

# Child Abuse and the Lutheran Confessional: A Call to Elevate Christ's Teachings on Children above Church Traditions

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In the United States, clergy are mandated reporters of child abuse in nearly every state.<sup>2</sup> In some states, though, clergy are not required to report cases of child abuse if the knowledge is gained within the context of the confessional.<sup>3</sup> However, state law determines when a private confession is privileged.<sup>4</sup> For instance, Minnesota law exempts a Lutheran minister from making a report provided that keeping the confidences of a child abuser is allowed pursuant to the “rules and practices of the religious body to which the member of the clergy or other minister belongs.”<sup>5</sup> Similarly, Wisconsin law does not require a child abuse report if the pastor “under the disciplines, tenets, or traditions of his or her religion has a duty or is expected to keep those communications secret.”<sup>6</sup>

Applying these basic principles to the practice of private Lutheran confession, there are at least three reasons why Lutheran pastors should not be exempted from complying with mandated reporting obligations. First, while there is some support for absolute secrecy of a private confession, Lutheran history and the *Book of Concord* do not support the concept of keeping a confidence if it risks the ongoing abuse or death of a child or requires the pastor to violate civil or criminal laws designed to protect children from abuse.

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United States (Evangelical Lutheran Church in America-ELCA, Lutheran Church–Missouri Synod-LCMS, Wisconsin Evangelical Lutheran Synod-WELS) have all published scholarly works making it clear that confidences can be broken when keeping a secret endangers the lives of others. Although not every pastor in these denominations would agree with these documents,<sup>7</sup> these pastors would be hard pressed to find a synodical publication that

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2. Clergy as Mandated Reporters of Child Abuse and Neglect, (Children's Bureau, United States Department of Health and Human Services, 2015), available online at: <https://www.childwelfare.gov/pubPDFs/clergymandated.pdf> (last accessed December 14, 2018).

3. Ibid.

4. Ibid.

5. Minnesota Statute 626.556, Subd. 3(a); 595.02(1)(c).

6. Wis. Stat. Ann. § 48.981(2)(b)

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7. I have encountered Lutheran pastors who disagree with these writings and insist they would keep a confidence even if there is a clear and present danger of ongoing child abuse. One concern advanced by these pastors is that no parishioner would seek pastoral care if he or she knew that their confession could be reported to the police. When mandated reporting laws went into effect, some doctors and mental health professionals shared similar concerns. Fifty years later, there is no evidence that mandated reporting laws have caused adults to avoid the doctor or psychologist when the need is great. Similarly, if a parishioner is genuinely concerned for his or her soul, it is doubtful they would avoid seeking spiritual relief out of fear the police might be called. According to Jesus, there is nothing the world can offer or take from us that is worth forfeiting our soul (Matt 16:26).

unequivocally exempts them from making a child abuse report in the context of a private confession.

Third, and most importantly, the Lutheran concept of private confession is a human doctrine not found in Scripture. As a result, it must give way when keeping a confidence violates the clear commands of Scripture. In the case of child abuse, Jesus clearly commanded his followers to protect children from abuse and this directive must take precedent over tradition.

### Private confession, Lutheran tradition, and child abuse

Although the earliest Christian communities appeared to favor public confession of egregious sins,<sup>8</sup> by the fourth century the monastic practice of private confession was widespread.<sup>9</sup> In 1215, the Fourth Lateran Council required Christians to privately confess their sins.<sup>10</sup> The Lutheran reformation was largely born out of the need to reform confession and the abuses of indulgences.<sup>11</sup>

In *Babylonian Captivity of the Church*, Martin Luther outlined his proposal for reforming the church practice of confession. Luther made three statements that are applicable to the issue of whether or not a Lutheran pastor would be obligated to comply with child abuse reporting laws even in the context of private confession.

First, although Luther made it clear that private confession was “useful” and even “necessary,” he also unequivocally states that the concept “cannot be proved from the Scripture.”<sup>12</sup> This is a critical concession since Lutheran doctrine makes clear that all human tradition must give way when a church practice conflicts with Scripture.<sup>13</sup> As will be discussed in the last section of this article, the Holy Scriptures contain clear language that compels a Christian to protect children from abuse and to comply with governmental decrees. If this is the case, the human tradition of private confession must be subservient to the demands of God and the government to care for the children entrusted to us.

