

van ontvangers van vroegere religieus geïnspireerde institutionele zorg*, Tilburg University

252. See: Monteiro, “Discretie en deskundigheid”.

253. Information based upon the investigative report on the Diocese of Roermond, held in
the Commission of Inquiry archive.

254. Information based upon the investigative report on the Brothers of Charity, held in
the Commission of Inquiry archive.

255. See: Monteiro, “Discretie en deskundigheid”.

256. In 1957, for instance, the psychiatrist Jan Bastiaans published a PhD thesis entitled
*Psychosomatische gevolgen van oorlog en verzet*. For more on this, see, for example: Jolande


259. Archive of the Mental Health Service for the northern region of the province of Noord Holland/St Willibrordusstichting, BP2 dossier.

260. Ibid.

261. E-mail from Vicar-General V.G.P.J.M. Schoenmakers to the Commission of Inquiry, 27 September 2011 at 19.20.

262. National Archives of the Netherlands, Ministry of Justice, International Legal Cooperation (hereafter: NA-MoJ/ILC), archive no. 2.09.85, inv. no. 20, BP2 dossier.

263. Specifically, the following articles of the Belgian Penal Code: 358 par. 1; 372 par. 1; 378; 379 pars. 1 and 2; 381 pars. 1, 3 and 4; 382 par. 1.

264. NA-MoJ/ILC. Transcript of the proceedings of the Correctional Court at Furnes, 4 January 1957.

265. Ibid. Judgment of the Supreme Court of the Netherlands, 28 May 1968.

266. Archive of the Mental Health Service for the northern region of the province of Noord Holland/St Willibrordusstichting, BP2 dossier.

267. Ibid.

268. NA-MoJ/ILC. Memorandum from H.P. Vonhöfer to Head of Directorate dd. 29 May 1968.

269. Ibid. Judgment of the Supreme Court of the Netherlands, 28 May 1968.


276. Archive of the Mental Health Service for the northern region of the province of Noord Holland/St Willibrordusstichting, BP2 dossier.

277. Ibid.

278. Ibid.

279. Letter from Dr C. Rademakers SSSC to the Commission of Inquiry dd. 19 August 2011.

280. Letter from Dr C. Rademakers SSSC to the Commission of Inquiry dd. 16 August 2011.


282. Information supplied by the Alkmaar Regional Archive.

283. Archive of the Mental Health Service for the northern region of the province of Noord Holland/St Willibrordusstichting, BP2 dossier.

284. Ibid.


287. A written portrait of Kraakman can be found at: http://www.gerardweel.nl/kraakman/index.php.
289. Archive of the Mental Health Service for the northern region of the province of Noord Holland/St Willibrordusstichting, BP2 dossier.
292. For more about Sister Annette, see, for example: Van Heijst et al., Ex caritate, p. 880 and passim.
293. Archive of the Diocese of Breda. Policy notes dd. 29 July 1966. Sister Annette was described by the future Bishop Ernst as “an intellectual, a powerful administrator, but not a superior general – at least, not like the image I have of a [convent] mother.” See: Van Heijst, Ex caritate, p. 574.
296. Van Heijst, Ex caritate, p. 574.
298. Ibid, p. 1040.
300. Van Heijst, Ex caritate, p. 1041.
301. Letter from Dr C. Rademakers SSCC to the Commission of Inquiry dd. 19 August 2011. Father Rademakers obtained this information from surviving brothers from the period. See also: Van Heijst, Ex caritate, p. 1040.
303. Letter from Dr C. Rademakers SSCC to the Commission of Inquiry dd. 19 August 2011. Father Rademakers obtained this information from surviving brothers from the period.
304. NA-MoJ/ILC. Memorandum from H.P. Vonhöfer to Head of Directorate dd. 29 May 1968.
305. Van Heijst, Ex caritate, p. 1040.
307. Ibid. Memorandum from H.P. Vonhöfer to Head of Directorate dd. 29 May 1968.
308. Ibid.
311. Ibid. “Geneeskundige verklaring van de geneesheren De Smet, Vaessen en Wijffels 12-02-1968”.
312. Ibid. Note on cover of file dd. 29 October 1968.
314. Ibid.
315. Ibid. Record of letter from the Minister of Justice to the Public Prosecutor in Alkmaar dd. 17 December 1968.
316. Archive of the Mental Health Service for the northern region of the province of Noord Holland/St Willibrordusstichting, BP2 dossier.
317. Van Heijst, Ex caritate, p. 1040. This episode is here situated chronologically later than in that work, based upon an analysis incorporating source material not available to the authors of Ex caritate.
318. Information supplied by Heiloo District Council, Population Records Department, 8 March 2011.
319. Archive of the Mental Health Service for the northern region of the province of Noord Holland/St Willibrordusstichting, BP2 dossier.
NOTES CHAPTER 5

1. This was an elected post. From the end of 2007 to July 2011 the Rotterdam Bishop A.H. van Luyn was President of the Conference of Bishops. After taking office as Archbishop, Monsignor Dr W.J. Eijk had prioritized the reorganization of the Archdiocese, which was in financial difficulties. Monsignor Eijk was elected President of the Conference of Bishops on 21 June 2011, thus re-establishing the tradition of combining the posts of Archbishop and President.

2. Cardinal J. de Jong, Cardinal B.J. Alfrink, Cardinal J.G.M. Willebrands and Cardinal A.J. Simonis. Willebrands was already a cardinal when he was appointed Archbishop.


8. Ibid., pp. 255-6.

9. Ibid., p. 399.


12. Communication from Dr P.A.G. Rentinck to the Commission of Inquiry in an e-mail of 3 November 2011, 15:12.


33. Ter Laak, Brave rebellen, p. 34.
35. Ibid., p. 193.
36. Ibid., p. 136.
37. Ibid., p. 136.
38. Ibid., p. 138 and endnote 130.
40. http://pauwenwitteman.vara.nl/Archiefdetail.i3.0.html?cHash=54947f690&tx_ttnews%5BbackPid%5D=ii6&tx_ttnews%5B tt_news%5D=15970
41. http://www.youtube.com/watch?v=VhNjjjCX9Vc. Five days previously Cardinal Simonis had mentioned the same number to RTV Utrecht: ‘If I have come across ten cases it’s a lot.’ RTV Utrecht, 18 March 2010. Cardinal Simonis did not specifically talk about minors, either to RTV Utrecht or on the Pauw en Witteman programme. The Commission of Inquiry proceeds from the assumption that the number of ten relates to abuse of minors.
49. E-mail from Dr P.A.G. Rentinck, 15 October 2011, 16:52.
52. Archives of Hulp & Recht. Report to Hulp & Recht, 2 March 2010, 11:21. The same report was also sent to W.J. Deetman on 13 March 2010 at 17:58. See also the report of the Commission of Inquiry’s interview with Mr NN1. The Hague, 11 January 2011.
57. As a factual basis the authors of ‘Geschonden vertrouwen’ used information from an article published in Trouw on 23 June 1993 (‘Paus neemt seksueel geweld Amerikaanse priesters hoog op’): ‘The well-known American religious sociologist Andrew Greeley, himself a priest, recently said he suspects that some five to ten per cent of the 43,000 American priests have interfered with a minor at one time or another. Others give estimates of two to four per cent.’
64. Life story written by Pastor R. for the Commission of Inquiry. Germany, April 2011.

70. Ibid.

71. Ibid.


74. Ibid.


76. Harderwijk Collection. Public Prosecutor’s Office N° 7702/88. Report to the court by Dr J.G.M. Barnhoorn. Noordwijk, 21 September 1988. Barnhoorn was registered as a psychiatrist until 17 June 2003, on which date he – like Dr A.A.A. Terruwe – was removed from the BIG register of health professionals. See http://medischcontact.artsennet.nl/Tijdschrift-artikel/KNMG-uitschrijven-MSRC.htm


78. E-mail from E. Harderwijk to the Secretary of the Commission of Inquiry, 17 May 2011, 14:29.


81. Ibid.


83. Ibid.

84. Van Lieverlo Collection. Curriculum Vitae.


88. E-mail from E. Harderwijk to Dr H.P.M. Kreemers, 13 May 2011, 9:55.

89. Ibid.

90. Ibid. Letter from the Archdiocese of Utrecht to Dr J.A.S. van Spaendonck, 27 November 1995.

91. Ibid. ‘Interrogation of the Rev. [Pastor R.] by C.A. van Tol, investigator, concerning delicts against the sixth commandment of the Decalogue committed by a cleric with minors below the age of eighteen years’ (Art. 6, Normae de gravioribus delictis 2010).


