



Symposium: Buddhism and Sexual Abuse

The Good, the Bad and the Ugly: Can the Legal System Bring Justice to Survivors of Sexual Abuse in Spiritual Communities?

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In this piece, Carol Merchasin reflects on her work as a lawyer investigating allegations of sexual misconduct and abuse in American Buddhist communities over a six-year period. She identifies the different barriers victim-survivors face in seeking accountability and justice such as victim-blaming, institutional deflection and structural bias in the legal system. She discusses why victim-survivors seek justice in the civil law system and how it can play an important role in their healing process. She also notes the importance of lawyers being trauma-informed and survivor-centered.

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IN 2018, I was a lawyer doing investigations into sexual misconduct in the workplace for companies in corporate America.¹ So when someone sent me an article about Buddhist Project Sunshine, which was alleging sexual misconduct in a Buddhist community called Shambhala, I contacted the woman who was heading up the project.

Leaning heavily on my experience working with businesses, I suggested she should ask Shambhala to begin an investigation into her claims. “They will want to do that,” I said.

“They won’t,” she replied. “They’ve stopped speaking to me.”

After a moment of hesitation, I agreed to conduct a pro bono investigation for her because I could not believe what I later came to understand—that corporate America is doing better dealing with sexual misconduct in its midst than Buddhist America.

Over the next four years, I conducted a number of investigations, expanding my scope from Buddhist communities to yoga ashrams and then to other groups. Each time I did the same—I investigated to see if the claims were credible. They were in every case. I utilized media to try to bring these stories to the public and put pressure on the organizations to change. I remained steadfast in the belief that if I just pointed out the obvious—that men and women were being harmed, there cannot be consensual sex when there is a power imbalance, that much of what was happening was actually illegal—I thought these organizations would immediately take steps to set things right and implement change. Because honestly that is what most of corporate America would have done.

Of course, none of that happened.

¹ Carol Merchasin retired from McAllister Olivarius on November 1, 2025, but still assists survivors of harm in Buddhist communities to find lawyers as needed.



I am not now quite as naïve as I was then. Repeated failure does that for you. Instead of fighting a completely losing battle, I went back into the practice of law— specifically litigating on behalf of people who have been sexually assaulted in spiritual communities. I thought that the big hammer of civil law was the tool that I needed to force change.

The truth is, sometimes it is, but not always.

For more than two years now, I have been leading a team of brilliant litigators and legal analysts. The result? There is good news and bad news. Indeed, some of the news goes beyond the bad into the ugly.

The Ugly

1. The system is an incredibly slow and unwieldy obstacle course.

I have a client who, a week after we filed her case, called and said, “Have they scheduled the trial yet?” Television and movies give us the magic of the “instant trial,” but it could be years and many legal maneuvers before a trial is on the horizon.

If we survive motions to dismiss our claims, there are depositions, discovery, and motions to keep our claims from going to trial, before we can get to trial. If we win, we might be tied up in appeals. If we win at appeal and finally get a judgment, we might have to execute on that judgement, which could take another year.

It is an incredibly frustrating process.

2. The civil justice civil is based on money.

Money is good and survivors deserve money for the harm caused by perpetrators and negligent organizations.

So, what’s ugly about money?

Some of these organizations have actually been harmed by the media coverage of their outrageous conduct. This means people may have left, reducing the organization’s financial resources. Some have their money overseas beyond our reach. Others lack insurance, and the true believers who remain refuse to contribute to the healing of people they feel have “ruined” their community. Instead, they raise money for lawyers to fight.

Then when clients do not get an amount of money that they feel is commensurate with the harm caused, it can feel like an additional defeat. The truth is Ugly: there is seldom an amount of money that will compensate for the harm.

3. The system is built on bias.

Almost sixty percent of state court judges are older white men, although they are only about thirty percent of the population.

While any person, young old, white or black, male or female can and should intellectually understand sexual assault, more than twenty percent of women will experience rape or attempted rape in their lives compared to under three percent of men. That reality affects how judges interpret and decide cases.

Many judges do not understand that coercion negates consent, that power makes consent impossible, and that just because an organization calls itself Buddhist and speaks the soft toned language of *Do No Harm* does not mean it is not inflicting unimaginable harm. So unimaginable that judges, no matter their gender, actually cannot imagine it.

4. *Non-disparagement agreements (or NDAs) silence survivors and protect perpetrators.*

NDAs are frequently sought as a way to protect the revered guru and the community.

Non-disparagement clauses silence survivors and protect perpetrators and their enablers. Unlike a non-disclosure clause, which bars a survivor from revealing particular facts, a non-disparagement clause bars negative statements about the other side, including statements that are true and matters that are already public. In coercive-control cases these clauses are frequently sought to shield the revered guru and the community from criticism. No one is forced to sign one to settle, but the alternative is rarely free: a survivor may have to accept less money or other trade-offs to keep the right to speak, and a refusal can end settlement discussions entirely, forcing a choice between silence and the risks of trial.

