



Child Sexual Abuse in the  
Catholic Church:  
An Interpretive Review of the  
Literature and Public Inquiry  
Reports

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Des Cahill and Peter Wilkinson

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# AUTHORS

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Educated in Australia at Corpus Christi College, Werribee and in Rome, where he gained his Licentiate in Sacred Theology at the Pontifical Urban University in 1970, Professor Cahill, BA, STL, MEd, PhD, worked as a Catholic priest for the Melbourne Archdiocese (1970–1976) before beginning his academic career majoring in educational and cross-cultural psychology at Melbourne and Monash Universities, subsequently being admitted to membership of the Australian Psychological Society. He is now Professor Emeritus of Intercultural Studies in the School of Global, Urban and Social Studies at RMIT University in Melbourne. During his academic career, he has conducted major policy and program evaluative studies in schooling and youth issues for the Department of the Prime Minister and Cabinet, the Commonwealth Immigration Department, the Bureau of Immigration and Population Research, the Australian Human Rights Commission and the Australian Army.

Since 11 September 2001, he has played a major role in researching and bringing together the various faith communities in Australia and across the world. He currently chairs the Australian chapter of the World Conference of Religions for Peace (WCRP), the world's largest interfaith organization, and represents Australia on the executive committee of the Asian Conference of Religion and Peace (ACRP) – at its Assembly in Incheon in August 2014, he was re-elected as ACRP's deputy moderator-general and one of its six co-presidents. He is a member of the Australian Partnership of Religious Organizations (APRO) and of the Victoria Police Multifaith Council. He served for many years on the Australian Catholic Bishops' Council for Pastoral Research as well as on the Ecumenical and Interfaith Commission of the Catholic Archdiocese of Melbourne. He also has been co-convenor of For the Innocents, a support and advocacy group for victim survivors.

Together with Professor Gary Bouma (Monash University) and Dr Hass Dellal (Australian Multicultural Foundation), he did the research study for the immigration department on *Religion, Cultural Diversity and Safeguarding Australia* (2004) in the aftermath of 9/11. The same research team subsequently was commissioned by the Australian Human Rights Commission to examine *Freedom of Religion and Belief in 21st Century Australia*, published in 2011. In 2011 he contributed two articles to the *Encyclopedia of Religion in Australia*, on the structure of the Catholic Church and the interfaith movement.

Among his other major publications are (with R. Taft) *Initial Adjustment to Schooling of Immigrant Families* (1978), *Review of the Commonwealth Multicultural Education Program* (1984), (with J. Ewen) *Ethnic Youth: their Assets and Aspirations* (1987), *Intermarriage in International Contexts: A Study of Filipino Women Married to Australian, Japanese and Swiss Men* (1990), *Immigration and Schooling in the 1990s* (1996), *Missionaries on the Move: A Pastoral History of the Scalabrinians in Australia and Asia 1952–2002* (2004), and (with M. Leahy) *Constructing a Local Multifaith Network* (2004). In 2006, he was made an honorary fellow of the Australian Council of Educational Leaders for his work in immigrant, cross-cultural, interfaith and international education over more than three decades. In 2010, he was awarded by Elizabeth, Queen of Australia, the Medal of the Order of Australia for 'services to intercultural education and to the interfaith movement'.

## Dr Peter Wilkinson

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Peter Wilkinson, BEd, LMiss, DMiss (PUG) received his primary and secondary education in Melbourne and completed his preparation for the Catholic priesthood with the Missionary Society of St Columban in Sydney. After ordination he did postgraduate studies in Missiology at the Pontifical Gregorian University in Rome gaining a Licentiate in 1963 and a Doctorate in 1971 with a thesis on Catholic missions in Burma (Myanmar). He completed language studies at the Universities of Paris (Sorbonne), Vienna, Menendez y Palayo (Santander) and Yonsei (Seoul), received a Certificate in Interpreting from RMIT (1976), and was awarded a Bachelor of Education from LaTrobe University (1985). During his ministry as a priest, he taught at the Columban Society's seminaries in Melbourne and Sydney (1963-1968) and worked as a missionary in the Archdiocese of Seoul and Diocese of Andong in the Republic of South Korea (1971-1975).