98. Cardinal Simonis told the programme that he had known Pastor R. ‘for a long time now’. After R. left for Utrecht he said he had hardly any contact with him. That changed when Pastor R. was incardinated in the Archdiocese of Utrecht. He visited him ‘several times’. Cardinal Simonis did not put any questions to Pastor R. regarding his paedophilia and his problems with it: ‘I thought that would be too direct.’ Cardinal Simonis ‘treated him in a brotherly but not a friendly way’, so he told the Brandpunt programme on 13 February 2011.

99. E-mail from Pastor R., 25 August 2011, 23:40; e-mail from Pastor R., 28 August 2011, 19:54.


103. Ex-Vicar-General Rentinck cannot remember whether a word of honour was actually given. In any event he and the Cardinal said they trusted Pastor R. The Commission of Inquiry’s interview with Dr P.A.G. Rentinck. The Hague, 6 October 2011.


107. Ibid.

108. Ibid. Letter from Dr J.A.S. van Spaendonck to the Archdiocese of Utrecht, 29 January 1996.

109. Ibid.


121. Letter from the Chancellor of the Diocese of Haarlem-Amsterdam to the Commission of Inquiry. 7 November 2011.
132. Ibid.
134. Ibid.
135. Ibid.
136. Ibid.
137. E-mail from J.C.M. van Lieverloo to Dr H.P.M. Kreemers, 16 June 2011, 16:15. Pastor R. in fact denies that he was interrogated by the police or the Royal Military Constabulary in 2008. See e-mail from Pastor R., 25 August 2011, 23:41.
139. E-mail from Monsignor T.C.M. Hoogenboom, 29 October 2011, 21:00.
140. E-mail from Monsignor T.C.M. Hoogenboom, 26 October 2011, 8:35; letter from Monsignor T.C.M. Hoogenboom to the Congregation for the Doctrine of the Faith, 3 October 2011.
143. Archives of the Diocese of Rotterdam, Selection Committee file, letter to Bishop Simonis, undated, received 17 March 1979.
144. The employee wishes to remain anonymous but is known to the Commission of Inquiry.
145. Archives of the Conference of Bishops, file No 12246, press release from the Press Office of the Military Ordinariate. Amersfoort, 22 March 1993. See also ‘Simonis trok geruchten over bisschop niet na’, Het Parool, 22 March 1993: ‘According to Simonis it is not a problem if a bishop is homosexual, but under Catholic canon law he is not permitted to
maintain homosexual relations while in his post. It has been claimed for several years now that Bär is homosexual.’

146. A direct connection between homosexuality and paedophilia is rejected in various publications and Internet discussions, also where abuse within the Church is concerned. These do however point out the vulnerability of homosexually active priests to blackmail and manipulation by those who abuse children, with the result that they are able to avoid steps being taken against them. See inter alia John Shuster, ‘The Catholic Priesthood and Homosexuality: Sexual Politics and Clergy Sexual Abuse’, 2008, at http://johnshuster.com/Homosexuality%20in%20the%20Roman%20Catholic%20Priesthood.htm.

147. These ex-employees wish to remain anonymous but are known to the Commission of Inquiry.

148. The employee wishes to remain anonymous but is known to the Commission of Inquiry.

149. Ibid.

150. Archives of the Diocese of Rotterdam, Secret Archives, file on the Bar-X6 case. In 1995 X6 lodged a complaint against the Bishop with Hulp & Recht, which was unable to consider it as the Nuncio ruled that the procedure was the sole province of the Pope.

151. Archives of the Diocese of Rotterdam, minutes of AVA.


158. Ibid., Bishop’s correspondence 1971, letter to HA2, 22 June 1971.


160. Ibid., personal file on HA5.

161. Ibid., personal file on HA6.

162. Ibid., personal file on HA3.

163. Ibid., personal file on HA5.

164. Ibid., correspondence of congregation of Brothers of Our Lady of the Seven Sorrows with the Bishop, Cat. N° 774.

165. Archives of the Diocese of Rotterdam, personal file on Rdam2.


169. Ibid., Cat. N° 775, letter to the Vicar-General, 15 November 1962.

170. Ibid., Cat. N° 154, Secret Archives, Our Lady of the Seven Sorrows, letter from the Superior General to the Bishop, 1 December 1958.

171. Archives of the Diocese of Haarlem, file HA13, ‘Priests who have left the religious life’, draft letter from HA13 to the Pope, 15 August 1977

172. E-mail from X8 to the Commission of Inquiry, 23 March 2010.

Biografisch Woordenboek van Nederland 1 (article ‘H. van Nispen tot Pannerden’).

G. Linsen, ‘Mgr. Drs. P.J. (Piet) van Odijk (1912-1991), vicaris-generaal en proost van het kathedraal kapittel in een woelige tijd’. in Spiegel van Roermond 2011, pp. 113-57. Under the Code of Canon Law a vicar-general is the bishop’s senior assistant in the administration of the diocese. He is the highest ranking official after the bishop and replaces him in his absence. An important part of his duties lies in the area of organization, personnel, education, economics and finance, planning and building matters. If the bishop dies or resigns, the vicar-general also leaves as a rule, or he may be appointed vicaris capitularis sede vacante. He can also be dismissed at any time.


Interview with ex-Secretary P. Moonen, 28 February 2011.


Archives of the Diocese of Roermond, Code Archives 131, ‘Diocesan Admission and Incardination Committee’.


Joep Dohmen, Vrome Zondaars, 2011, p. 49.

The Diocese of Roermond expressed reservations on these findings on 27 October 2011 in a letter to the Commission of Inquiry. The letter has been filed in the Commission’s records.

Archives of the Diocese of Haarlem, Secret Archives, file on Brother Corbinianus: letter from Prick to Feron, 30 October 1951.

He was still the Superior of Huize Savelberg in Helden from 1961 to 1969. He received a royal decoration in 1971, when he celebrated his sixtieth year of profession. (Archives of the Brothers of St Joseph, Heerlen, PD A.H. van der Rijt (Corbinianus)).


Archives of the Brothers of St Joseph, Heerlen, PD BHJ1. Circular from Rector Berkhout, 16 October 1955, stating that Brother BHJ1 had been arrested on 13 October and charged with indecent acts involving minors.

It is striking that the Diocese (i.e. Van Odijk), which had good contacts with the Public Prosecution Service, did not intervene in this case, whereas it did in the case of priests. Perhaps they were glad that a clean sweep was being made in this congregation. According to the present Superior the relationship with the Diocese was almost hostile at that time.

BHIC, Archives of ’s-Hertogenbosch Court of Appeal, judgement of 1 July 1959. With thanks to Marcel Verburg (Ministry of Security and Justice) for the information.

Archives of the Brothers of St Joseph, Heerlen, PD BHJ1. The congregation’s archivist, Brother Ivo Ramakers, tried to contact the family after BHJ1 died: this resulted in a letter being sent containing an obituary notice and a mortuary card. The archivist of the Brothers of Dongen, Brother Antoine Ruttenberg, who came from Hoorn, knew Brother BHJ1 well. He was able to tell the investigator from the Commission of Inquiry in August 2011 that BHJ1 came from a good middle class Catholic family in Hoorn. Four of his sisters were members of a religious community Brother BHJ1 had initially intended to enter his father’s business, but as a result of a family quarrel he decided not to and joined the Brothers of Heerlen, where he did not abandon his talent for business, as became evident. His history was general knowledge in Hoorn.

Archives of the Lazarists, file on CM2, mortuary card.

192. Ibid., interrogation of M. Kronieger on 13 December 1984. Based on the list, the police interviewed nine victims in the ensuing days, after which the list – according to the official report – was destroyed.


197. Ibid., notes by Provincial Superior P.V.M. Groetelaars, 18 December 1984.


199. Ibid.


204. Archives of the Lazarists, file CM2, letter from Mgr Dr J.M. Gijsen to the Catholic Vocational Education Foundation for the Brunssum Area, 6 July 1983.

