

2011

When the Child Abuser Has a Bible: Investigating Child Maltreatment Sanctioned or Condoned by a Religious Leader


Basyle Tchividjian

Liberty University, btchividjian@liberty.edu

Victor Vieth

National Child Protection Training Center, vvieth@ncptc.org

Follow this and additional works at: http://digitalcommons.liberty.edu/lusol_fac_pubs

 Part of the [Criminal Law Commons](#), [Criminal Procedure Commons](#), [Law and Psychology Commons](#), [Religion Law Commons](#), and the [Sexuality and the Law Commons](#)

Recommended Citation

Tchividjian, Basyle and Vieth, Victor, "When the Child Abuser Has a Bible: Investigating Child Maltreatment Sanctioned or Condoned by a Religious Leader" (2011). *Faculty Publications and Presentations*. 53.

http://digitalcommons.liberty.edu/lusol_fac_pubs/53

This Article is brought to you for free and open access by the Liberty University School of Law at DigitalCommons@Liberty University. It has been accepted for inclusion in Faculty Publications and Presentations by an authorized administrator of DigitalCommons@Liberty University. For more information, please contact scholarlycommunication@liberty.edu.

When the Child Abuser Has a Bible: Investigating Child Maltreatment Sanctioned or Condoned by a Religious Leader¹

Victor I. Vieth²
Basyle Tchividjian³

*“How many whacks is irrelevant,
you might need 100 stripes, that’s what the Bible speaks about.”*
--Independent Fundamental Baptist pastor’s sermon⁴

Introduction

In many cases of child sexual and physical abuse, perpetrators use religious or spiritual themes to justify their abuse of a child.⁵ Although no known religion in modern culture suggests that sexual abuse is condoned or taught as part of its tenets, some church leaders engage in conduct suggesting the child is equally, if not more to blame than the perpetrator, while also urging immediate reconciliation between the perpetrator and victim. In more than one case, pastors have asked children to confess their own “sins” in being sexually abused and have even required children to “confess” in front of an entire congregation.⁶ Even more frequently, pastors and other church workers mandated to report instances of child maltreatment simply ignore the law and take concerted efforts to keep the matter “in house.”⁷

With respect to the physical abuse of children, some faith traditions continue to sanction physically striking a child as a means of discipline.⁸ In recent weeks, there has been national press coverage of those within certain faith communities who advocate violence toward children that in most jurisdictions is considered to be criminal conduct. This includes advocating for a “hundred” blows if necessary and sanctions the striking of babies for “selfish” or “willful” crying.⁹ In some cases, children have died at the hands of parents administering “discipline” recommended from religious leaders.¹⁰

Although the rights of parents to provide spiritual instruction to their children are fundamental under our constitution, physical and sexual abuse that is perpetrated in the name of religion is not protected, and is actually prohibited by law. The United States Supreme Court has said “when state action impinges upon a claimed religious freedom, it must fall unless shown to be necessary for or conducive to the child’s protection against some clear and present danger...”¹¹

Accordingly, the government has the right to intervene, and to prosecute cases of child maltreatment even when such maltreatment is rooted in religious beliefs.¹² Pastors and church leaders who fail to report known cases of child abuse or otherwise aid and abet the ongoing abuse of children may face criminal charges.¹³

This article contains seventeen tips to assist law enforcement officers and other multi-disciplinary team members investigating cases of child abuse condoned and, in some cases, actually sanctioned by a pastor or other church leader. The authors recognize this issue may arise in many religious contexts. However, this paper is primarily focused on abusive practices taking place in some Christian environments, and is based on the authors work in investigating or prosecuting abuse within these institutions.

Seventeen tips for investigators

1. Review penitent privilege and other potential legal issues with the prosecutor prior to commencing the investigation.

In some states, various laws and privileges may make a criminal investigation of a church leader more challenging. If the investigator is not fully aware of these laws and legal issues, review them with a prosecutor well-versed in the subject.

Although some states may have laws or court rules recognizing that certain communications between an ordained minister and a penitent are confidential, these states often have exceptions if the communication pertains to child maltreatment.¹⁴ It is equally important to determine who has the authority to waive the privilege. Generally speaking, penitent privilege is designed to protect the confidences of the penitent, not the clergy person. Accordingly, if the child victim or even a child abuser waives any confidentiality concerning communications with a church leader, the government may be able to access these communications, and any documents generated as a result.