Following his resignation from ministry in 1976, he worked in the areas of immigration, settlement, education, and multicultural affairs with the Good Neighbour Council of Victoria (Field Officer, 1976-1979), the Clearing House on Migration Issues at the Ecumenical Migration Centre (Director, CHOMI, 1979-1981) and at the Australian Institute of Multicultural Affairs (Senior Research Fellow and Chief, Community Education, 1981-1986). Following closure of the Institute in 1986 he established private companies conducting wholesale and retail commerce in the wine and liquor industry. He was president of the industry association in Victoria and served on the industry's national board (1998-2002). From 1998 he was involved in the deregulatory reforms instigated by the Victorian and Commonwealth Governments, and provided industry advice on legislative change. For his advocacy work on behalf of small business, he was awarded the Centenary Medal in 2001.

From 1977-81 as president of the Australia Korea Association, he organized the first Korean Film Festival in Australia, and collaborated with the National Gallery of Victoria for the Gallery's first exhibition of Korean Folk Art. He was a founding member of the Korean Catholic Community in Melbourne.

In 1985 he was invited to be a Visiting Lecturer in the Department of Theology: Mission and Ministry at Yarra Theological Union, a member college of the University of Divinity Melbourne, and from 1985-1999 offered courses in Comparative Religion, Ministry in a Multicultural Society, and Christian-Buddhist Dialogue.

On retirement in 2006, he joined Catholics for Ministry, a Catholic group concerned with reform of the Catholic Church. He undertook research into parish ministry in Australia and produced two reports: *Catholic Parish Ministry in Australia: Facing Disaster?* (2011) and *Catholic Parish Ministry in Australia: The Crisis Deepens* (2012). In 2011 he completed a report on *Catholic Synods in Australia: 1844-2011*. More recently he has written articles on parish ministry and religious demographic trends for *The Swag*, the magazine of the National Council of Priests. In 2011, he helped found the Melbourne-based group, Catholics for Renewal, out of concern for the Catholic Church's current situation and global well-being.

# 1. CHILD SEXUAL ABUSE AND THE CATHOLIC CHURCH: GUIDING QUESTIONS AND RESEARCH STRATEGY

## The scandal and tragedy of child sexual abuse within the Catholic Church

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While variously described as a problem or crisis or scandal or nightmare or scourge, the sexual and emotional abuse of children within Catholic settings by priests, religious brothers and sisters, is ultimately a tragedy of immense proportions. Novello (2015) calls it the Church's Biblical lament while for Coldrey (2004) it is a Christian apocalypse. For Abbate (2012), it is the Church's Golgotha. The ravished innocence of the child - abused, assaulted, violated, raped, and sodomised - lies at the very centre of this Catholic catastrophe. Many thousands of lives across the world have been badly damaged, if not destroyed, in the continuing and tragic saga of the sexual abuse of children which can be traced back to New Testament times in the first century as we shall see. It has become an unholy mess. A priest offender has reflected, '...and what would God think?'<sup>1</sup>

The tragedy is further compounded by the knowledge that the Catholic Church has during that time educated and cared for millions of children, even in the most scarifying of circumstances, giving them bright, fulfilling and transcendent futures. Jesus, living in his contemporary Greco-Roman and Jewish contexts, overturned the concept of the child. He told his adult followers that they must become like little children (*Mt 18, 2*), and witheringly denounced those who might harm a child: 'Whoever causes one of these little ones who believe in me to sin, it would be better for him to have a great millstone fastened around his neck and to be drowned in the depths of the sea' (*Mt 18, 6*). In his view, children are important; they have status and they have standing. He scolds his disciples for preventing parents from bringing their children to him: 'Let the children come to me. Don't stop them! For it is to such as these that the Kingdom of God belongs' (*Lk 18, 16*). Zelyck (2017), writing for the periodical of the Pontifical Biblical Institute, reflects on *Mt 18, 1 – 14* how Jesus presents eschatological warnings of divine retribution for those who sexually abuse children. He notes that the verb 'scandalizo', used by Jesus and rarely used in or outside the Bible, has a strong sexual connotation.

The Maronite poet, Khalil Gibran, has reflected in his poem on the mystery of the child:

**Your children are not your children;  
They are the sons and daughters of Life's longing for itself.  
They come through you but not from you.  
And though they are with you yet they belong not to you.<sup>2</sup>**

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<sup>1</sup> This was said by an Australian priest offender who did not begin abusing a child until in his fifties. He was one of the 12 interviewees for the Ph.D. study by Jacqueline Winship (2012) in the Department of Psychiatry at the University of Sydney.

<sup>2</sup> Taken from Gibran, K. (1973) *The Prophet* (William Heinemann, London), p. 20.

