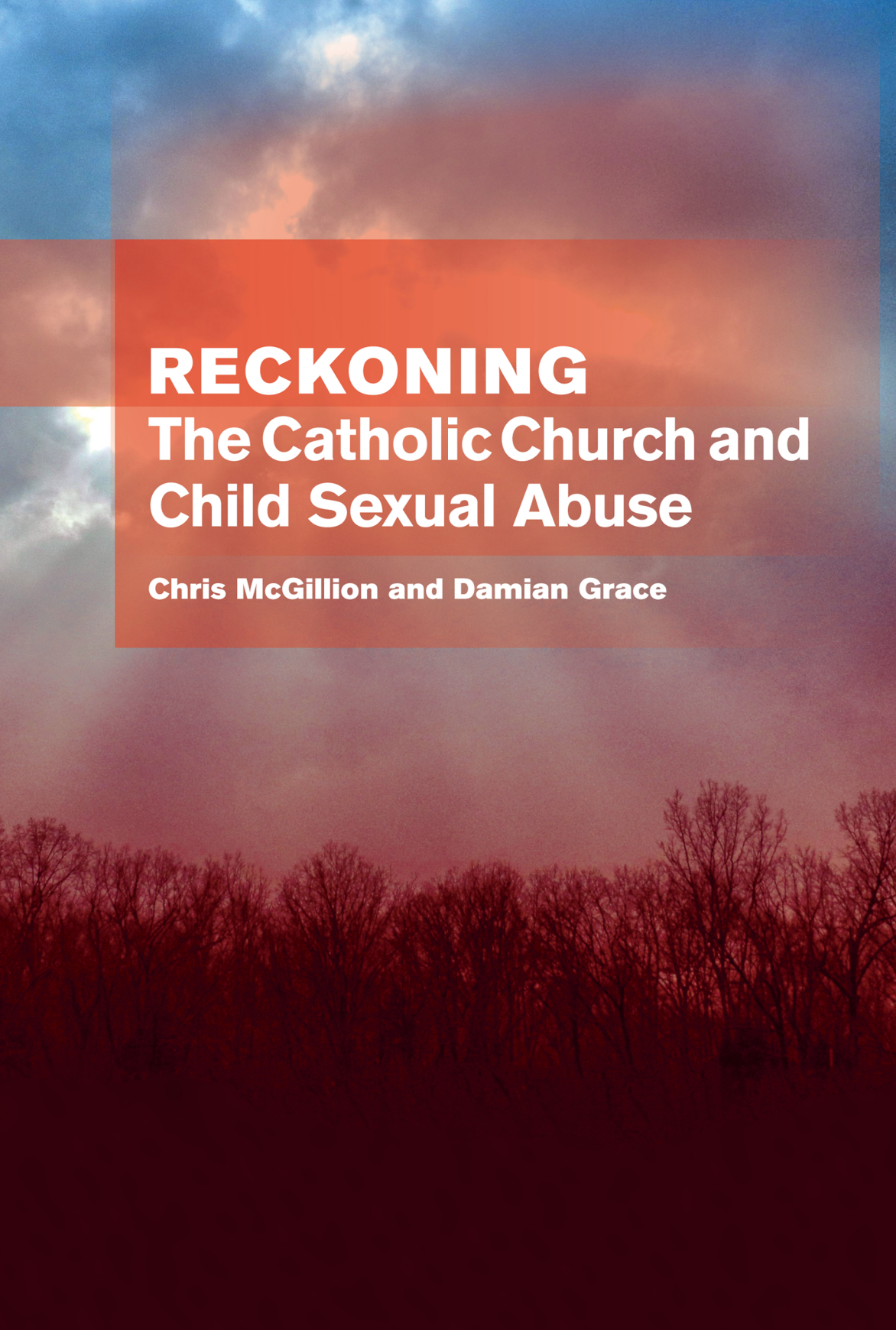




RECKONING

The Catholic Church and Child Sexual Abuse

Chris McGillion and Damian Grace

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Sexual Abuse**

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Introduction

The Catholic Church is the largest and most significant religious organisation in Australia. In the 2011 Census, almost five and a half million Australians identified themselves as Catholic—close to twenty-four percent of the total population and more than the number of Anglicans, Uniting Church members and Baptists combined. The Catholic Church is the biggest employer in the country aside from government. It educates one-fifth of the country's primary and secondary school students, runs several institutions of higher education, is a major provider of health services, aged care and welfare, and for the past 100 years has been one of the nation's leading political, social and cultural influences. This position of pre-eminence is now under threat as a result of the Church's response to cases of child sexual abuse by priests, religious and lay staff. At stake are not only the Church's financial resources but also the credibility of its leadership, its claims to moral authority, the reputation of its various institutions, and the attachment of its faithful. It is hardly alarmist to describe this as a time of unparalleled crisis for the Church but it is also one with potentially profound implications for the future complexion of Australian society.