Second, Luther stated that absolution from “secret sins” was appropriate when the penitent “sought pardon *and* amended his ways”—a process that would necessitate the forgiveness of even

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“open sins.”<sup>14</sup> In many cases of child abuse, a perpetrator will not be able to amend his or her ways without professional intervention<sup>15</sup> with some sex offenders accumulating hundreds of victims in their lifetime.<sup>16</sup> Even with treatment, an offender may remain at high risk to re-offend.<sup>17</sup> Accordingly, even if a child abuser is sincerely remorseful and fully intent on reforming his or her conduct, a report to the police is often necessary to stop the abuse altogether.<sup>18</sup>

Third, citing Christ’s admonition to the woman caught in adultery to “sin no more” (John 8:11), Luther spoke of confession in the context of “mortifying the flesh.”<sup>19</sup> Expanding on this concept, Luther wrote:

This perverse error is greatly encouraged by the fact that we absolve sinners before the satisfaction has been completed, so that they are more concerned about completing the satisfaction, which is a lasting thing, than they are about contrition, which they suppose to be over and done with when they have made confession. Absolution ought rather to follow on the completion of satisfaction, as it did in the early church, with the result that, after completing the work, penitents gave themselves with much greater diligence to faith and the living of a new life.<sup>20</sup>

Although there are table talk entries in which Luther contended private confession should be kept secret even in an instance of infanticide,<sup>21</sup> other writings undermine this approach. Luther

8. Karl-Hermann Kandler, “Luther and Lutherans on Confession, ‘the Forgotten Sacrament,’” *Lutheran Quarterly* 31 (2017): 50–63.

9. Ibid.

10. Ibid.

11. See generally, Martin E. Marty, *Martin Luther and the Day that Changed the World*, (Brewster, Mass.: Paraclete Press 2016).

12. Theodore G. Tappert, ed., *Selected Writings of Martin Luther 1517–1520* (Minneapolis: Fortress, 2007), 438. In the Augsburg Confession, Philip Melancthon also acknowledged that confession is “not commanded in Scripture but was instituted by the church” and retained by the “preachers on our side.” Robert Kolb and Timothy Wengert, eds, “The Formula of Concord,” in *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (Minneapolis: Fortress, 2000), 74:12.

13. In *The Book of Concord*, Lutherans confess that “God’s word alone ought to be and remain the only guiding principle and rule of all teaching and no person’s writing can be put on a par with it, but that everything must be totally subject to God’s word.” Kolb and Wengert, eds, “The Formula of Concord,” in *The Book of Concord*, 528–529.

14. Tappert, ed., *Selected Writings of Martin Luther*, 440. Another scholar notes that Luther “does not deny the value of true contrition for sins” and that he “is prepared to dissuade people from confession when hatred of sin is feigned rather than genuine.” Jonathan Trigg, “Luther on Baptism and Penance,” in Robert Kolb, Irene Dengel, & L’Uboimir Batka, eds, *The Oxford Handbook of Martin Luther’s Theology* (Oxford: Oxford University Press 2014), 318.

15. See Anna C. Salter, *Predators: Pedophiles, Rapists, and Other Sex Offenders* (Basic Books: 2003).

16. Gene G. Abel, Judith V. Becker, Mary Mittelman, Jerry Cunningham-Rathner, Joanne L. Rouleau, and William D. Murphy, “Self-Reported Sex Crimes of Nonincarcerated Paraphiliacs,” *Journal of Interpersonal Violence* 2 (1987): 3–25.

17. See Cory Jewell Jensen, “Understanding and Working with Adult Sex Offenders in the Church,” *Currents in Mission and Theology* 45 (2018): 36–40.

18. See note 41 and accompanying text.

19. Tappert, ed., *Selected Writings of Martin Luther*, 442.

20. Ibid.

21. Edwin M. Plass, ed., *What Luther Says* (St. Louis: Concordia, 1959), 333; In harsh, even cruel terms, Luther also states he would call

states in his catechism that a Christian response to the forgiveness of sins offered in the Lord's Supper is to "fight temptation, do my best to correct whatever wrongs I have done, and serve him and those around me with love and good works."<sup>22</sup>

In cases of child abuse, "satisfaction" or the fruits of repentance often require treatment of the offender,<sup>23</sup> medical and mental health care for the victim,<sup>24</sup> and justice for those who have been wronged.<sup>25</sup> None of this can happen if the offender's confession of guilt is not reported to the authorities.