It is also important to review the state criminal code on aiding and abetting criminal conduct, before or after the fact, as well as state law on conspiracy to commit criminal activity. In many instances, the pastor or church leader may not have directly committed the criminal conduct but will have encouraged or provided instruction on the commission of the criminal conduct.

It is equally important to review the state mandated reporting law. If the pastor is a mandated reporter and failed to report instances of child physical or sexual abuse to the authorities, this conduct is criminal in many states.

Finally, review state laws pertaining to emotional abuse. Although these statutes are rarely enforced, many states prohibit egregious conduct that inflicts mental harm on a child. For example, forcing the child to publicly or even privately confess responsibility for being sexually abused may violate the law in some states.¹⁵

2. Understand the general dynamics of secrecy in a particular religious setting.

In many churches condoning or sanctioning violations of the criminal law, there are numerous steps taken to disengage the church from the local community. Even when parishioners interact

with the general public, some pastors stress the importance of maintaining distance from those outside of the church community. In one instance, a pastor teaching that babies must be struck with dowel rods urged parents not to physically strike infants at Walmart or in public settings simply because others outside the church “may see this as abuse.”¹⁶

3. Understand that faith issues are often distorted and manipulated in order to coerce victims to submit to abuse.

Child abuse within religious environments is often carried out by those who use common scriptural terms and twist their meaning to accomplish and justify their criminal acts. For example, physical and/or sexual abuse may be justified as a necessary expression of “God’s love.” Thus, the victim is manipulated into believing that such criminal conduct is condoned by God and therefore acceptable. These environments also tend to be very legalistic, whereby children are taught that God’s approval of them is based upon their “good behavior,” which is usually determined by their obedience to the very adults who inflict the abuse. It is critical to understand these dynamics when approaching and interviewing children and adults living in such an environment. Oftentimes, they will initially be very defensive of the abuse and the abusers because they have been conditioned that such behavior has been ordained by God. Wes Stafford, who endured physical and sexual abuse at a Christian boarding school, writes:

The boarding school staff abused us in every way a child can be abused—not only physically and emotionally but spiritually as well. We were terrified of their powerful and vengeful God, reminded daily that we were little sinners in the hands of their angry God.¹⁷

4. Understand the unique spiritual blocks and problems the child victim may have.

A child who has been forced to “confess” her sins to a pastor or congregation will likely accept that he or she is responsible for her abuse and may be worried about the wrath of God if she cooperates with a governmental investigation. Some child abuse victims have been “shunned”—a period of forced isolation as a means of discipline or to otherwise reinforce the belief the child is actually to blame for his or her own abuse.¹⁸

Given familial, religious and societal pressures to be strong, some boys may be reluctant to acknowledge abuse out of fear of being labeled weak. C.S. Lewis notes this was a factor in his reluctance, and the reluctance of his classmates to disclose the physical and emotional abuse inflicted at their boarding school:

Vanity helped to tie our tongues...A boy home from school...would hate to be thought a coward and a crybaby, and he cannot paint a true picture of his concentration camp without admitting himself to have been for the last thirteen weeks a pale, quivering, tear-stained, obsequious slave.¹⁹

Accordingly, the forensic interviewer may need to spend additional time in building rapport, offering reassurance, and in otherwise earning the trust of the victim.²⁰ The MDT will need to select a mental health professional competent to address the child's emotional and spiritual injuries.²¹

5. Understand that exploitation of authority is at the heart of abuse perpetrated and/or ignored by those within the faith community.

From the earliest age, children are taught to respect and obey their elders. Unfortunately, abusive church leaders often distort their role and authority by claiming to speak for God. This type of environment provides no accountability for those in leadership. This form of authoritarian control tends to cultivate over time and usually results in an environment where; 1) leadership is unresponsive to concerns raised by parishioners regarding suspected abuse; 2) reporting abuse to outside authorities is discouraged or even prohibited, and; 3) adults are openly valued more than children. Such environments produce parishioners (adults and children) who are initially unwilling to report criminal behavior and are uncooperative with criminal investigations. Investigators must make every effort to communicate with these individuals away from their authoritarian leaders with the understanding that it will take patience and time to gain their trust.

6. Look for church records.

Increasingly, pastors and other church leaders use social media in spreading their message.²² Accordingly, examine church websites, Facebook pages and other sites for sermons or other messages relating to a case of child abuse. If, for example, a parent who beats his baby with a dowel rod says this was taught in church sermons or parenting classes, obtain any recordings of these messages. If there are no recordings, ask the pastor if he has a written copy of the sermon or sermons. If this form of "discipline" was taught as part of a parenting class, obtain all records and course materials.