205. Letter from W.L.M. Bellemakers to Professor P.J.E. Chatelion Counet, 13 September 2011: ‘In the Diocese of Roermond, with the development of the mines a large number of pastoral care units were entrusted to the members of religious orders or congregations, the Fathers. They were set up as ‘rectorates’, and one of the ecclesiastical law consequences of this was that christenings, weddings and funerals could not be conducted, certainly during the initial period of a rectorate church. This is understandable, given that the dividing-up of an area meant smaller parishes, so the parish priests lost part of their income. Rumen, set up in 1918, was not given the right to conduct christenings and funerals until 1930. Until after the Second World War all bridal couples from Rumpen had to go to the parish priest of the Gregorius Church in Brunssum for a church wedding. Once permission was given to conduct church weddings in Rumpen part of the fee still had to be paid over to the parish priest of Brunssum. It was not until 1968 that all the rectorates were turned into parishes and thus became equal parish units, legally and financially. This explains why Father Haazevoet was ‘Rector’ of ‘the Rectorate of Rumpen’ for a number of years and did not become ‘parish priest’ of the ‘Parish of Rumpen’ until it was created in 1968.


208. Ibid., letter from Rector Bernard Haazevoet to the visitator. Rumpen, 10 December 1959.
NOTES CHAPTER 6

4. Archive of the Jesuit Provincialate, PA 1662, minutes of Consult of January 1964; Provincial Terpstra visited Rome in an attempt to resolve the situation.
11. The contents of this paragraph are based on notes made available by Ms. M. Smulders, a PhD student at Radboud University, whose research centres on Canisius College.
12. The full report can be found at ANSI Nijmegen, Canisius College archive, inv. no. 14e.
14. ANSI Nijmegen, Z.443, inv. no. 34. Manuscript of Surveillance van het Aquarium, part of the De Waart legacy.
15. Van den Beld, ‘*Katholieke jongens uit den beschaafden stand*’.
17. This quote (here in translation) and the other information in this paragraph is taken from the correspondence between Provincial Kolfschoten, the Superior General and Regional Assistant Van Gestel in Rome, written between April and November 1956 (Archives of the Jesuit Provincialate, PA 1654-1655) and the minutes of the Consult meetings during the same period (PA 1660).
18. ANSI Nijmegen, Katwijk-De Breul archive, inventory no. 21, Report by Perquin. This is the only relevant document to be found in the archive, and only the second half of the original (bearing Perquin’s name) remains. The first half, in which the pupils concerned are named, has been destroyed.
20. Most documents relating to the deliberations of the ‘Internatencommissie’ (1966-1968) are to be found at ANSI Nijmegen, Provincial’s Archive, inv. nos. 1033-1038; documents relating to the parallel discussions can be found in the Provincial’s Archive as inventory nos. 394, 448-449, in the Canisius Archive (no. 56) and in the Katwijk De Breul Archive (nos. 1a and 1b).
22. A copy is held at ANSI Nijmegen, Aloysius College Archive, inventory no. 29.
23. The original 16th century Latin text reads, ‘Ut ea, quae religiosos decet, gravitas et modestia retineatur, nemo alium etiam joco tangat, praeterquam in signum charitatis amplexando, cum quis aut abit aut redit peregre’.
25. Ibid.
27. ANSI Nijmegen, Provincial’s Archive, inv. no. 600.
28. In most cases, the individuals concerned are not identified by name but by a single initial.
29. See minutes of the Consults of 7 February, 3 March 3 April 1944, 5 August and 6 November 1946 ANSI Nijmegen, Provincial’s Archive, inventory no. 1451194. No documents relating to this episode are to be found in SJ2’s personal file.
30. ANSI Nijmegen, Provincial’s Archive, inventory no. 1451: minutes of Consult of 5 July 1937.
31. See the cases of the scholastics SJ24, SJ25, SJ26 and a number of anonymous cases at Canisius College and the Berchmanianum in the early 1950s; correspondence between the Provincial and the Superior General, 20 June, 1950, 30 June 1950 (Archive of Jesuit Provincialate, PA 1652), 12 August 1957 (PA 1654), 18 January, 18 February and 20 February 1951 (PA 1655). All cases relate to homosexual acts with adult partners.
32. ANSI Nijmegen, Provincial’s Archive, inv. no. 232 (visitation reports 1941-1960 [1962]).
33. ANSI Nijmegen, Provincial’s Archive, inv. no. 576 (supplementary documents relating to superiors’ meetings, 1986).
34. Dossier covering the years 1969-2005, in Archive of the Jesuit Provincialate, topic dossiers section, which also includes the documents quoted in the remainder of this section.
40. In some cases, ages have been estimated based on indications in the reports. In all cases involving an unidentified perpetrator, the victims are likely to have been aged between 11 and 16.
41. The total number of perpetrators (known and suspected) is higher that stated above because some were active at more than one location.
42. Based on the contents of the reports and the archive material with regard to unidentified perpetrators. This summary relates to the most serious form of sexual abuse; physical abuse, mistreatment and other forms of inappropriate conduct are noted separately.
43. As far as can be ascertained from the descriptions of incidents or their (alleged perpetrators. In some cases, the offences were suspected rather than proven.
44. Ditto
45. Some dates have been estimated. Where incidents took place during more than one period, they have been assigned to the most relevant period.
47. This refers to the SJ1 case. According to Joep Dohmen, Vrome zondaars. Misbruik in de Rooms-Katholieke kerk, 2010, p. 205, twelve victims declined to join the group. Dohmen estimates the total number of SJ1’s victims to be ‘between thirty and forty sea scouts’
48. http://www.klokk.nl/?page_id=8
49. See SJ8, NN3, SJ9, SJ10.
50. SJ5, SJ6, SJ18, SJ7, SJ4 and SJ27
51. Further information on SJ20 is to be found in the ‘Unconfirmed’ file at the Commission of Inquiry archive. Where no specific references to individual cases are given in this section, the person concerned is also included in this file. SJ21’s personal file can be found at ANSI Nijmegen.
52. See NN3, SJ9, SJ23, etc. Other cases include SJ28, 1950 (personal file at ANSI, Nijmegen); SJ26, 1951 (correspondence from Provincial to P. van Gestel, 18 January 1951, Archive of Jesuit Provincialate, PA 1655); SJ29, 1955 (personal file at ANSI, Nijmegen); SJ25, 1965 (letter from Provincial to Superior General, 8 February 1965, Archive of Jesuit Provincialate, correspondence with Curia, 1965-1967).
55. Ibid. See Lampe’s personal file and the CAPER dossier for 1967-2004 (the latter includes only administrative documents).
56. Ibid., Minutes of Consult and Staff, 1988-1995. The nomination was discussed on 23 May 1991.
57. After national service (1956-1960) he worked at the Vroom & Dreesmann retail chain where he also undertook the staff training course.
58. At first, the Austrian Provincial Schasching opposed his admission because he had been warned of suspicions by the Dutch priest M. Marlet, a teacher at Innsbruck and earlier at the Berchmanianum (1953-1961). See letter from rector E. Coreth to the Dutch Provincial Jan Terpstra, 20 August 1965. Terpstra replied on 25 August stating that SJ1 was a fine man and a solid religious, about whom he had received only positive reports (personal file in Archive of Jesuit Provincialate; all other documents quoted in this section are also to be found here expect where noted otherwise). The precise nature of Marlet’s warning cannot be deduced from the archive material.
59. SJ1 had already contacted the Provincial from Innsbruck, putting himself forward for the position of prefect at the Canisius day school (letter from SJ1 to Provincial, December 1965).
60. The rector of Canisius college, J. van Deenen, had proposed his earlier ordination (letter of 3 September 1966) and the Provincial submitted the relevant request to Rome (18 December 1966): SJ1 was described as a “manly and apostolic personality who has an excellent influence on the pupils and had accounted for a number of vocations.” Even so, the request was declined.
61. Archive of Jesuit Provincialate, Consult and Staff, 1974-1975. Minutes of Consult and Staff meeting of 22 August, annotated by or on behalf of H. van Leeuwen, J. Stagge and P. Huizing; letter from G. Zaat, 6 July 1975. The comments include, “he has only just grown out of it, if at all,” and “He makes advances.”
63. Ibid., Staff 1976. Minutes of Staff meeting of 16 August 1976: “To USA following consultation with Dr. Prick, Huizing and Schoonenberg.” Other staff had to be found to take over his duties teaching religious education at Canisius because, “it is unlikely that adequate improvement will be seen on his return in six months’ time.” A year’s absence was considered preferable, although he would still be unlikely to wish to return to the college.
64. Archive of Jesuit Provincialate, letter from SJ1 to Provincial van Leeuwen, 19 October 1976.
65. Ibid., House superior De Haan to SJ1, 1 November 1976. He writes of ‘self-deception’ and ‘dishonesty which come across as deliberate mendacity’. It may be significant that ten years later (12 December 1985) a letter from SJ1’s supervisor Jan van Deenen to Provincial G. Brenninkeijer notes, “SJ1 wishes to complete his work at the Kalorama hospital and take a sabbatical.” Van Deenen advised SJ1 “look towards your future life. Put the past behind you, reconsider your task and your vocation as Jesuit and ask yourself, ‘what next?’”
66. Ibid., SJ1 to Provincial Van der Grinten, 14 May 1990.
67. Dohmen, *Vrome zondaars*, p. 204, mentions an unidentified ‘former trustee of the sea scouts’.
68. Typed notes by Provincial Gregory Brenninkmeijer, passed to Stef van der Grinten. According to an annotation by J. Bentvelzen, the document was added to the personal file in April 2010. See also the additional remarks.
69. Archive of Jesuit Provinicialate, Staff 1976 and 1977. SJ1 to Van Leeuwen, 26 September 1976; he considered himself suited to working as a psychotherapist, as confirmed by a business card from this period which reads, “SJ1 S.J. Psychotherapist – Counsellor. Consultations on appointment.” Letter of 1979 from Van Leeuwen at ANSI Nijmegen, Provincial Archive inv. no. 409. The minutes of staff meetings in 1976-1977 suggest that SJ1 had raised questions and possible caused some annoyance at Canisius: 15 November 1976, ‘Zaat expressed concern about the manner of his return; a certain mood is developing at CC.’. It seems that De Haan informed SJ1 of his thoughts: 30 November 1976, “Zaat discussed with the Provincial the possibility of assigning SJ1 to De Breul (but Z. has already stated that he does not have much hope of a good outcome); 14 February 1977: “when talking to Zaat, De Haan expressed a lack of optimism with regard to SJ1.”; 25 April 1977, “De Haan reports that SJ1’s work is satisfactory but he spends much time away from school, which is causing some consternation. He sometimes reports in sick, but on other occasions he is absent for several days while no one knows where or why”; 1 June 1977, in reference to SJ1: “Something is brewing at CC, according to Zaat and the Provincial.”
70. Archive of Jesuit Provinicialate, Staff 1978-1979. Minutes of Staff meeting of 25 June 1979: “the Provincial is aware that SJ1 is due to go to America, but not that he intends to do so during the school year. This is certainly a ‘brainwave’ on the part of SJ1.”
71. A letter dated 28 June 1991 reveals that, for the twentieth time that year, SJ1 assumed the role of pastor at the parish of Christ the King in Tampa, Florida. His travel and accommodation costs were probably paid by the parish administration.
72. The reports of the visitations to the community on Pater Brugmanstraat provide no further information. On 19 June 1989, the Provincial wrote to the house superior, W. Buijs: ‘SJ1 is doing reasonably well. You should nevertheless devote attention to his health and any dietary requirements.” (Documents relating to visitations in Archive of Jesuit Provinicialate, file named ‘Nijmegen, Pater Brugmanstraat, from 1.1.89. The reports of the visitations of 1991 and early 1994 reveal nothing about SJ1’s place in the community. On 24 April 1995, SJ1 wrote to the Provincial informing him that he wished to leave the Canisius house. He no longer felt able to support its ‘philosophy’ with appropriate vigour. Only after his move to the Berchmanianum do we hear any criticism. Provincial Van Leeuwen wrote to the Superior General.” It becomes clear more and more how great his impact was on community life and that his influence was not always positive. It was also very dominant.” (23 December 1995); at the Consult of 12 January 1996 it was remarked that “his departure is seen as a deliverance.”
73. Hans van Leeuwen, who took up the appointment on 1 August 1995.
74. Archive of Jesuit Provinicialate. This information is drawn from the minutes of the Consult meetings, 2004-2011.
75. One of the best short histories of the Salesians of Don Bosco can be found in *Dizionario degli Istituti di Perfezione*, (Guerrino Pellicia and Giancarlo Rocca, eds.), Part VIII (Rome 1988), pp. 1689-1714.
76. These remarks are largely based on the introduction and chapter (‘Een gevecht met de engelen. De geschiedenis van een salesiaans vormingshuis te Ughelen 1942-1959’) by P. van Sterkenburg in *Don Bosco op de Veluwe*, 1988 (2nd edition), pp. 4-13; we also draw upon a historical overview of the congregation in 1965, which may have been written by A. van Luyn (his name appears on the flyleaf), Archive of the Salesians, inv. no. 76.
77. “Partly because they had undertaken their formation in another country, some were not sufficiently examined with regard to the suitability, which later had catastrophic consequences for both themselves and the young province” (Ms in Archive of the Salesians, inv. no. 76).