In the Augsburg Confession, Philip Melancthon wrote that private confession was retained by the Lutheran Church.<sup>26</sup> At the same time, Melancthon made it clear that "good works, which are the fruit of repentance, should follow" any absolution.<sup>27</sup> Again, the proper fruit of repentance in a child abuse case necessitates that child victims of rape, beatings, starvations or other atrocities receive appropriate medical, mental health, and spiritual care.<sup>28</sup> An offender unwilling to set in motion essential care for his or her victims is not repenting—he or she is simply seeking cheap grace.<sup>29</sup>

## ELCA, LCMS and WELS scholarship

In the U.S. the three largest Lutheran denominations are the Evangelical Lutheran Church of America (ELCA), the Lutheran Church Missouri Synod (LCMS), and the Wisconsin Evangelical Lutheran Synod (WELS).<sup>30</sup> Although only the LCMS has pub-

the woman a "whore" and advise her "don't you ever do it again!" From these comments, two points should be made. First, if the woman was a prostitute then she is a victim of sexual exploitation who may have had few opportunities to flee her circumstances. To some extent, then, she may have been as much a victim as she was an offender. Second, even if we concede the woman committed an act of child abuse, Luther was still not presented with the situation of an adult, such as a pedophile, who is likely to continue to abuse children. Theodore J. Tappert, ed., *Luther's Works* (Philadelphia: Fortress, 1967), 54: 395.

22. This admonition also appears in at least some Lutheran hymnals as part of the preparation to receive Holy Communion. See, for example, *Christian Worship: A Lutheran Hymnal*, (Milwaukee: Northwestern Publishing House 1993), 156.

23. Jensen, "Understanding and Working with Adult Sex Offenders in the Church," 36–40.

24. Vincent J. Felitti and Robert F. Anda, "The Relationship of Adverse Childhood Experiences to Adult Medical Disease, Psychiatric Disorders and Sexual Behavior: Implications for Healthcare," in Ruth A. Lanius, Eric Vermetten, and Clare Pain, *The Impact of Early Life Trauma on Health and Disease: The Hidden Epidemic* (Cambridge University Press, 2010).

25. Josep M. Tamarit and Sumalla Patricia Hernandez-Hidalgo, "Victims of Child Sexual Abuse: Understanding their Need for Justice," *International Journal of Law, Crime & Justice* 54 (2018): 11–20.

26. Kolb and Wengert, eds, "The Formula of Concord," in *The Book of Concord*, 44:1–2.

27. *Ibid.*, 45:6.

28. Amy Russell, "The Spiritual Impact of Child Abuse and Exploitation: What Research Tells us," *Currents in Mission and Theology* 45 (2018): 14–19.

29. Victor I. Vieth, "What Would Walther Do? Applying Law and Gospel to Victims and Perpetrators of Child Sexual Abuse," *Journal of Psychology and Theology* 40 (2012): 257–273.

30. Scott A. Kinnaman, *Lutheranism 101* (St. Louis: Concordia,

lished a clear doctrinal statement on private confession, each of these church bodies has published scholarship relevant to the issue of making a mandated report of child abuse when the information is received in private confession.

## Evangelical Lutheran Church of America

In *Ministry of the Abused*, the ELCA and the Evangelical Lutheran Church in Canada (ELCIC), maintain the following:

With abusers of children, you may experience serious personal conflict between the confidentiality of what is shared with you and the priority of protecting the child. If you are a pastor, you may be a mandated reporter. Think through how you will address these issues and consult a trusted expert in the field before being confronted with such cases.<sup>31</sup>

Although not as clear as it could be, the phrase "priority of protecting the child" suggests this concern outweighs any confidentiality owed to an offender.

## The Lutheran Church—Missouri Synod

The LCMS has a detailed statement on private confession making it clear that the confession must not be violated even if the penitent is confessing a crime or the government threatens jail or other sanctions in order to get a pastor to reveal a secret.<sup>32</sup> Although this would appear to exclude reporting private confession of child abuse, there are two applicable exceptions.