If a child abuse issue has been brought to a church council or otherwise addressed within the church body, obtain any minutes of the meeting and interview anyone who may have been in attendance. These witnesses may have significant knowledge about the abuse, the parties involved, and the role of a religious leader in protecting an abusive party, and in ostracizing a child victim.

7. Determine the absence of church child abuse policies.

A growing number of churches have policies in place to protect children. These policies may include background checks, limiting or excluding situations in which a church worker or volunteer is alone with a child, and some sort of training on child abuse for those working with children.²³ However, churches that condone or sanction abusive behavior will usually not have taken the time to develop or implement child protection policies. Documenting this absence

may assist an eventual jury in seeing that a particular religious leader was fully aware that the policies he was promoting violated state law—and he and other church leaders had no intention of confronting known or potential child abusers.

8. Explore the educational background of the religious leader.

Some church leaders have received little or no formal Bible education (Bible School, Divinity School or Seminary) and thus have never studied scripture in its original Hebrew or Greek languages or otherwise mastered the very scriptures they are citing in support of abusive practices. Obtaining this information, as part of the interview or interrogation of a religious leader, may help an eventual jury understand why it is the pastor or church leader could stray so far from generally accepted interpretations of scripture and could otherwise establish him or herself as the definitive source of knowledge on all things related to God.²⁴ This information may also be relevant to determining whether the pastor or church worker is properly ordained or is otherwise leading a recognized church for which penitent privilege and other legal rights pertain.

9. Look for evidence documenting whether the criminal behavior is a result of the religious leadership's uniquely held beliefs.

When a religious leader expounds extreme views—such as hitting infants for “selfish crying”—it is helpful to establish that these views are uniquely held by the pastor and/or local church leadership being investigated. Many churches are part of a larger body of churches which make up a denomination.²⁵ Each denomination has certain governing rules and leadership structures that each church must follow. Furthermore, most denominations have some degree of centralized authority that is exercised from its headquarters. The investigator should always contact the denominational headquarters to assist in determining if such positions are endorsed by the denomination or whether they are simply the result of the peculiar beliefs of the local church.²⁶ Non-denominational churches are those that do not have any formal association with other churches and are usually not subject to any form of central authority. Since non-denominational churches do not have a centralized leadership structure that can be contacted, the investigator should attempt to communicate with the religious or educational institutions the leader has attended to determine if they have taught, currently teach, or in any way adhere to these extreme views. If the investigator can establish that the educational institutions the leader has attended condemn particular views, it becomes much easier to establish that a religious leader's views are distinct from mainstream religious views—including those who taught him theology.

10. Check with prior congregations that have been served by members of the church leadership.

Many pastors and staff have served numerous congregations and, in some cases, a congregation removes them because of their unbiblical teachings or behavior. Accordingly, it is important to ask where else the church leader/s may have served and then contact church elders, leaders, and/or congregation members of those churches. In some cases, the investigator will be able to

show a pattern of an individual who is out of control in his teaching and practices. This evidence will assist the prosecutor in proving that a particular leader was not practicing religion—he was practicing child abuse in the name of religion.

11. Look close to home for evidence of abuse

Leaders who espouse beliefs that foster abusive church environments often practice these beliefs in their own home. In his autobiography, C.S. Lewis describes a childhood boarding school as a “concentration camp”²⁷ and notes that the headmaster’s physical and emotional cruelties were also inflicted on his own family.²⁸

Investigators must make every attempt to contact and interview family members of the suspect. As in most abuse cases, the family members who no longer live under the same roof as the perpetrator will often be the most willing to disclose the abusive home environment. Joy Davidman (the wife of C.S. Lewis) found that after she left Douglas Gresham (an abusive first husband) that she was able to confront him and to protect her children. Davidman wrote Gresham: “It must be a great surprise to you that I now have such powers of resisting your commands and persuasions. Throughout our marriage you could always make me knuckle under one way or another, and I’m sure you find difficulty in understanding that them days are gone forever.”²⁹

Just as Davidman and her children³⁰ were able to speak of their terror once separated from the abusive party, investigators may find that family members who have some distance from an abusive religious leader will likewise be able to speak more freely. Oftentimes, investigators will discover a common thread between the pastor’s spiritual rhetoric, his behaviors at home, and the behaviors replicated in other church families.