78. Annotation dated 10 June 1963 in Muth’s personal file, Static Archive of the Salesians in Soest, (hereafter, Salesian Archive Soest), Deceased Salesians, no. 79.

79. According to Joep Dohmen in Vrome zondaars. Misbruik in de Rooms-Katholieke Kerk, 2010, p. 119, there were a total of six hundred students during the period 1960-1971, with an annual average of 150. The peak year was 1964 with 162 students. The figures for 1965 (for this and the other boarding schools) are taken from the annual report in the Archive of the Salesians, inv. no. 76.

80. Archive of the Salesians, inv. no. 821. Minutes of directors’ meeting of 9/10 June 1966; inv. no. 9, minutes of directors’ meeting of 16 January 1968, and memorandum by Provincial Council dated February 1968.


82. Ibid., inv. no. 95. Visitation reports for Leusden 1959, 1960 and 1964.

83. Ibid., inv. no. 108/5. Memo of 3 November 1972.

84. Ibid., inv. no. 2239.

85. In the Salesian context, handenspel (‘handplay’) is a euphemistic term with clear erotic connotations. Similarly, the term stoeien (‘horseplay’ or ‘messing about’) always implies inappropriate physical contact.

86. Our source is a stencil (‘Roneo’) copy of the Dutch version of 1966, which includes both the constitutions and the regulations. Archive of the Salesians, inv. no. 2024, pp. 15-16, 43, 56-57.

87. Regulations 1960 (Archive of the Salesians, inv. no. 2156); Don Rua Yearbook, 11 September 1966 (inv. no. 2107); memorandum by Maat, 26 August 1967 (inv. no. 2143).

88. P. van Sterkenburg in Don Bosco op de Veluwe, pp. 64-65.


90. Ibid., inv. no. 2032.

91. Ibid., inv. no. 2032. Memorandum by Bortoluzzi (undated), entitled ‘Moralità tra i Salesiani’ and memorandum relating to a request for admission to the novitiate in 1949. The decision was confirmed at the Provincial Council meeting of 7 July 1949 (inv. no. 116/1).

92. Ibid., inv. no. 53, P. Ricaldone to Bortoluzzi, 16 November 1949.

93. Ibid., inv. no. 58, 24 October 1954, Circular from Ziggiotti to the Provincials.

94. Ibid., inv. no. 416. Document ‘Criteri e norme per le ammissioni alla professione e agli ordini’, 1976, with a draft version of a summary in Dutch. The relevant passages in this section are taken from the Dutch summary (in translation).