First, the LCMS references the "problematic questions" that arise when the "penitent is not truly 'penitent' but rather is 'using' the pastor in order to get something off his chest, with every intention to continue his erring ways. A person is not free to 'take unfair advantage' of the pastoral office through hypocritical means or to compromise or neutralize the pastor by revealing sinful behavior and then threatening the pastor should he feel compelled to disclose it."<sup>33</sup>

In cases of child abuse, particularly child sexual abuse, there is evidence that offenders have used the confessional to their advantage with every intention of persisting in their sin. In a study of sexual abuse within the Roman Catholic Church, Marie Keenan interviewed nine priests who had confessed molesting children and, of these, eight had used the confessional to ease their conscience and continue their crimes.<sup>34</sup> Other commentators have noted a broader use of the confessional to hide sexual misconduct.<sup>35</sup>

2010), 195–196,

31. *Ministry with the Abused*, (Evangelical Lutheran Church of America and the Evangelical Lutheran Church in Canada, 2010), 13.

32. "The Pastor-Penitent Relationship Privileged Communications: A Report of the Commission on Theology and Church Relations of The Lutheran Church—Missouri Synod" (1999).

33. *Ibid.*, 12.

34. Marie Keenan, *Child Sexual Abuse and the Catholic Church* (Oxford: Oxford University Press, 2011), 162–166.

35. Michael D'Antonio, *Mortal Sins: Sex, Crime, and the Era of*

In Protestant denominations, there is a growing body of literature about the characteristics of sex offenders within the community.<sup>36</sup> One long standing pattern is that sex offenders within the church prey on the gullibility of pastors and other Christians. According to sex offender treatment provider, Anna Salter: "If children can be silenced and the average person is easy to fool, many offenders report that religious people are even easier to fool than most."<sup>37</sup>

As one convicted sex offender recounted, there "was a great amount of pride. Well, I pulled this one off again. You're a good one. You're very capable of doing this. It works for you. There were times when little old ladies would pat me on the back and say, 'You're one of the best young men that I have known.' I would think 'if you really knew me, you wouldn't think like that.'"<sup>38</sup>

As a result of the manipulation by offenders of church leaders, child abuse experts have urged pastors to raise a series of questions designed to reveal a lack of repentance including asking the offender if he will move out of the house, ensure that his victim receives medical and mental health care, turn him or herself into the police and enroll in a sex offender treatment program.<sup>39</sup> Questions such as these will likely reveal, at best, a shallow repentance or, at worst, an offender at high risk to repeat their crimes.

Second, the LCMS penitent privilege notes that clergy also have an obligation to protect parishioners and the community from danger. Specifically, the LCMS states:

[T]he pastor has promised to undertake other solemn obligations that include the protection of his flock through the performance of his duties. The vow to keep confidences must be viewed in conjunction with other obligations that also bind the pastor. When a pastor's vow to keep confidences conflicts with other solemn promises he has made, pastoral judgments have to be made by weighing the conflicting and competing interests involved. In a sense, then, the vow of confidentiality does not stand alone as absolute.<sup>40</sup>

Accordingly, even if a parishioner is sincere in his or her repentance of child abuse but nonetheless poses an ongoing risk to children, a pastor is able, likely obligated, to comply with mandated reporting laws. Consider, for example, these comments from a Roman Catholic priest who had, on multiple occasions,

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*Catholic Scandal* (New York: St. Martin's Press, 2013), 89, which notes that "priests who had sex of any kind, even alone, routinely confessed and sought absolution from each other" and that the "sanctity of the confessional and the guarantee of forgiveness meant that priests were united in their secrecy."

36. Andrew S. Denney, Kent R. Kerley, and Nickolas G. Gross, "Child Sexual Abuse in Protestant Christian Congregations: A Descriptive Analysis of Offense and Offender Characteristics," *Religions* 9 (2018): 1–13.

37. Salter, 28.

38. *Ibid.*, 199.

39. Victor I. Vieth, "What Would Walther Do?" 270–271.

40. "The Pastor-Penitent Relationship Privileged Communications," 11–12.