On 27 September 2015, in a press briefing during an official visit to the United States soon after Pope Francis had met with survivors saying that ‘God weeps for the sexual abuse of children’, the Vatican’s chief spokesperson, Fr. Federico Lombardi, SJ, admitted to the global nature of the issue, which he described as ‘a universal problem in the universal Church everywhere’ (McElwee 2015).

The Jesuit historian, John W O’Malley (2002), has reflected that, while it is true that there have been ‘scandals aplenty’ in the Catholic Church’s long and twisting history, there has been nothing like the child sexual abuse scandal. Among its differentiating characteristics in his view has been its clearly systemic and global nature, the accompanying crisis in Church authority that remains unresolved, the abundance of documentary evidence, and the public scrutiny by criminal courts, government inquiries and media reports. It has not been a scandal arising from isolated instances by clergy or prominent laity or the mishandling of individual cases by individual dioceses. The sheer number of cases has led to:

...a growing and widespread persuasion that the scandal has occurred not simply because of the moral weaknesses that touch us all, including bishops, but because there is some underlying systemic cause....Which part of the system needs to be changed? That is the absolutely critical question (O’Malley 2002: 15).

Paraphrasing Lord Acton that power corrupts and ecclesiastical power corrupts ecclesiastically, O’Malley suggests that at this time when public suspicion and criticism of those with ecclesiastical power has never been greater, there is no longer any benefit of the doubt in relation to the Church’s doctrine, discipline, or any of its public statements (O’Malley 2002).

## Historical parallels

Probably the closest historical parallel in church history is the connected issue of confessional soliciting where, in confession both before and after the invention of the confessional box, the priest confessor made sexual overtures or engaged in actual genital activity with the penitent. The topic was very under-researched by church historians until the 1996 scholarly monograph of Stephen Haliczer, an expert in Spanish history. Using only complete file cases, he examined 223 such cases adjudicated by the Spanish Inquisition between 1530 and 1819. Of these solicitation cases, 6.3 per cent of the victims were under the age of 15 (Haliczer 1996) – this is a significant figure because at that time children generally made their First Confession followed by their First Communion at the age of 12 – 14, a practice that would not be changed until the 1910 decree, *Quam Singulari*, of Pope Pius X (1903–1914) which lowered the age to 7, when children were considered to have reached ‘the age of reason’. Not long after, in 1922, the Vatican issued a secret document to Catholic bishops on confessional soliciting entitled *Crimen Sollicitationis*, which also condemned clergy child sexual abuse, homosexuality and bestiality. A revised version of *Crimen Sollicitationis* was reissued in 1962. Waters (2016) notes that both documents were to be carefully kept in the secret archives of the bishop.

Instead of the more public ecclesiastical courts, the Spanish Inquisition trials were conducted in secrecy in order that:

the nightmare of respected members of the clergy being brought to trial for solicitation and publicly excoriated could be avoided by using the Inquisition because its proceedings were secret and even the sentencing and reconciliation of offenders could be carried on behind closed doors (Haliczer 1996: 55).

Throughout the centuries, Catholic Church authorities strove massively to keep such sexual topics away from public view. However, with the advent of radio and television combined with the arrival of investigative journalism, the maintenance of such secrecy was always doomed to failure, notwithstanding that *Crimen Sollicitationis* ordered that canonical trials of clergy accused of solicitation, homosexuality, bestiality and child sexual abuse were to be covered by the permanent 'secret of the Holy Office', the penalty for violating which was excommunication. The secret of the Holy Office was superseded in 1974 by the introduction of the Pontifical Secret by Pope Paul VI.<sup>3</sup>

Another possible parallel of priestly failure is that of Polish priest informers who were recruited by the Communist secret police and often compromised because of sexual liaisons with adult partners, female or male, or because they had sexually assaulted children or stolen church funds (Pruzac 2014). Isakowicz-Zaleski, born in 1956 and who himself was tortured as a priest by the Sluzba Bezpieczenstwa (SB, or secret police), has found from its files that 37 priests of the Archdiocese of Krakow had been regime collaborators between 1944 and 1989. In her analysis of the priests in the Archdiocese of Lublin, Kosobudska found the collaboration incidence was about ten per cent (see Kosobudska 2011). Ruzikowski (2003) estimates that in 1977, 14.91 per cent of Polish priests were informers according to the files held in the Institute of National Remembrance (see also Overbeek 2013).