Anyone who doubts the seriousness of the situation for the Church need only consider the impact the clerical sexual abuse scandal has had in other countries. In the United States, Catholic dioceses have paid out \$US3 billion in settlements to clerical sex abuse victims in the last twenty years and eleven dioceses

have filed for bankruptcy.¹ The Archdiocese of Los Angeles, the country's largest diocese with four million Catholics, is currently footing a \$US660 million bill in compensation as part of a 2007 settlement with 500 victims of child molestation by priests. The Archdiocese of Boston, which was rocked by a clerical sex abuse scandal in 2002, has been forced to pay \$US170 million to victims: Mass attendance since 2002 has dropped to just sixteen percent of the near two million Catholics in the Boston area and declining financial support has seen the closure of one-third of its parishes.² Apart from senior American clergy who have stood down over the abuse scandals, one—the former Archbishop of Los Angeles, Cardinal Roger Mahony—has been barred from public ministry while another—Bishop Robert Finn of the Diocese of Kansas City-St Joseph—has been convicted of failing to report suspected child abuse.³

In Ireland, the Church has lost any claim to moral integrity following decades of clerical sex abuse scandals and its poor record in dealing with them as revealed in several inquiries. The number of Irish Catholics regularly attending mass has declined and the number of new vocations has slowed to a trickle. In 2011, the Irish government even closed its embassy in the Holy See over the Church's failure to respond adequately to the abuse issue. A recent survey of religious affiliation in fifty-seven countries revealed that the drop in the number of people professing a belief in Ireland (down to twenty-two percent in 2011) was second only to the drop in numbers in Vietnam. Elsewhere in Europe, the Church is also reeling. In Germany alone, almost 200,000 Catholics are reported to have left the Church in 2010 in protest over the issue of clerical sexual abuse.⁴

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1. Laura Zuckerman, 'Montana Catholic Diocese Files for Bankruptcy in Abuse Settlement', in *Reuters*, 31 January 2014.
 2. Dan Whitcomb and Alex Dobuzinskis, 'Los Angeles Catholic Archdiocese Release Priest Abuse Files', in *Reuters*, 1 February 2013.
 3. John Eligon and Laurie Goodstein, 'Kansas City Bishop Convicted of Shielding Pedophile Priest', in *New York Times*, 6 September 2012.
 4. Dominique Mosbergen, 'Religiosity Plummets in Ireland and Declines

The announcement of a national Royal Commission into 'Institutional Responses to Child Sexual Abuse' by the Gillard Government in November 2012 focused immediate attention on the Catholic Church in Australia to the exclusion of virtually every other organisation that is subject to this investigation. This reaction revealed the depth of distrust that exists in the community about the way the Church has handled clerical sexual abuse cases, and strong support for tough investigative measures that would challenge the accepted understanding of Church–state relations in Australia. In the two months between the announcement of the Royal Commission and the release of terms of reference and appointment of commissioners, this focus on the centrality of the Catholic Church did not shift and while the Royal Commission has since heard evidence of widespread abuse and neglect in other churches and secular institutions, the Catholic Church remains centrally identified with the scandal and is likely to remain so. While the Royal Commission has put the spotlight on other religious organisations, such as the Salvation Army, that denomination, with only 65,000 members nationally, will attract less sustained media and public attention than the transgressions of priests and bishops in a church serving five million people.

Impatience and outrage at the Catholic Church's handling of child sexual abuse is understandable but it has encouraged four basic misconceptions: first, that abuse is continuing on a large scale; second, that Catholic authorities have done little or nothing about it; third, that the Church is unable to reform or correct itself without outside intervention, and; fourth, that the mess we are dealing with now had the same shape and proportions of a 'crisis' in decades past. Each of these misconceptions feeds upon pent-up frustration among a large section of the Catholic community over long-standing issues in Church teaching and systems of governance. Consequently, even many Catholics seem to welcome the prospect that, as a consequence of the Royal

Commission, government will impose reforms on the Church that its own hierarchy have long balked at introducing. More generally, while Church authorities have introduced various measures for dealing with abuse, the general public is clearly not satisfied. The Royal Commission, in a sense, is cathartic: already it is channeling long-standing public disillusionment with the Church's teachings and its leadership. Calls have been made, for instance, for further reforms of the Church that arguably have little to do with clerical sexual abuse, ranging from the abandonment of mandatory celibacy for priests to the ordination of women, and further intervention by the state in Church affairs (such as the early enthusiasm for empowering the Royal Commission to force witnesses who are priests to break the seal of confession). Some people have even argued that the Catholic Church is such a dysfunctional organisation that it ought to be made strictly subservient to secular authority. Much of this debate is emotive and ill-informed but for those reasons it is also harder to manage and is, in many ways, a far more serious challenge confronting the Church.