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acknowledged his sexual abuse of children within the confines of the confessional booth:

After each abusive occurrence I felt full of guilt and at the earliest opportunity I sought to confess and receive absolution. While this was well-intentioned there is a sense in which it was a mechanical process, but it effected a degree of relief and a feeling of a new beginning. There was always a resolution that it would not occur again... With hindsight I can say that deep down I realized that I would not be able to keep that resolution. It seemed impossible for me to prevent my desires from overcoming my will. Long periods could elapse without abusive behavior...but eventually the urge for the pleasure took control of reason and in the heat of the moment all sense of morality of the activity went out the window.<sup>41</sup>

Although this statement indicates some repentance (that is, expressions of guilt) and reform (that is, resolution not to repeat the crime), it is also obvious that the offender cannot stop the behavior without outside intervention. Any pastor who fails to call the police when receiving a confession such as this one is consciously choosing to send a wolf into the flock—conduct Jesus warned us not to commit (Acts 20:28–29).

### *Wisconsin Evangelical Lutheran Synod*

In 2015 the *Wisconsin Lutheran Quarterly*, the scholarly journal of the Wisconsin Lutheran Seminary, published an article directly addressing this issue. WELS seminary professor John Schuetze contends that while Scripture discourages gossiping and speech designed to damage the reputation of another, keeping a confidence "is not an absolute, especially when others are being harmed or may be hurt."<sup>42</sup>

Schuetze observes the "Eighth commandment ["you shall not bear false witness"] does not protect perpetrators of child abuse from facing the consequences of their sin" and contends that revealing the secret is in the best interests of the offender as well as the victim.<sup>43</sup> With respect to the victim, Schuetze cites the ad-

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41. Keenan, 165.

42. John D. Schuetze, "Pastoral Theology Brief: Matthew 18 also Includes Verse 6," *Wisconsin Lutheran Quarterly* (2015) 112: 224–228.

43. *Ibid.*, 225–226.

monition of Christ to protect children from harm (Matt 18:6) and concludes that reporting abuse is “what God would have us do.”<sup>44</sup>

In a pastoral theology textbook published by WELS, Schuetze advises pastors to let parishioners know there are limits to confidentiality and that one of these limits is mandated reporting laws. However, even if a pastor is not required by law to report child abuse, Schuetze again maintains that it is “God and [God’s] Word that ultimately give pastors the right and responsibility to break confidence and protect the welfare of the person involved.”<sup>45</sup>

### Scriptural support for violating the confessional when necessary to protect a child

In a treatise on the Lutheran faith, an LCMS publication states that “in the context of hearing confession,” a pastor must “not presume to speak anything other than that which God, in His word, has given him to speak.”<sup>46</sup> In instances of child abuse, five statements—one from Paul and four from Jesus—provide significant guidance to a pastor hearing a confession of maltreatment. The account of the thief on the cross also provides insight as to what faithful repentance looks like.

#### Rebellion against God

Unless a governmental decree contradicts Scripture, Apostle Paul instructs Christians to abide by the law as if it were a direct command of God (Rom 13:1–5). Obviously, mandated reporting laws are designed to protect children from abuse and this purpose is entirely consistent with God’s law (for example, Exod 20:13–14). Since there is nothing in Scripture that would permit a pastor to violate a mandated reporting law in the context of the confessional, pastors engaging in this conduct are rebelling against God.

#### Children as God’s messengers

Jesus referred to children as messengers from God and made it clear that our treatment of children speaks volumes about what we really believe about God (Mark 9:36–37). Whenever a pastor or other faith leader elevates keeping the confidence of an offender above the need to protect a child from abuse, the pastor is, at least for that moment, rejecting God.

#### Better a millstone

In each of the synoptic Gospels, Jesus harshly rebukes anyone who would harm a child (Matt 18:6–9; Luke 17:1–2; Mark 9:42). Specifically, Christ says “If any of you put a stumbling block before one of these little ones who believe in me, it would be better for you if a great millstone were hung around your neck and you were thrown into the sea” (Mark 9:42). Although some

Bible commentaries<sup>47</sup> and New Testament scholars contend Jesus is specifically condemning the sin of child sexual abuse,<sup>48</sup> other scholars note the language is broad enough to condemn all forms of child maltreatment.<sup>49</sup> This is particularly so when we recall that child abuse has a profound spiritual impact on children and may cause a child to eventually abandon his or her faith<sup>50</sup>—the sort of “stumbling block” Jesus is worried about.<sup>51</sup>