95. Ibid., inv. no. 89. See correspondence between SDB31 and Asma, January 1995.

SDB31 wrote, “It is difficult to deal with feelings if you do not talk openly about them, if you must contain yourself, and must remember to do so (…) Love really does not care about age. That may be unfortunate for those who think differently, but that is how I see it.” Later, writing about a ‘houseguest’ aged eight, he states, “They boy is counting the days until he can come and stay with me. When such a child comes running to me and jumps into my arms, am I really expected to think that this is wrong because he is just eight?” Asma replies, “You are now making great efforts to give your life form and content. I hope that you will do so in a wise manner, and will accept support and criticism. To be honest, I do not understand your contention that love does not care about age. Please understand me, I am not condemning you and neither do I judge. But I do not understand it.” SDB31 then replies, ‘André, you were always a good Provincial. And I am still very grateful that you helped me to find my identity.” From this correspondence, we can deduce that SDB31 considered feelings for children (boys) an ‘entanglement’ of love and sexuality. Nevertheless, this does not mean
that he sought actual sexual contact. “Children are vulnerable. But I know beyond doubt that I love children and that this love is usually mutual.”

96. Ibid., inv. no. 2032. Memorandum by Bortoluzi entitled De moribus, 16 January 1949.
98. Archive of the Salesians, inv. no. 53. P. Ricaldone to J. van Lent, 3 October 1938. “Ti raccomando sommo riserbo e delicatezza nel trattare con tutti, ma specialmente coi fanciulli e con persone di altro sesso.”
99. Ibid., inv. no. 2177, 21 December 1945.
100. Ibid., inv. no. 58. Ziggiotti’s address to all directors, Twello, 31 March 1954 (in translation).
101. Ibid., inv. no. 1787. Internuntius P. Giobbe to Bortoluzi, 8 July 1957, and reply of 20 December 1957.
102. Ibid., inv. no. 60, 852, cf. 1192. ‘Conference of Don Fedrigotti (vicario generale) for the directors’, 21 October 1960.
103. Within the Salesian congregation, all adult brothers were referred to as the ‘superiors’ of the boys.
105. Ibid., inv. no. 3474.
106. Ibid., inv. no. 97. Visitation reports for Ugchelen; inv. no. 2103, Ugchelen chronicle, 18 April 1950; inv. no. 2094, minutes of Ugchelen house chapter meeting of 27 April 1953.
109. Ibid., inv. no. 92. Visitations to Don Rua October 1962; inv. no. 92,97: June 1964; inv. no. 92, visitation to Rijswijk March 1964; inv. no. 95, visitation to Leusden April 1964.
111. Evidence given by X58 and F. Vergeer to the Commission of Inquiry, 19 May 2011.
112. Archive of the Salesians, inv. no. 97.
113. Ibid., inv. no. 144/1, Introduction (13 December 1961)
116. Ibid., inv. no. 393. Discussion of presentation by A. de Waele on ‘the group system within our boarding schools’, given at the directors’ meeting of 3 October 1967.
117. Ibid., inv. no. 3446. List of Confratelli usciti dalla Congregazione 1966-1971’, 6 January 1971, with explanatory notes by Raaijmakers and Van Luyn produced to support discussions during the general chapter meeting in Rome.
118. Ibid., inv. no. 109/1. Discussion paper Gedachten met betrekking tot een op te stellen provinciaal beleidsschema (“Thoughts on a forthcoming schedule of provincial policy) by Provincial Raaijmakers with comments by Jan Klein. This document, marked ‘not suitable for publication’ is appended to the minutes of the Provincial Council meeting of October 1973.
119. Some ages have been estimated based on the information given in the reports.
120. The total number of perpetrators (known and suspected) is higher that stated above because some were active at more than one location.
121. Based on the contents of reports and witness statements, and on archive documents with regard to unreported perpetrators.
122. As far as can be ascertained from the descriptions of incidents or perpetrators in the documents in the possession of the Commission of Inquiry.
123. Ditto.
124. Based on the case descriptions in the documents in the possession of the Commission of Inquiry. Some dates have been estimated. Where incidents extended over more than one period, the case is assigned to the most relevant period.

125. Sources: personal file in the Archive of the Salesians, Soest (Living Salesians); Archive of Delegate Fr. Herman Spronck SDB inv. no. 41 (Correspondence with Church administration, 2007); personal file of Fr. Wim van Luyn in the Archive of the Salesians, Soest, (Deceased Salesians) no. 115; Archive of the Salesians, inv. no. 2107 (Chronicles of Don Rua, 1 August 1968), inv. no. 3306 (address list of members per 1 September 1969), inv. no. 195 (circulars), inv. no. 3375-3377 (minutes of Provincial Council 1994-1996), inv.no. 3113 (documents relating to the Utrecht parish, 1979-1995; the correspondence with the Provincial has been removed); report of the ad hoc Commission appointed by the Province of Belgium and the Northern Netherlands in May 2011; SDB11’s personal file in the archives of the dioceses of Utrecht and Haarlem (there is no file on SDB11 in the archives of the Rotterdam diocese); various articles and videos which can be accessed at www.rtl.nl/nieuws (all published since May 2011); Joep Dohmen, Vrome zondaars, p. 133; evidence given by Fr. J. Bentvelzen SJ on 3 May 2011; statement by Utrecht parish administration, 20 May 2011.

126. Sources: personal file in the Archive of the Salesians, Soest, (Deceased Salesians) inv. no. 108/1-2; minutes of the Provincial Council 1968-1969, inv. no. 9; Ridimensionamento (1968), inv. no. 92; visitation report 1964, inv. no. 97; visitation reports 1967-1969, inv. no. 747; correspondence with directors, inv nos. 2092, 2106-2107; chronicles of Don Rua; reports made by complainants X30, X44, X37, X31, X34, X45, X42, X59, X39, X35, X41, Frans Schaars, X36 (cf. website www.jongensvandonrua.nl, witness statements no. 4), X29, X38, X40; X43, quoted in document Context, 8 December 2010, submitted to the Commission of Inquiry as an attachment to an email from X32, 18 January 2011; file including witness statements of X32, X43 and X33, copies of which can be found in the current archive of the Delegate in Soest; Dohmen, Vrome zondaars, pp. 115, 120-123; Document ‘Balincampo’, produced by the ‘Jongens van Don Rua’ victim group; evidence given to the Commission of Inquiry by Fr. Herman Spronck SDB on 23 December 2010.

127. Document ‘Context’, dated 8 December 2010, signed by X32, X33, X60, X43, X31; See section headed ‘Het witwasmechanisme van de biecht’. This document was submitted to the Commission of Inquiry as an attachment to an email from X32, 18 January 2011.

128. Ibid., inv. no. 109/1. See also the regulations for confessors, 1950s.

129. Ibid., inv. no. 1244a. This was the conclusion of a discussion within the house chapter at Leusden, 5 November 1957.