Take the international concern at the way offending priests were quietly moved to unsuspecting parishes. This appears to suggest a Vatican conspiracy. That is how the abuse scandal *appears* and some victim advocacy groups, notably the American organisations, Center for Constitutional Rights and the Survivors Network of those Abused by Priests (SNAP), have taken their complaints against the Vatican to the International Criminal Court in The Hague. The Court declined to allow the case to proceed. The eminent human rights lawyer Geoffrey Robertson has also called for the pope to face the International Criminal Court on human rights abuse charges.⁵ In February 2014, the United Nations Committee on the Rights of the Child accused the Vatican of 'systematically' allowing the rape and molestation of children by priests. Victims groups generally

5. Geoffrey Robertson, 'Put the Pope in the Dock', in *The Guardian*, 3 April 2010.

reject placing the blame for abuse on individual clergy and their bishops, preferring instead an explanation in terms of the structure and culture of Catholicism, Vatican officials and the pope.

Locating the Catholic Church's responsibility in one individual would be convenient and the monarchical structure of the Church all but invites an indictment of the pope. That indictment might be stretched to cover the ever-unpopular Roman Curia, his court, for their role in systematic criminality. To a host of critics, the responsibility of the Vatican for concealing clerical child abuse is clear from patterns across the globe. Yet, patterns should be read cautiously. Patterns in nature, the result of self-organisation, are familiar. From the formation of galaxies to the growth of crystals, the laws of nature operate to produce organised, patterned and ordered structures from chaos, randomness, and distributed materials. Such self-organised patterns are not confined to the natural world.

As the pioneering anthropologist EE Evans-Pritchard showed eighty years ago, coordinated group action does not require central government.⁶ That seems to be true even of a global organisation like the Catholic Church. Similarities and patterns of behaviour do not necessarily imply a designer or coordinator. The Catholic Church represents a mass religion with a pope and a Roman Curia, but Rome does not micromanage the affairs of dioceses. Bishops have that role. The very existence of the Vatican and its claims to authority invites critics of the Church's mishandling of child abuse to look to Rome for an explanation. But even a cursory glance at similar patterns of abuse in other religious denominations—not to mention secular organisations—should caution against attributing what appears to be a pattern to a chief pattern maker.

6. Evans-Pritchard, 'The Nuer of the Southern Sudan', in *African Political Systems*, edited by M Fortes & EE Evans-Pritchard (London: Oxford University Press, 1940).

Nevertheless, self-organisation is only an objection to *automatically* situating responsibility for the child abuse crisis with the pope and the Roman Curia. Victims' rights advocates have argued, implicitly if not explicitly, that if the self-organising principles of Catholicism have produced a culture that hides child abuse, then that culture must be changed. That demand, echoed recently by the United Nations Committee on the Rights of the Child, would entail the destruction of Catholicism, not its reform. But that is not its only problem: it assumes that what the pope or Vatican officials declare will be done by Catholics around the world. It assumes that the Catholic Church is a bureaucracy rather than a distributed group of religious believers for whom Rome is symbolically authoritative. There are not many days in the life of a Catholic when a pronouncement from the Vatican changes anything. The irony is that advocacy groups, like the UN committee, *want* the Holy See—a 'state party' in UN terms—to *be* like a state rather than a religion; to have 'policies' rather than doctrines; to implement compliance and control measures through public administration. Holding the Vatican responsible for matters handled at a local level, on a model of bureaucratic responsibility, over-simplifies Catholicism and misconceives the role of the pope and Roman Curia, not to mention canon law. Moreover, it amplifies the ambiguous status of the Holy See at the UN, for it asks the Vatican (as a state) to legislate for priests under its *religious* authority in the civil jurisdictions of other states.⁷ If the Vatican was looking for trouble in the application of canon law, attempting to implement that recommendation would ensure it.

Culture binds people in any organisation, and like-minded people will solve problems in similar ways. That is equally true

7. 'Concluding observations on the report submitted by the Holy See under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography', in United Nations Committee on the Rights of the Child, 31 January 2014, §11.

of bishops, who are ultimately responsible for affairs within their dioceses, as of anyone else. The bishops appointed under Pope John Paul II were 'safe', meaning they met the 'diplomatic criteria' of Vatican bureaucrats. But they lacked the 'intellectual strength' of those appointed fifty or a hundred years earlier. Many Australian priests acknowledge this privately. In a major study of the views of Australian diocesan priests published in 2011, one put it bluntly: 'Appointments [of bishops] over the last ten years are just atrocious.'⁸ It is commonly believed that bishops covered for priests in the sex abuse scandal but it now appears that they were just as concerned to cover their own inadequacies.