12. When interrogating a religious leader, be prepared to play in his ball field.

Perhaps the most famous, and one of the most effective cross-examinations in history, was Clarence Darrow’s cross examination of William Jennings Bryan in the “Scopes Monkey Trial.”³¹ Darrow, an agnostic, understood the value in using scripture itself to undermine the religious tenets espoused by William Jennings Bryan.³² Investigators and prosecutors confronting a religious leader using scripture to justify their conduct will gain little traction in citing child maltreatment laws or other “secular” institutions or regulations—but religious leaders are oftentimes very willing to discuss the biblical basis for their conduct and teachings. It is important for investigators to realize that the church leader will most likely have a greater familiarity of scripture and thus will attempt to use such knowledge to manipulate its meaning to justify and/or explain the abusive behavior. Prior to the interview, the investigator should seek out the opinions of local clergy and biblical academics who can provide insight to the precise scripture passages the investigator expects to address in the interview with the church leader. It will also be helpful to find out what translation of the Bible the religious leader is using. If the suspect cites a passage from scripture, the investigator will want to be able to read the passage in

the same translation the suspect uses. It is crucial that the investigator remember the objective is not to win a theological argument, but to simply expose the leader's condoning or sanctioning of criminal behavior.

As an example of possible investigative questions to pose, consider these:

Pastor, you told us the Bible requires parents to discipline their children with a rod. In Proverbs 13:24 it states "He who spares the rod hates his son, but he who loves him is careful to discipline him." Is that the verse you are relying on in support of hitting children with a rod? What does it mean when the verse says to be "careful" in disciplining a child? Is there anything in that verse, or any other part of scripture, that teaches the necessity of hitting babies? Is there anything in scripture that teaches where on the body a baby should be hit? That teaches a child's clothes should be removed and it is the bare bottom that needs to be hit? That it is acceptable to cause injuries or even draw blood? Are there other theologians or religious leaders at the university you attended or at the other churches you served who would disagree with you? Why would they disagree? Is it possible they may be right?

Are you familiar with the passage in Luke 17:2 whereby Jesus says, "It were better for him that a millstone were hanged about his neck, and he cast into the sea, than that he should offend one of these little ones"? Would you agree that Jesus has some extremely harsh words for those who hurt children? Do you believe Christ's words are applicable to the man who sexually assaulted this girl? Do you think it is possible that blaming the child for "seducing" the adult into a sexual relationship may also cause that child hurt?³³

Questions along these lines will force the religious leader to justify his teachings and practices and will either force him to back away from his words and conduct—or will expose the extremity of these views. For example, there simply is no verse in the Bible explicitly stating that babies should be hit with dowel rods, or that children are responsible for being sexually assaulted. Advocating for such positions will expose the leader's self-created doctrines which will be very clear to anyone who subsequently listens to the interview with the religious leader.

13. Explore the concept of "submission" during the investigation.

If the pastor or church leader justifies abusive conduct toward women and children in the congregation by citing Bible verses pertaining to submission,³⁴ it may be helpful to discuss his views on portions of scripture requiring church leaders to submit to the government.³⁵ As one example as to how this might work, consider the following set of questions:

Pastor, in the book of Romans, it states: "Everyone must submit himself to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God. Consequently, he who rebels against the authority is rebelling against what God

has instituted, and those who do so will bring judgment on themselves.”³⁶ Do you agree with the teaching contained in this verse? Are you aware that it is a crime to have sexual contact with a child? Are you also aware that you are required to report to the authorities whenever you have a reasonable suspicion that a child has been sexually abused? Accordingly, when you failed to report the abuse of this child to the police, you not only violated state law, you violated the teachings of your own church?

14. If the religious leader cites materials or sources outside of the Bible—find them.

A religious leader teaching that infants should be struck for “selfish crying” or who advocates any other unlawful behavior towards children will often cite non-scriptural resources such as “parenting books” or pamphlets, which are loosely based upon unconventional and warped interpretations of particular biblical passages.³⁷ For example, one survivor of child physical abuse explained that her parents precisely followed the disciplinary techniques contained in a book written by Roy Lessin.³⁸ The victim describes the procedures used as follows:

My first spanking was when I was six months old. My mother spanked me for crying after she put me to bed. She had to spank me repeatedly to teach me not to cry when she put me down. I know about this incident because my mother used to tell all the new mothers about how young I was when she started spanking me. My last spanking occurred when I was thirteen years old. The Roy Lessin spankings that I remember most vividly took place between the ages of three and seven...My father would explain the reason for the spanking...I had already developed irritable bowel syndrome and would feel my guts cramp up with anxiety during his speech. Then he would ask me to take off my pants and underwear. I would feel deeply embarrassed because my father was not supposed to see me naked...The stick, paddle inscribed with Bible verses, or belt would swish violently through the air before slapping painfully...I would scream in pain and anguish...My parents were never concerned about the marks they left on my body...Pulling up my pants was incredibly painful...After we prayed, it was time for me to be happy. But my insides would be a mess...It would be a lesson I’d learn for life—being falsely happy regardless of how my body felt...³⁹

If a religious leader or parent informs the authorities that they discipline pursuant to a book or manual such as the Lessin book, it is important to obtain a copy of the book and ask the party inflicting or encouraging the abuse if the procedures taught in the publication were routinely followed or recommended in a particular home or church. Such a book is evidence that should be seized and turned over to the prosecutor. In essence, you have discovered a “how to” manual for abusing children.

When seizing the material, note its location and photograph it. Materials of this nature found in the pastor’s office closely connect him to the book. If the book or other materials are in the church library, determine if the pastor must review and approve all materials placed in the library. Also, check with congregation members to find out who has borrowed or checked out these materials. The investigator may be able to establish a

clear pattern of a church leader recommending these materials to particular families, and the children in these families being subjected to abuse.

15. Ask for a “demonstration.”

If a religious leader advocates hitting babies with a dowel rod, ask him to produce the rod and demonstrate the force he would recommend by striking a doll. Make sure to video record the “demonstration.” If the pastor strikes the doll with excessive force, this is evidence there are few, if any boundaries when inflicting blows. If, on the other hand, the pastor strikes the doll lightly, this may assist the prosecutor in establishing the pastor’s beliefs are disingenuous. After all, if a baby has bruising or other injuries, it likely required a blow more significant than a light tap.

If a pastor claims that infants should be hit for “selfish crying,” show him some video or audio tapes of infants crying and ask him to distinguish between needful and “selfish” cries. It is critical to record the pastor’s attempts to distinguish or explain these various cries. This will likely be powerful evidence that there is little rhyme or reason to the pastor’s teachings.

16. Confront the religious leader with evidence.

Generally speaking, confronting a suspect with physical evidence increases a chance for a confession.⁴⁰ If the investigator has physical evidence of children being abused in a congregation, such as photographs of bruises or other injuries, it may be helpful to confront the religious leader with these photographs and ask him if the injuries depicted are excessive. If the leader says no, it is evidence that he does condone excessive discipline in violation of the state’s penal code. If the leader acknowledges the injuries are excessive, he is conceding that some of his church members have violated the law.

17. Objectivity and respectfulness is critical.

An investigator should not assume that everyone in a particular congregation agrees with the pastor’s views or conduct. In addition to the children abused, there may be parents or others who are skeptical but may be afraid to speak out because they fear ostracism or are worried about damaging the church. Accordingly, an investigator who remains respectful of religious views during the course of the investigation is more likely to find witnesses willing to speak with him or her. Although the nature of the crime will necessarily involve a discussion of theology, the investigator must be mindful that his role is to collect evidence—not to reform a particular church.

An investigator may want to attend worship services or otherwise make him or herself available at public gatherings of the congregation. The investigator should freely distribute his card and otherwise express his concern about the welfare of children. Making himself known as a resource to the entire congregation increases the chance the investigator will receive a phone call, perhaps in the middle of the night, from a worried parent or parishioner who believes that children are being abused—and that can lead the investigator to evidence.

Conclusion

Martin Luther called service to children a “noble deed” and went so far as to say “when a father goes ahead and washes diapers or performs some other mean task for his child... God, with all His angels and creatures, is smiling...”⁴¹ There is no doubt that, throughout the centuries, countless men and women of faith have acted lovingly toward their children.

At the same time, it has always been the case that some parents, teachers and faith leaders purposely distort religion to physically, sexually, emotionally and spiritually abuse children. Although the religious beliefs of Americans are free from interference from the government, acts of child abuse are not protected. Those who commit or sanction these criminal acts may not escape prosecution simply because the perpetrator claims his conduct is rooted in a religious principle.

¹ The authors thank Stephanie Smith, Regional Director of the National Child Protection Training Center; Michael Johnson, Director of Youth Protection for the Boy Scouts of America and former child abuse detective; and Amy Russell, Deputy Director of the National Child Protection Training Center, for their helpful comments and suggestions for this article.