Applying these verses to a case of child abuse, a pastor failing to make a report simply because the information was received in a confessional is purposefully contradicting the command of Christ not to hurt a child (for example, Mark 9:42). It is nonsensical to suggest Jesus condemns the person directly inflicting the harm and not also the person who fails to intervene when given the opportunity to do so. Indeed, since the offender may have mental illnesses and numerous cognitive distortions<sup>52</sup> that impair his or her ability to see the sin clearly, the pastor lacking such an excuse may bear a greater moral responsibility for the crime.<sup>53</sup>

#### Snakes and doves

In sending the disciples into a fallen world, Jesus urged them to be as gentle as doves but as wise as serpents (Matt 10:16). Although pronouncing God’s forgiveness to a sex offender or other child abuser is an extraordinary blessing uniquely gifted to the church, pastors should not naively assume that absolution magically solves the problem. The offender will still be tempted to lose his temper around a toddler, to touch the sexual organs of a son or daughter, and to withhold even food and water from a child getting under his or her skin. Even Apostle Paul could not stop committing the evil he wished to flee (Rom 7:19). Without a report to the authorities, it is foolish to believe very much will change. Simply

47. For example, Richard Horsley, commentary on Mark in *New Annotated Oxford Study Bible* (Oxford: Oxford University Press, 2010), 1809n.

48. William Loader, *Sexuality and the Jesus Tradition* (Grand Rapids: Eerdmans, 2005), 22; William Loader, *The New Testament on Sexuality* (Grand Rapids: Eerdmans, 2013), 121–123; Adela Yarbro Collins, *Mark: A Commentary* (Minneapolis: Fortress, 2007), 450.

49. John D. Schuetze, “Pastoral Theology Brief,” 224–228.

50. Donald F. Walker, et al., “Changes in Personal Religion/Spirituality During and After Childhood Abuse: A Review and Synthesis.” *Psychological Trauma: Theory, Research, Practice, and Policy* 1 (2009): 138–140; Walker, et al., “Understanding and Responding to Changes in Spirituality and Religion after Traumatic Events,” in Donald F. Walker, Christiane A. Courtois, and Jamie D. Aten, eds, *Spiritually Oriented Psychotherapy for Trauma*, (Washington, D.C.: American Psychological Association, 2015): 147–168.

51. According to some scholars, Jesus is particularly condemning any conduct that would damage or destroy the faith of a child. Daniel E. Paavola, *Mark* (St. Louis: Concordia, 2013), 182.

52. Jensen, “Understanding and Working with Adult Sex Offenders in the Church,” 36–40.

53. In the book of Ezekiel, the prophet warns that God will hold accountable those who fail to warn victims of impending danger: “But if the watchman sees the sword coming and does not blow the trumpet to warn the people and the sword comes and takes someone’s life, that person’s life will be taken because of their sin, but I will hold the watchman accountable for their blood” (Ezek 33:6).

44. *Ibid.*, 227.

45. John D. Schuetze, *Doctor of Souls: The Art of Pastoral Theology* (Milwaukee: Northwestern Publishing House, 2017), 272–274.

46. Edward A. Engelbrecht, ed., *The Lutheran Difference: An Explanation and Comparison of Christian Beliefs* (St. Louis: Concordia, 2010): 396.

stated, the church must be smarter than that.

### ***"I never knew you"***

When speaking of the day of judgment, Jesus promised to welcome those who cared for the "least of these" but to cast aside religious leaders who failed to care for the suffering—promising to tell these false followers "I never knew you" (Matt 25:34–45). We know from a very large and growing body of research that child abuse often inflicts enormous medical, mental health, and spiritual damage which can be lifelong.<sup>54</sup> Whenever a pastor or other Christian fails to report a reasonable suspicion of child abuse, including information obtained in the confessional, they are choosing to reject a God-given opportunity to alleviate a child's suffering and, perhaps, save the child's life. It is a sin for which Jesus promises to hold us accountable.<sup>55</sup>

### ***The thief on the cross***

The decision to report a case of child abuse even in the context of the confessional not only reflects our love of God and the children in our congregation, it also reflects a love of the offender. Although child protection systems are far from perfect,<sup>56</sup> making a report to the authorities is often critical in getting an offender necessary treatment and helping him or her improve their parenting. In cases not involving egregious abuse, the government is obligated by law to work to keep the family together but with appropriate safety measures in place.