130. See the cases of SDB10 (1953), SDB22 (1955), SDB29 (1949), SDB19 (1967), SDB8 (1962) and SDB9 (1965).

131. Ibid., inv. nos. 88-89. See correspondence between SDB32 and Provincial Asma, 1988, and the letter from P. van Sterkenburg to Ter Schure, 24 August 1987 (copy).
142. Ibid., inv. no. 118. Cf. various annotations 1961-1964 by council member J. Dijkstra.
143. Ibid., inv. no. 108/1. PR 7 November 1967.
145. Archive of the Salesians, Soest, (Deceased Salesians) file no. 79. Memorandum dated 13 November 1963 in personal file of Q. Muth. It has not been possible to identify this person, and it is unknown whether he was indeed a Salesian. There were very few congregation members with the initial Z and all can be eliminated. It is possible that Z refers to a place name.
146. Evidence given to the Commission of Inquiry by N. Meijer on 8 April 2011.
147. Cf. the document about SDB9 in the possession of the Commission of Inquiry.
148. See the descriptions of incidents given in the witness statements in the possession of the Commission of Inquiry.
149. See remarks about SDB33 in the appendix to the investigation report, in the files of the Commission of Inquiry.
150. Evidence given to the Commission of Inquiry by N. Meijer on 8 April 2011.
151. Archive of the Salesians, inv. no. 3375. Minutes of Provincial Council meeting of 29 December 1994: “The parents are contemplating legal action. AA has therefore asked Mr Vossen to arrange a meeting with them.”
152. Ibid., inv. no. 3376. Minutes of the Provincial Council meeting of 22 May 1995.
155. Note by Asma in SDB7’s personal file: “For legal advice, contact the President of the Haarlem District Court, H. van den Haak (brother of Pastor v.d. Haak in Rotterdam) or L. van Gelder Rotterdam ... in both cases mention the name P. van Beek.”
157. Heritage Centre for Dutch Cloister Life, Archive of the Brothers of Maastricht (hereafter ENK-FIC), AR-B015, inv. no. 11, documents of the general chapter meeting of 1940.
158. ENK-FIC, inv. no. 6, chapter meeting report 1940.
159. Ibid., inv. no. 131, Yearbook 1952.
160. Ibid., inv. no. 664.
161. Ibid., inv. no. 80.
162. Ibid., inv. no. 88.
163. ENK-FIC, inv. nos. 82, 83 and 84.
164. Information taken from 1952 Yearbook, ENK-FIC, inv. no. 131.
165. ENK-FIC, inv. no. 664, report of canonical visitation 1951/52 by Fr. Rood SJ, submitted to the administration. “It will not surprise you to learn that there has been much discussion of the matter of transfers. I have constantly been mindful that the members cannot foresee the consequences of such transfers, and may therefore strongly disapprove were the congregation to explain the full reasons for them, which in many cases would not fall within the natural or clerical duty of confidentiality. Nevertheless, I am still troubled by the question of whether the transfers are perhaps too frequent. According to my information, there have been 75 brothers assigned to Haarlem over a period of twenty-five years. The Augustinus School has had three complete changes of staff in five years. During one long recess, no fewer than 120 brothers were reassigned elsewhere.”
166. Ibid., inv. no. 53, Annual chapter meeting, 1952.
167. Ibid., inv. no. 143, circulars.
168. Ibid., inv. no. 664.
169. Ibid., inv. no. 53, Annual chapter meeting 1953.
170. Ibid., inv. no. 54, Annual chapter meeting 1964.
171. Ibid., inv. no. 664.
172. Ibid.
173. Ibid., inv. no. 4148.
174. Ibid., inv. no. 664, report of canonical visitation.
175. Ibid., inv. no. 72.
176. Ibid., inv. no. 93.
177. Ibid., inv. no. 664.
178. Ibid., inv. nos. 77 (1929), 82 (1939), 83 (1947) and 84 (1955).
179. Ibid., inv. no. 4148, report of canonical visitation.
180. Ibid., inv. no. 72.
181. Ibid., inv. no. 93.
182. Ibid., inv. nos. 77 (1929), 82 (1939), 83 (1947) and 84 (1955).
183. Ibid., inv. nos. 47 and 48.
184. Ibid., inv. no. 23, Chapter meeting 1952, miscellaneous documents.
185. Ibid., inv. no. 664.
186. Ibid., inv. no. 264 (Meetings of General Council, 1949-1953).
187. Ibid., inv. no. 291 (correspondence with Diocese of Roermond).
188. Ibid., inv. no. 242, List of resignations and expulsions 1945-1965 (at Provincialate).
189. Ibid., inv. no. 358, List of resignations and expulsions 1945-1965.
190. Ibid., inv. no. 47, Annual Reports.
191. Ibid., inv. no. 664.
192. Ibid., inv. no. 437, correspondence with individual brothers.
193. Ibid., inv. no. 497, correspondence with individual brothers.
194. Ibid., inv. no. 664.
195. Ibid., inv. no. 48, Annual Report 1952.
196. Ibid., inv. no. 48.
197. Ibid., inv. no. 644.
198. Information relating to the criminal prosecution is taken from the files of the District Court of Maastricht, now held by the Limburg Regional Historical Centre in Maastricht.
199. Information relating to the criminal prosecution is taken from the files compiled by Kempe, now held by the Institute of Criminology in Utrecht, inv. no. 292. The verdict is recorded in the files of the District Court of ’s-Hertogenbosch, 1950-1959, inv. no. 169, now held at the Brabant Historical Information Centre [BHIC] in Den Bosch.
200. Information relating to the criminal prosecution is taken from the files compiled by Kempe.
201. One factor may have been that FIC6 was convicted of contravening Art. 248 but not Art. 249 (the latter charges were deemed ‘unproven’).
202. This information is taken from the police and judicial files, 1965.
203. ENK-FIC, inv. no. 605, semi-annual report 1946.
204. Ibid., inv. no. 434, correspondence with FIC7.
205. Based on the contents of a letter from brother FIC5 to the Superior General. FIC5 was at Waalwijk at the time and reports that he was not being shunned by other members of the community, and neither was another brother who had been placed in the house for very similar reasons.
206. ENK-FIC, inv. no. 434, letters by FIC7.
207. Ibid.
208. Ibid., inv. no. 429, correspondence with individual brothers.
209. Ibid., inv. no. 3997, reports of the various houses and institutions.
211. ENK-FIC, inv. no. 33, Chapter meeting 1964, miscellaneous documents.
212. There is no transcript of the trial itself. The verdict is recorded in the files of the District Court of Utrecht, inv. no. 134.

213. Documents relating to the trial at the district court and the subsequent appeal are to be found in the archive of the Court of Appeal in ’s-Hertogenbosch 1960-1969, inv. no. 40, now held at BIHC, Den Bosch.

214. Archive of the District Court of Maastricht; includes trial transcript and verdict but not the expert reports.

215. ENK-FIC, inv. no. 604, Reports of superiors and assistants in Amersfoort.

216. Ibid., inv. no. 644, Visitation reports.


218. ENK-FIC, inv. no. 604, Report, 1st half 1959.

219. Ibid., inv. no. 485, letters by FIC9, 6 November 1959, 27 November 1959, 8 December 1959.

220. Ibid., inv. no. 608, Report, 1st half 1961.

221. Ibid., inv. no. 496, correspondence with individual brothers.


223. Harry Oosterhuis, *Homoseksualiteit in katholiek Nederland. Een sociale geschiedenis 1900-1970* (Amsterdam 1992) names both J.G.Y. de Jong and A.F.C. Overing as Catholic experts in the field of homosexuality. De Jong was a neurologist who, in the early 1950s, introduced carbon dioxide therapy to the Netherlands (from the United States) as a purported cure for homosexuality. It is claimed that Havermans successfully applied this therapy in a number of cases around this time (Oosterhuis, p. 84).

224. ENK-FIC, inv. no. 291, correspondence with Diocese of Roermond.

225. Ibid., inv. no. 3218.

226. Ibid., personal file.

227. Ibid., inv. no. 487, correspondence with individual brothers.

228. Ibid., inv. no. 608, reports of De Beyart.


230. ENK-FIC, inv. no. 3213, photo album of readings and signing sessions.


232. Ibid., inv. no. 367, correspondence with the superior at De Beyart.

233. Ibid., inv. no. 518, correspondence with individual brothers.


235. Ibid., inv. nos. 336, 604 (semi-annual reports for Amersfoort) and 610 (semi-annual reports for Nijmegen).

236. Ibid., inv. no. 614 (semi-annual reports for Weert).

237. Ibid., inv. no. 33, Chapter meeting 1964, miscellaneous documents.

238. Documents relating to the criminal prosecution in the files of the District Court of Maastricht, inv. no. 1966, no. 97, now held at the Limburg Regional Historical Centre in Maastricht.

239. ENK-FIC, inv. no. 4022, correspondence of Provincial Superior.

240. Ibid., inv. no. 476, correspondence with individual brothers.


242. Ibid., inv. no. 303, letter to Janssens, then conducting a visitation, dated 23 February 1968.

243. Ibid., inv. no. 3522, letter by Seelen dated 3 September 1968.

244. Ibid., personal file.

245. Ibid., inv. no. 4203, minutes of Provincial Council meetings, 1966-1969.

246. Ibid., inv. no. 4022, correspondence of Provincial Superior.

247. Ibid., inv. no. 335, correspondence with the superior at Amersfoort 1961-1957.

248. Ibid., inv. no. 4190.
249. Ibid., inv. no. 604, semi-annual reports for Amersfoort.
251. Ibid., inv. no. 497, correspondence with individual brothers.
252. Ibid., inv. no. 413, correspondence with superior at Weert, 1946-1965.
253. The archive of the Brothers of Tilburg has not been catalogued and there are no inventory numbers. We therefore omit references to individual documents.
254. Information relating to the history of the congregation is drawn from Joos van Vugt, *Broeders in de katholieke beweging*. 1994, except where otherwise noted.
255. Information taken from the Yearbooks.
256. Archive of the Court of Appeal in ’s-Hertogenbosch, trial records, now held at BHIC, Den Bosch.