² Director, National Child Protection Training Center, Winona State University.

³ Professor Tchividjian is a former child abuse prosecutor from Florida who currently teaches *Child Abuse and the Law* and several other courses at Liberty University School of Law. Professor Tchividjian also serves as Executive Director of GRACE (Godly Response to Abuse in the Christian Environment), www.netgrace.org

⁴ This quote is excerpted from a sermon shown as part of the ABC News 20-20 episode *Shattered Faith*. The episode appeared on April 8, 2011 and can be accessed online at: <http://abcnews.go.com/2020/> (last visited April 12, 2011).

⁵ See Victor I. Vieth, *When Faith Hurts: Overcoming Spirituality Based Blocks and Problems Before, During and After a Forensic Interview*, 10(2) CENTERPIECE (2010).

⁶ See 20-20 ABC News, *Shattered Faith*, available online at: <http://abcnews.go.com/2020/> (last visited April 12, 2011) (detailing sexual and physical abuse inside Independent Fundamental Baptist Churches).

⁷ For example, NCPTC consulted on a case in which a young child told a church worker that his mother was forcing him to sit in a chair while she hit him with cans of food. The principal of the church school declined to follow the state’s mandated reporting law out of concern that a report would negatively impact the family.

⁸ For example, commentary to the Lutheran Study Bible states, “The Bible approves of corporal punishment. However...it does not envision the sort of abuse that would maim or kill a child, but rather it promotes discipline that instructs.” THE LUHERAN STUDY BIBLE, 1033 (2009 Concordia Publishing House) (commenting on Proverbs 22:15: “Folly is bound up in the heart of a child, but the rod of discipline drives it far from him.”) However, in discussing Proverbs 10:13 (“...a rod is for the back of him who lacks sense”), the same Bible commentary suggests the term rod is simply a reference to the type of governmental punishment used at the time the proverbs were written and should not be taken literally. Specifically, the commentators conclude: “Flogging was a common form of punishment. The ceremonial scepter held by rulers symbolized their authority to judge and discipline. Children are best ‘trained with kindness and delight. For children who must be forced with rods and blows will not develop into a good generation.”” *Id.* at 1010 (citing Luther’s Large Catechism). In discussing Proverbs 13:24 (“Whoever spares the rod hates his son.”) another bible commentary states, “Taking into account all of the teaching of Proverbs, physical discipline of a child must never be severe....” ESV STUDY BIBLE, (2008 Crossway Publications). Though biblical commentators and theologians have disagreed for centuries about what scripture says about the physical discipline of children, there is little disagreement that the Bible condemns excessive physical force against a child.

⁹ In some Independent Fundamental Baptist churches, parishioners have been taught that babies sometimes have a “cry of the will” that must be broken. See 20/20 ABC News, *Shattered Faith*, available online at: <http://abcnews.go.com/2020/> (last visited April 12, 2011); See also, Rose French, *Wisconsin church members are accused of child abuse*, MINNEAPOLIS STAR TRIBUNE, March 25, 2011, available online at www.startribune.com (last visited April 12, 2011) (detailing the arrest of church leaders advocating that babies as young as 1 ½ months are “worthy” of physical blows from a “rod.”)

¹⁰ See also, Alicia Bayer, *Couple Pleads guilty in “No Greater Joy” Beating death of child*, April 9, 2011, available online at: <http://www.examiner.com/attachment-parenting-in-mankato/couple-pleads-guilty-no-greater-joy-beating-death-of-child> (last visited April 18, 2011) (detailing the beating to death of a child whose parents were following the parenting advice contained in the book “Train Up a Child” which is widely distributed in some Christian circles).

¹¹ *Prince v. Massachusetts*, 321 U.S. 158, 166-167 (1944).

¹² JOHN E.B. MYERS, EVIDENCE IN CHILD ABUSE AND NEGLECT CASES SECT. 4.22 (1997).

¹³ See generally, Victor I. Vieth, *Passover in Minnesota: Mandated Reporting and the Unequal Protection of Abused Children*, 24(1) WILLIAM MITCHELL LAW REVIEW 131, 139 (1998) (discussing the mandated reporting obligations of clergy); See also, *More Shame*, available at www.nytimes.com (February 14, 2011) (Philadelphia District Attorney brings criminal child endangerment charges against a senior church official for covering up abuse.)

¹⁴ See generally, United States Department of Health and Human Services, *Clergy as Mandated Reporters of Child Abuse and Neglect: Summary of State Laws* (2010) available online at:

http://www.childwelfare.gov/systemwide/laws_policies/statutes/clergymandated.pdf (last visited April 12, 2011).