The Bad

1. *Organizations resist change—even when it costs them nothing.*

Survivors often want a settlement to include non-economic demands—changes, like having policies and practices to ensure that what happened to them doesn't happen to anyone else. You might think, as I did, that these changes would be easy to accept since they don't come with a big dollar sign. Given the risk of future claims, I would have guessed they would actually be welcomed. But, like me, you'd be wrong.

In a recent case, the leaders of the Buddhist organization knew their leader was raping women under the guise of a religious practice. As part of the settlement, we asked the Board to take a *Healthy Boundaries* class. This should have been an easy decision. It was a two-hour class. It cost \$50.

They refused, and we had no way to force them.

2. *Survivors often want their day in court.*

We see dramatic courtroom scenes where the bad guy is proven guilty by the valiant person on the witness stand. But not only does this seldom happen, the system itself isn't geared toward trial. It is geared toward making the parties settle. This is not always a terrible thing. Mediation, which is an alternative to a trial, can certainly be less traumatizing to our clients.

But mediation can create frustration and trauma when the spiritual community being sued doesn't have money—which is, see Ugly #2 above, one of the main things to get from the civil justice system. Also, members of spiritual communities are not always rational in their decision making. They live in a bubble of their own making, and unless their lawyer can burst that bubble, they cannot accept that their revered leader could be to blame—or if it did happen, it was a teaching. That makes them susceptible to bad decisions, like refusing to settle when they really don't have a good legal case. When that happens, we may have to go to trial even if the survivor does not prefer that.

The Good

Despite all the **ugly** and the just plain **bad**, there is good news for survivors in the civil justice system.

Martin Luther King said, "The moral arc of the universe bends slowly, but it bends toward justice." I believe that. Even when we lose a case, or do not get compensation that remotely matches the harm, we move a little closer toward awareness and accountability.

What does "bending toward justice" look like?

Judith Herman, in her book *Truth and Repair*, describes a course of recovery for survivors of sexual assault.

1. The survivor must create safety to recover from what she calls “the terror that reduced her to abject submission” (Herman 2023: 7). This requires agency—the ability to have control and make choices. Lawyers cannot always give clients control of the process, but we can educate them and give them choices as they go down the litigation path.
2. Survivors must revisit the past and grieve what has been lost, which for survivors of sexual abuse in spiritual communities is vast: their faith, their family, friends, community. Social support, like the Heartwood survivors’ group in Chicago, or Project Satya, a support group for survivors of Sivananda are key. Lawyers can also be trauma informed and understanding of the grieving process and we can weave that into the stories that we tell on behalf of survivors.
3. Survivors need to look to the future and share their stories. Not only to claim their narrative, but also to prevent others from suffering the same harm. When we file a complaint in court, it is the survivor’s story there publicly for anyone to see. Often just that brings some repair.
4. Finally, the last step may be to achieve some justice—holding the perpetrators and the organizations that enabled them accountable.

Can the civil justice system help survivors achieve that recovery?

Yes, to some extent. Having a team of lawyers who believe you and fight for you can aid in recovery. So can holding perpetrators and their enabling institutions accountable. So can recovering compensation.

Here is some **good** about the legal system from the voices of survivors:

- One client wrote on the day we filed her complaint in court. “It’s been a weird day... [A friend] was at a Peter Gabriel concert and sent me a video of him singing the song “Sledgehammer.” She said, ‘You’re the sledgehammer now’”
- “I’m without words to express how grateful I am that you cared enough to listen to me, because no one else ever did or wanted to.... I didn’t know how I’d feel confronting him, but I don’t think I could begin to really heal without taking this step.”
- “I’ve already won.” This from a client whose case was dismissed saying that “the win” was bringing him on his knees to the courthouse door.
- And a survivor who was able to bond with other survivors from the same organization, wrote, “I have been in floods of tears.... The acknowledgement that we were not alone, as I certainly thought I was for so many years... [made me cry].”

Final Thoughts

In spite of the **bad** and the **ugly**, for some, the legal process can be healing. Using a lawyer’s voice to break the silence is empowering; to know that you were not the only one can be therapeutic. Knowing that your lawyers believe you and will fight for you is the beginning of knowing that others should have believed you and fought for you all along. For some, bringing the all-powerful guru who raped you to the door of the courthouse on his knees is a win.

There is no one tool that will get justice for survivors. It takes media, journalists, podcasts, print media, and documentaries to help educate the people who might one day be on our juries. It takes academics doing research on sexual abuse in Buddhism and other religious traditions to educate politicians, lawyers, and judges. It takes people who can function as trial experts to educate juries. It takes therapists to help our clients manage the recovery process and litigation. Lawyers need all of these to successfully litigate for survivors.

But, ultimately, none of us can do anything without the survivors themselves—the ones who find the courage to let us walk this path with them. Together, we can make the world a better place for spiritual seekers.

References

Herman, Judith L. 2023. *Truth and Repair: How Trauma Survivors Envision Justice*. New York: Basic Books.