NOTES CHAPTER 7

2. These are the essays by N.J. Nicolai, 'De consequenties van seksueel misbruik van minderjarigen'; Netherlands Centre for Social Development (Movisie), 'Van bagatelliseren naar bekwamen. Visie op en hulp na seksueel misbruik vanaf 1945'.
8. The psychometric characteristics of the Dutch language BSI-18 were studied based on the available Dutch data. This is provisional data. (E. De Beurs, *Brief Symptom Inventory—BSI*. Dutch language edition - revised version/second edition, (draft version), 2011, p. 10.
14. For example: The one-way analyses of variance (ANOVA) for the BSI-18 and the specific symptoms are $F (2.1637) = 16.33, p < 0.01, \eta^2_p = 0.02$ and $F (2.1637) = 46.64, p < 0.01, \eta^2_p = 0.05$ respectively.

15. For example: The t-tests for the BSI-18 and the specific symptoms are $t (1072) = 3.51$ and $t (1072) = 4.31$, both $p$'s < 0.01 respectively.

16. The partial ETAs ($\eta^2_p$) were reviewed above (see note 14). In the t-tests conducted (note 15), modest effects were also found in terms of Cohen's d, varying from 0.14 to 0.40.

17. $F (2.1637) = 9.37, p < 0.01, \eta^2_p = 0.01$.

18. To cite just one example: if the univariate ANOVA on the BSI-18 total score is repeated with the response bias index as covariate, the group difference becomes even more noticeable: $F (3.1672) = 306.0, p < 0.01$. In this case, the F value is inflated because of the uneven distribution of the response bias values (only 17% of the random sample has a response bias index value > 1). However, even if you remove respondents with a value greater than 1 on the response bias from the analysis, the group differences in terms of symptoms continue to exist - $F (2.1320) = 61.46, p < 0.01$ — and indeed, it is primarily the group that had unwanted sexual approaches and stayed in an institution that is distinguished by many symptoms.

19. See Chapter 3.

20. There are - for example - significant group differences for BSI-18 and specific symptoms and the following one-way ANOVAs are among these (respectively): $F (2.1241) = 145.7$ and $F (2.1241) = 405.0$, both $p$'s < 0.01.

21. For both the BSI-18 and the specific symptoms, notifiers score significantly higher than respondents who were victims of sexual abuse by people working in the Roman Catholic Church: $t (791) = 6.19$ and $t (791) = 10.56$, both $p$'s < 0.01. These are group differences with significant effect sizes: Cohen's d is 0.47 and 0.81 respectively.


23. See A.J.F.M. Kerkhof (1), E. Arensman(2), J. Neeleman(3), & E.J. de Wilde(4) Suicide en Suïcidepreventie in Nederland. Achtergronddocument bij het Nationaal Actieplan Suïcidepreventie, www.ivonnevandevenstichting.nl/docs/achtergrond_NASP.pdf. They write: Around 4% of the population has attempted suicide at least once (whether or not with treatment), and around 3% of women and 2% of men have attempted suicide at least once in their lives in cases that led to medical treatment.


25. Draijer, 1988 (see note 4 in this Chapter).


28. $F(2.1641) = 49.16, p < 0.01$; in terms of effect sizes, the difference between notifiers and respondents who report abuse by perpetrators working in the Roman Catholic Church is modest (Cohen's $d = 0.18$), whereas that between notifiers and the control group is reasonable (Cohen's $d = 0.57$).

29. For example, for the BSI-18, the analysis of covariance delivers results for which the group differences are even more noticeable: $F(3.1639) = 53.66, p < 0.01$.

30. For example, for the BSI-18, $t(762) = 8.75, p < 0.01$; Cohen's $d = 0.63$.

31. For example, for the BSI-18 here: $t(564) = 4.20, p < 0.01$; Cohen's $d = 0.35$


34. J.Y.H.A. Jacobs, Werken in een dwarsverband. Een portret van de gezamenlijke Nederlandse priesterreligieuzen 1840-2004. Jacobs points out that in Canons 1311-1399 of the Codex Iuris Canonici 'reference is actually only made to the offender'.

35. In principle, the 'ad limina' visit to Rome by the bishops of the different dioceses takes place every five years.


38. www.snpr.nl


42. The authors of 'Geschonden vertrouwen' substantiated their case with factual evidence from an article in Trouw of 23 June 1993 ('Paus neemt seksueel geweld Amerikaanse priesters hoog op'): 'Well-known American religious psychologist Andrew Greeley, himself a priest, recently said that he suspects that around 5% to 10% of the 43,000 American priests had assaulted a minor on at least one occasion. Others suggest estimates of between 2% and 4%.'


45. This wording was later changed to ‘pastoral supervision’ (‘pastorale begeleiding’), in order to prevent associations with legal support.


49. Ibid., p. 36.


51. The authors of ‘Geschonden vertrouwen’ substantiated their case with factual evidence from the article in *Trouw* of 23 June 1993 (‘Paus neemt seksueel geweld Amerikaanse priesters hoog op’): ‘Well-known American religious psychologist Andrew Greeley, himself a priest, recently said that he suspects that around 5% to 10% of the 43,000 American priests had assaulted a minor on at least one occasion. Others suggest estimates of between 2% and 4%.’


55. Here, the Episcopal Liaison Committee on Women and the Church proceeded to extend the scope of operation of the procedure it deemed desirable.


57. This article reads as follows:

1. Anyone who has knowledge of one of the offences described in Articles 92-110 of the Dutch Penal Code, in Title vii of the Second Book of the Code, to the extent that such endangers life, or in Articles 287 to 294 and 296 of that Code, of kidnapping or rape, must report this to an investigating officer without delay.

2. That stipulated in the first paragraph shall not apply to any individual who, as a result of such report, would cause a risk of prosecution of him or herself or of someone in whose prosecution he could claim exemption from giving evidence.

3. Equally, anyone who has knowledge that someone is being held prisoner in a place not legally intended for that purpose must report this to an investigating officer without delay.
Article 2.2 of the Dutch Civil Code reads as follows: '1. Church communities, and independent components and bodies in which they are united, shall possess legal personality. 2. They shall be governed by their own constitution, insofar as this does not conflict with the law. With the exception of Article 5, the following Article of this title shall not apply to them; however, their application mutatis mutandis shall be permitted, insofar as this may be reconciled with their constitution and the nature of their mutual relationships.'

Article 4 of the constitution of Hulp & Recht after sexual abuse in pastoral relations. Utrecht, 4 April 1995.

Article 4 of the current constitution stipulates that the Conference of Bishops and the Conference of Religious in the Netherlands appoint the members nominated by the board of Hulp & Recht in accordance with the profile outline approved by the Conference of Bishops and the Conference of Religious in the Netherlands. The profile outline was approved on 14 June 2010 by the board of Hulp & Recht, but not yet submitted for approval to the Conference of Bishops and the Conference of Religious in the Netherlands.

Ibid., Article 2.

Archive of the Conference of Bishops. Minutes of the Board of Samenwerkingsverband Broedercongregaties Nederland 95-01.

Archive of the Conference of Bishops. Minutes of the Board of Samenwerkingsverband Broedercongregaties Nederland of 27 and 28 April, 1995.

Article 5, paragraph 1 of the procedure for complaints of sexual abuse in pastoral relations. Utrecht, 4 April 1995.

Ibid.

Ibid., Article 4, paragraph 1.

Ibid., Article 5, paragraph 4.


Archive of the Conference of Bishops, Minutes of the Conference of Bishops, 15 and 16 April, agenda item 16.


77. In the summer of 1998, the chairperson of Hulp & Recht spoke to the head of daycare at De Waag. This resulted, on 12 August 1998, in Hulp & Recht advising the Bishops and higher superiors to contact De Waag in relevant cases. Letter 12 August 1998, reference 98.072/DE/tl/-H&R Bestuur. The contact was initiated by the Director of De Waag, J. Mulder: 'Around ten years ago, at the time of the scandal in Boston, he himself had contacted Hulp & Recht and warned that this would also be likely to emerge in the Netherlands and offered to arrange for De Waag to conduct an independent inquiry. Although Hulp & Recht was in favour of this, nothing ever came of it'. Report of the Commission of Inquiry's interview with J. Mulder. Utrecht, 27 May 2011.