¹⁵ See generally, Victor I. Vieth, *When Words Hurt: Investigating and Proving a Case of Psychological Maltreatment*, 2(1) REASONABLE EFFORTS (2004) (available online at www.ndaa.org).

¹⁶ This is a case for which the National Child Protection Training Center provided technical assistance.

¹⁷ Wes Stafford, *A Candle in the Darkness*, CHRISTIANITY TODAY (May 2010) (available online at: <http://www.christianitytoday.com/ct/2010/may/9.23.html>) (last visited April 15, 2011).

¹⁸ In a case in which church leaders were charged with physically abusing children, one of the defendants told investigators that he “does not allow his family to communicate with people outside his religious beliefs and has punished his wife and son by confining them to their rooms until they corrected their disobedience.” Lisa Holewa, *Wisconsin Church Members Charged with Abusing Infants*, AOL News, March 26, 2011, available online at www.aolnews.com (last visited April 12, 2011).

¹⁹ C.S. LEWIS, SURPRISED BY JOY 31 (1955).

²⁰ See Victor I. Vieth, *When Faith Hurts: Overcoming Spirituality Based Blocks and Problems Before, During and After a Forensic Interview*, 10(2) CENTERPIECE (2010).

²¹ Many abused children suffer spiritual injuries as a result of abuse. See Lawson, Drebing, Berg, Vincellente & Penk, *The Long Term Impact of Child Abuse on Religious Behavior and Spirituality*, 22(5) CHILD ABUSE & NEGLECT 369 (1988); Barbara R. McLaughlin, *Devastated Spirituality: The Impact of Clergy Sexual Abuse on the Survivor’s Relationship with God*, 1(2) SEXUAL ADDICTION & COMPULSIVITY (1994). For a discussion of the importance of addressing spirituality in treatment, as well as the ethical challenges, see John C. Gonsiorek, et al, *Ethical Challenged and Opportunities at the Edge: Incorporating Spirituality and Religion Into Psychotherapy*, 40(4) PROFESSIONAL PSYCHOLOGY: RESEARCH AND PRACTICE 385 (2009).

²² The aforementioned 20/20 episode including a number of video and audio clips of IFB pastors delivering sermons or other instruction on physically assaulting children. These clips were taken from IFB websites or other social media. Comments appearing on these sites included:

- “You must not think that girls do not need as much spanking as the boys.”
- “The nerves need to be affected without tearing down the tissue of the buttocks.”
- “How many whacks is irrelevant, you might need a hundred stripes, that’s what the Bible speaks about.”
- “What you use on an infant, I trust you are not using on your 15 year old son.”
- “If you’re not bruising your child at times, you’re not spanking the child enough.”

²³ Sample church child protection policies can be found in STEVEN R. TRACY, MENDING THE SOUL 198-216 (2005).

²⁴ The concept of religious leaders abusing their power in a cultish manner is nothing new. Martin Stephan was a member of the clergy who led an immigration to America in 1838, an immigration that eventually led to the founding of the Lutheran Church-Missouri Synod. However, Stephan was dismissed by a church council for “sexual immorality” with parishioners. AUGUST R. SUEFLOW, THE LIFE AND MINISTRY OF CFW WALTHER, SERVANT OF THE WORD 50-52 (2000).

²⁵ Some examples of denominations are, Lutherans, Presbyterians, Baptists, Methodist, Assemblies of God, Church of God, Church of Christ, Episcopalians.

²⁶ Most denominations and seminaries condemn abusive practices. In responding to the numerous reports of child abuse in fundamental Baptist circles, the president of Central Baptist Theological Seminary of Minneapolis, writes: “What is being exposed within fundamentalism is heinous. Pastors, missionaries, and deacons have preyed upon the powerless. Even worse, Christian leaders and Christian organizations have covered up the commission of these crimes. The effect has been to protect the perpetrators. Those who have suffered the most—the victims—have been denied justice and have seen their abusers keep their freedom, their livelihoods, and sometimes even their positions of leadership.” Kevin T. Bauder, *Responding to the Scandal*, IN THE NICK OF TIME (the newsletter of Central Baptist Theological Seminary of Minneapolis, April 15, 2011) (available online at:

<http://centralseminary.edu/resources/nick-of-time/324-responding-to-the-scandal>) (last visited April 18, 2011).