In a case of child abuse, the government may file either criminal charges or a civil child protection petition designed to secure needed services for the family, or both.<sup>57</sup> All of these governmental actions may serve God's purposes. Although Jesus promised heaven to the thief on the cross who believed in him, our Lord did not suggest there are no earthly consequences for our crimes. Indeed, the thief described his earthly punishment as just and there is no indication Jesus took issue with this assessment (Luke 23:39–43).

In cases of child abuse, churches should not empower offenders to escape justice but to embrace justice as a fruit of repentance and the gateway to necessary treatment and other services for

everyone involved.<sup>58</sup> Although a pastor can and should walk beside an offender seeking to reform, the pastor must never shield the offender from the consequences that often bring true repentance.

### **Conclusion**

At the time of Jesus' ministry, children were lawfully neglected and routinely abused physically and sexually.<sup>59</sup> The Christian teaching of the incarnation elevated the status of children in the New Testament world<sup>60</sup> and the radical teachings of Christ spurred the fledgling church to be transformational leaders in reducing myriad forms of child maltreatment.<sup>61</sup>

In the centuries that followed, as the distance between the church and Christ's time on earth grew, Christian commitment to protecting children from abuse has waned. Even worse, myriad church scandals have revealed a Christian community that has often played a leading role in perpetuating and expanding the abuse of children. Whether as part of widespread scandal or an individual failing to protect a maltreated child, Christians often justify their decisions by referencing false teachings that have wormed their way into the church and pushed out the teachings of Christ.

Although the confessional is a noble tradition that should be retained as a comfort to the truly penitent, it is heretical to elevate any human tradition to a level where it forces a pastor to violate the clear commands of Christ by needlessly exposing a child to ongoing abuse or an early grave. C.F.W. Walther said that Christ will one day ask us, "Where are the children?"<sup>62</sup> If the church is to answer this question in a God-pleasing manner, we must rid ourselves of every theological construct that serves as an excuse to ignore the suffering of children. It is not our human traditions but rather the teachings of Christ that will save both the children and the church.

54. Vincent J. Felitti and Robert F. Anda, "The Relationship of Adverse Childhood Experiences to Adult Medical Disease, Psychiatric Disorders and Sexual Behavior: Implications for Healthcare," in Ruth A. Lanius, Eric Vermetten, and Clare Pain, *The Impact of Early Life Trauma on Health and Disease: The Hidden Epidemic* (Cambridge University Press, 2010).

55. It is, of course, a sin from which pastors and other Christians can repent and be forgiven.

56. Christian missionaries and religious orders have often played a critical role in developing systems of child protection in the U.S. See, John E.B. Myers, "A Short History of Child Protection in America," *Family Law Quarterly* 42 (2008): 449–463; John E.B. Myers, *A History of Child Protection in America* (2004).

57. Theodore P. Cross, Betsy Goulet, Jesse J. Helton, Emily Lux, and Tamara Fuller, "What Will Happen to This if I Report? Outcomes of Reporting Child Maltreatment," in Ben Mathews and Donald C. Bross, eds, *Mandatory Reporting Laws and the Identification of Severe Child Abuse and Neglect*, (New York: Springer 2015).

58. Professor John Schuetze writes: "Some pastors resent, even reject, the idea they are mandated reporters of child abuse. Instead, we as pastors should thank God for this law and embrace it. This law reflects God's law. This law tells us to do what God would have us to. Jesus cared deeply for children, even as he cared for all. Jesus recognized that children were valuable and vulnerable. That is why he spoke the strong warning in Matthew 18:6." Schuetze, "Pastoral Theology Brief," 228.

59. Victor I. Vieth, *On this Rock: A Call to Center the Christian Response to Child Abuse on the Life and Words of Jesus* (Eugene, Ore.: Wipf & Stock, 2018), 12–16.

60. W.A. Strange, *Children in the Early Church* (Eugene, Ore.: Wipf & Stock, 2004), 46.

61. Vieth, *On this Rock*, 35–37.

62. C.F.W. Walther, *For the Life of the Church: A Practical Edition of Pastor Walther's Prayers and Addresses* (St. Louis: Concordia, 2011).