78. CAPER, Central advisory agency for priests and members of religious orders or congregations, was the previous name of the Stichting Pastoraal Adviesbureau.


80. Archive of Hulp & Recht, Annual Report 2001 from Hulp & Recht, p. 1

81. This concerned the cancellation of the third-party liability insurance by Aegon with effect from 1 November 2001

82. Archive of Hulp & Recht, board of Hulp & Recht, Some accompanying observations to the reports of sexual abuse in 2002, intended for the discussion in the board meeting of 18 March 2003, reference H&R03025/HS/cvs


84. Archive of the Conference of Bishops, Minutes of the Conference of Bishops, 9 September 2003, agenda item 8.

85. E-mail message from the Secretary-General of the Conference of Religious in the Netherlands to the Commission of Enquiry dated to December 2010 at 15.48.


90. Archive of the Conference of Bishops, Advice from the BBK (Conference of Bishops policy advisory committee) on the constitution and procedure of Hulp & Recht (draft version April-May 2007) of 30 May 2007 (reference 16/2007/gk). The Commission of Inquiry observes that the BAC's reproaches with regard to the legal adviser highlight shortcomings in the procedure, which were not rectified.


94. The Commission of Inquiry does not have a copy of the report from Schepen and did not find it in the archive of Hulp & Recht. Consultations with Horstink and Stassen revealed that Horstink no longer has the report in her possession and the report is also no longer to be found in the archive of Hulp & Recht. See the reports of the Commission of Inquiry's interviews with S.J.E. Horstink-von Meyenfeldt. The Hague, 13 September 2010 and with P.M.M. Stassen. The Hague, 10 September 2010. In her interview with the Commission of Inquiry on 10 September 2010, Stassen said: 'Because the report was so destructive, it was decided not to give it to the individuals concerned. It went no further than the board of Hulp & Recht.'


105. Ibid.

107. Ibid.


111. Ibid.


115. Archive of the Conference of Bishops, letter from *Hulp & Recht*, dated 1 October 2007, reference H&R/ BK-003. The Commission of Inquiry would add that the use of the complaints procedure as a lead-up to a procedure in civil law for awarding damage compensation would appear unavoidable in view of the lack of a procedure for obtaining such payment within the Roman Catholic Church.


118. Archive of the Conference of Bishops, Minutes of the Conference of Bishops, 6 May 2008, agenda item 5.5.


120. In 2001, the age of majority was increased in canon law from 16 to 18. (Codex 1983 Canon 1395 par. 2 concerns the liability to punishment of sexual abuse of a minor under the age of 16.)


126. Letter from former member of staff at *Hulp & Recht* to the members of the Commission of Inquiry, dated 7 May 2010.


128. Letter from the board of *Hulp & Recht* to the Commission of Inquiry, dated 21 November 2010 (reference \CD\reactie-002).


130. The Commission of Inquiry did not investigate the experiences of the accused and/or religious institutions of the help provided by *Hulp & Recht* to the accused. In the interview with the Commission of Inquiry on 3 September 2010, the chairperson of *Hulp & Recht* commented as follows: ‘There was, de facto, no help provided to the real offenders. The previous procedure did have provisions for a separate group of people to supervise the real offenders, but nothing ever came of it.’


136. In many discussions, there is a risk that the confidential counsellor will start to work as a care worker, for which he or she is not equipped. Interview with the secretary with P.M.M. Stassen. The Hague, 8 November 2010.

137. Letter with enclosures from E.H.A. Fennis (Chancellor of the diocese of Haarlem-Amsterdam) of 16 September 2010.


'He found the comments in the statement of defence about the reliability of his own observations to be very painful. His memories of it are still very intense'. Report of the Commission of Inquiry's interview with anonymous. The Hague, 17 September 2010.

For many complainants, a confrontation with the accused is difficult: 'Having arrived at the court building, the offender was standing in the small lodge near the staff entrance with the episcopal assistant in front of the entrance and later we were escorted into a small meeting room with four committee members and a table arrangement with coffee cups which all more or less resulted in the accused sitting on my lap. That kind of thing has an immediate impact on your ability to defend yourself and the case.'


Archive of Hulp & Recht, Letter from C. Meyssen-Nagel and M. Schulte Kemna, dated 6 March 2002. See also the report on the meeting of the board of Hulp & Recht on 18 April 2002: '[Ms Meyssen] provided an insight into the nature of two serious cases and the way in which the Church authorities dealt with sanctions in such complaints. In one case, the abbot concerned took no action whatsoever. The offender remained in the monastery and continued to have contact with parishioners in the parish where he assisted, even when the victim contacted the media. The victim contacted the media partly because she was afraid that the abuse would be repeated. The offender was a popular figure in the parish and village and had a lot of contact with children.'

Archive of Hulp & Recht, report of the meeting of the board of Hulp & Recht on 3 December 2003.

Interview with A.E.H. Kemmerling, Utrecht, 8 November 2010.

Archive of the Conference of Bishops, Minutes of the Conference of Bishops, 13 October 2009, agenda item 18.


Interview with P. Dijkmans and K. Veraart of the Besturenraad on 5 October 2010. See also Besturenraad Thema, 'Klachtenrecht en meldplicht', number 75 (May 2009).


155. E-mail message from P. Blankwaard to the Commission of Inquiry on 9 November 2010, at 9.29.

156. Hulp & Recht draws a distinction between a report and a complaint. Someone can report sexual abuse and have several discussions with a confidential counsellor and it goes no further. A report can proceed to a complaint, about which a written complaint is compiled, if a person reporting wishes to instigate an investigation into the actions reported.

157. In the original text of the interim report, a passage was included here which has been incorporated in an updated form elsewhere in this report.


160. KLOKK, National Consultative Umbrella Organization on Sexual Abuse in the Church was established by notarial deed on 17 August 2011 and was registered on that date at the Chamber of Commerce in Eindhoven. The foundation aims to serve as an information point, provide advice and help to people who are victims of child abuse in the church and to take measures to prevent child abuse in the church and to do everything associated with the aforementioned or which may help promote it.


165. Interview with J.A. Brenninkmeijer. Utrecht, 12 August 2011.


167. This concerns an alliance established in 2011 between Victim Support Netherlands, Stichting Arq and Netherlands Centre for Social Development (Movisie) and the National
Consultative Umbrella Organization on Sexual Abuse (KLOKK); the help agencies De Blauwe Maan, VSK and Stichting Mannenhulpverlening na Seksueel Misbruik and the Agency for Reports of Sexual Abuse in the Roman Catholic Church (Meldpunt Seksueel Misbruik Rooms-Katholieke Kerk).

168. Stichting Ambulante Fiom, Rutgers Nisso Groep and TransAct observed in 2006 in the memorandum 'Aanpak van Seksueel Geweld in Nederland' (Tackling Sexual Violence in the Netherlands) that the national infrastructure for tackling sexual violence is unclear. 'There are multiple actors doing all kinds of things, but there is no cohesion. The situation is now such that there is no clear helpdesk offering a first point of contact for victims (and those directly associated with them). As far as quality is concerned, the study shows that a large proportion of the victims of sexual violence do not find the help they are looking for.' In 2008, Netherlands Centre for Social Development (Movisie), Rutgers Nisso Groep and Stichting Fiom formed the Partnership Aanpak Seksueel Geweld in order to work with large numbers of players in the field to improve the approach to tackling sexual violence.

169. 'Naar een aanpak voor herstel. Ondersteuning van slachtoffers van seksueel misbruik in instellingen van de katholieke kerk en van de jeugd- en pleegzorg.' Sonja Leferink with Guido Klabbers (KLOKK), Jan Schart (Stichting Arq) and Victor Jammers (Victim Support Netherlands), 19 September 2011.

170. In the policy document on sexual health, 'Seksuele Gezondheid' of 27 November 2009, the State Secretary for Public Health, Welfare and Sport sees it as the role of the Cabinet to encourage the provision of effective help and care via other (non-legal) routes alongside first- and second-line care. In 2008, the State Secretary initiated nationwide consultative sessions for young people for whom there appeared to be no clear point of contact for questions about sexuality. The State Secretary endorses the need for early, rapid and effective help for victims of sexual violence.


NOTES CHAPTER 8