²⁷ In describing the “incessant” school room beatings of a particular boy, Lewis writes “I have seen Oldie make that child bend down at one end of the schoolroom and then take a run of the room’s length at each stroke; but P. was the trained sufferer of countless thrashings and no sound escaped him until, toward the end of the torture, there came a noise quite unlike a human utterance. That peculiar croaking or rattling cry, that, and the gray faces of all the other boys, and their deathlike stillness, are among the memories I could willingly dispense with.” C. S. LEWIS, *SURPRISED BY JOY* 27 (1955).

²⁸ Concerning the family life of his headmaster (nicknamed “Oldie”), Lewis writes: “Oldie lives in a solitude of power, like a sea captain in the days of sail. No man or woman in that house spoke to him as an equal...His wife, though I think she never addressed Oldie, was allowed to make something of a reply to him; the girls—three tragic figures, dressed summer and winter in the same shabby black—never went beyond an almost whispered ‘Yes, Papa’ or ‘No, Papa’ on the rare occasions they were addressed.” C. S. LEWIS, *SURPRISED BY JOY* 26 (1955).

²⁹ DON W. KING (ED), *OUT OF MY BONE: THE LETTERS OF JOY DAVIDMAN* 205 (2009).

³⁰ Even as she was dying, Davidman was strong enough to explain why Gresham would never again have custody of the children: “Let’s skip the minor reasons why you are unfit to have the boys—your history of alcoholism, neuroses, sexual and financial irresponsibility, etc; apparently you don’t think they matter....But there is one thing you won’t be able to brush aside; the boys both loathe you...During the years we lived together I tried constantly to defend you to them—‘Daddy’s not himself today’—and so on. After we separated...I was startled myself by the fear and terror they felt...It took hard work on my part to keep them civil to you. On one occasion I took a knife away from David, who was prepared to use it in my defense.” *Id.* at 314.

³¹ EDWARD J. LARSON, *SUMMER OF THE GODS: THE SCOPES MONKEY TRIAL AND AMERICA’S CONTINUING DEBATE OVER RELIGION AND SCIENCE 187-191* (1997).

³² *Id.*

³³ One fundamental Baptist seminary president writes “we must reject any temptation to blame the victims. An adolescent of thirteen or fourteen in an unequal match for an adult of thirty, especially if the adult is wrapped in the mantle of authority. Yes, the adolescent ought to know what is right and wrong—but our job is protect youngsters from having to make adult choices. They are not prepared for those choices, and we must not treat them as if they are.” Kevin T. Bauder, *Responding to the Scandal*, IN THE NICK OF TIME (the newsletter of Central Baptist Theological Seminary of Minneapolis, April 15, 2011) (available online at:

<http://centralseminary.edu/resources/nick-of-time/324-responding-to-the-scandal>) (last visited April 18, 2011).

³⁴ See e.g. Ephesians 5:22-23: “Wives, submit to your husbands as to the Lord. For the husband is the head of the wife as Christ is the head of the church.” (New International Version).

³⁵ See e.g. Romans 13:1-2: “Everyone must submit himself to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God. Consequently, he who rebels against the authority is rebelling against what God has instituted, and those who do so will bring judgment on themselves.”

³⁶ Romans 13:1-2 (New International Version).

³⁷ See generally, MICHAEL AND DEBI PEARL, *TO TRAIN UP A CHILD* (1994) (advocating the physical discipline of children, including physically striking infants). See also, Alicia Bayer, *Couple Pleads guilty in “No Greater Joy” Beating death of child*, April 9, 2011, available online at: <http://www.examiner.com/attachment-parenting-in-mankato/couple-pleads-guilty-no-greater-joy-beating-death-of-child> (last visited April 18, 2011) (detailing the beating to death of a child whose parents were following the parenting advice contained in the Pearl book).

³⁸ ROY LESSIN, *SPANKING: WHY WHEN HOW?* (1979).

³⁹ Beth Fenimore, *How Spanking Changed My Life*, available at: www.DrMomma.org (last visited April 12, 2011)

⁴⁰ See generally, Tonya Lippert, Theodore P. Cross, Lisa Jones, and Wendy Walsh, *Suspect Confession of Child Sexual Abuse to Investigators*, 15 *CHILD MALTREATMENT* 161 (2010).

⁴¹ JOHN F. THORNTON & SUSAN B. VARENNE (EDS), FAITH AND FREEDOM: AN INVITATION TO THE WRITINGS OF MARTIN LUTHER 250 (2002) .