Today, some of those inadequacies seem to defy belief, but historical perspective on child abuse can help perplexed contemporary observers understand why a clear wrong was not treated with appropriate seriousness. The American historian Philip Jenkins has shown that public attitudes to sex abuse have changed over time, most recently from the somewhat relaxed views of the 1960s to the dismay of the past two decades. Jenkins calls the attitudes that prevailed between 1958 and 1976 the 'liberal era'. Here, in the words of patrician American author and prominent liberal, Gore Vidal, is a sample of the kind of liberalism Jenkins means. Asked by *The Atlantic* about Roman Polanski's anal rape of a thirteen year old Californian girl in 1977, Vidal replied: 'Am I going to sit and weep every time a young hooker feels as though she's been taken advantage of? Anti-Semitism got poor Polanski. He was also a foreigner.'⁹ Vidal felt no need to apologise for this kind of attitude. It seemed to be widely shared at the time by various celebrities and opinion leaders. The magnitude of the offence seemed lost on them and

8. Chris McGillion and John O'Carroll, *Our Fathers: What Australian Catholic Priests Really Think About their Lives and Their Church* (Mulgrave, Vic: John Garratt Publishing, 2011), 102–4.

9. John Meroney, 'A Conversation With Gore Vidal', *The Atlantic*, 28 October 2009.

they were free in their criticism of those who did not share their views. In subsequent decades, the impact of child sex abuse on individuals and its prevalence in our 'civilised' society began to be appreciated. In this context, the protests of bishops that they did not have a good understanding of the problem should not be dismissed. It seems they were not alone.

It is hardly surprising that the UN Committee on the Rights of the Child should have concluded that the Holy See 'has given precedence to the preservation of the reputation of the church over children's rights to have their best interests taken as a primary consideration' and in this way 'contributed to the impunity of the perpetrators and created further trauma for child victims of offences'. But in a climate of moral outrage, calculated observation can lead to miscalculated recommendation. Thus the UN report called on the Vatican to 'ensure the immediate removal of all priests suspected of child pornography and other [sexually based] crimes'.¹⁰ The sorry saga of child abuse generally tells us that suspicion alone often claims innocent victims.

In this kind of over-heated environment, the Royal Commission thus confronts the Catholic Church with two related but significantly different challenges. One is to weather the storm of the commission's actual investigation and whatever final recommendations it makes as to the future operations of the Church. As Commissioner Peter McClellan emphasised from the beginning, a Royal Commission is an investigative, not a prosecutorial, body, and the Federal Government is not required to act on its ultimate recommendations. But this will be the first national inquiry into the issue of child sexual abuse and its findings will carry considerable moral and political weight. This suggests the need for caution in considering

10. 'Concluding observations on the report submitted by the Holy See under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography', in United Nations Committee on the Rights of the Child, 31 January 2014.

implications for the Church's future operations which the Royal Commissioners can be expected to exercise.

The second, and arguably far more threatening challenge, arises from the public theatre the Royal Commission is generating. The court of public opinion will draw its own conclusions about the Church from what emerges from the Royal Commission and these conclusions will have a profound impact on the Church's standing in society. As well, among Catholics at least, public reaction will influence the behaviour of the laity (their identification with the Church as the institutional expression of their faith, their acceptance of Church teachings, their financial contributions and support for Church schools and social agencies). Public opinion must also influence how the Federal Government ultimately responds to the findings of the Royal Commission (including the possibility of legislative changes to the Church's current status and greater state oversight of its operations). Without an appropriate sense of perspective, this opinion will be ill-informed.

Perhaps the greatest danger in this is to the interests of the victims. The Royal Commission offers a stage upon which the social guilt and anxiety generated by child sexual abuse can be played out. The most fundamental obligation of a society is to protect its children and the saga of failure revealed in Western societies on this issue does not stop with the prosecution of predators: the larger question is how a society allowed this to happen. The Royal Commission is expected to provide expiation for that failure. It will ultimately fail in this regard, however, if the expected reckoning stops primarily at the doors of the Church.

What follows does not focus on stories of abuse or survival and it is not intended to be a parallel investigation of the ways in which Church authorities responded to clerical child sexual abuse. The book is meant as a resource for people who want to make their own well-informed assessment of the Church's culpability in regards to abuse and of the impact of this