## Sexuality and the eruption of religious pathologies

According to the psychologists, authentic religion is about believing, bonding, behaving and belonging, and its beneficial personal and community outcomes have been empirically demonstrated by the social sciences (Saroglou 2011). In the emerging global and post-secular world, we live in a very religious world and research continues to demonstrate that religion, on balance, adds to personal well-being and national social wealth, including in Australia (see Cahill, Bouma, Dellal & Leahy 2004; Saroglou 2011). In addressing the interface between religion, spirituality, sexuality and deviance, this monograph is dealing with very sensitive, complex, and difficult issues.

It needs to be recognised that fundamentalisms and pathologies can erupt in religious organisations and institutions (McLoon-Richards 2012). Given the spread and standing of the Catholic Church, the tragedy of child sexual abuse can rightfully be seen as a global health issue (Purvis & Joyce 2005) and a global criminal issue as well as a global institutional issue for the Church itself. The second US John Jay Report of 2011 noted that its study of clerical sex abuse in the US, has provided a framework for understanding not only the sexual abuse of minors by Catholic priests, but the sexual victimisation of children in any institution or any society. No other institution where there has been systematic abuse of children has undertaken such a public study of sexual abuse as the Catholic Church in the US (John Jay Reports 2004, 2011). Increasingly across the world, research is leading us to an understanding of why this tragedy of child violation has occurred, why Church authorities responded so poorly, and what still needs to be done.

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<sup>3</sup> The instruction *Secreta Continerere* was issued by the Secretariat of State on 4 February 1974 (*Acta Apostolicae Sedis* 1974, 89 – 92).

## The guiding questions and research strategy

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This research, conducted by staff of RMIT University<sup>4</sup> in Melbourne, has been essentially a desk study. It was designed to review the literature concerning child sexual abuse in the Catholic Church in Australia and elsewhere. It included 26 key international and Australian inquiry reports. It may best be described as a multidisciplinary review of the literature within the academic parameters of the social sciences and applied humanities, which is also both theologically informed and pastorally aware. There is an uneasy interface between spirituality, theology, canon law, civil law, criminology, history and the social sciences. The Catholic Church, which claims to be ‘an expert in humanity’, has objectives that are both this-worldly and ultra-worldly. Both lead researchers, as resigned and married priests, have been theologically trained to a high level in pontifical universities in Rome, and both have worked in pastoral roles as ministering priests. As well, they brought to the task high level knowledge of psychology, sociology, education, canon law, and public policy, as well of research and evaluative techniques (see their bio-data at the beginning of this report). It should be noted that many prior studies have not been informed by a deep appreciation of the nuances of Catholic theological and canon law thinking, nor by an appreciation of the various Catholic cultures and their complexities in each country. It was critical that the research team understood in great depth the workings not only of the Australian Church, but also of the Apostolic See in Rome where both had studied at post-graduate level.

Two principal research questions<sup>5</sup> have guided this study:

**What individual dispositional attributes and Catholic Church organisational policies, practices, processes and attitudes have pre-disposed, influenced and facilitated individual priests and religious in their perpetration of sexual and physical abuse against children? (Chapters Eight and Nine).**

**How have the theological frameworks, organisational structures, governance processes, and institutional cultures contributed to the sexual abuse of children by priests and religious and the inadequate responses of the Holy See<sup>6</sup>, the Catholic bishops, the leaders of religious institutes, and other responsible Church personnel? (Chapters Nine and Ten).**

The analysis in addressing these two questions will be presented in the final four chapters (8, 9, 10 & 11) of the study. The study also was guided by the following six sub-questions:

- 1. From an historical perspective, what evidence exists that the sexual abuse of children by priests and religious has been a recurring phenomenon in the Catholic Church over the past two thousand years up until World War Two? (Chapter Two)**

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<sup>4</sup> Founded in 1887, RMIT University grew out of the Royal Melbourne Institute of Technology. It is Australia’s largest tertiary institution with 83,000 students including about 26,000 international students at its three central campuses in Melbourne, its two campuses in Viet Nam and its study and partnership centres in China, Hong Kong, India, Indonesia, Singapore and Spain.

<sup>5</sup> All the questions were developed initially by the RMIT research team .

<sup>6</sup> According to Canon 361 of the *Code of Canon Law*, the Holy See refers ‘to not only the Roman Pontiff but also to the Secretariat of State, the Council for the Public Affairs of the Church, the congregations, tribunals and other institutes of the Roman Curia, unless it is otherwise apparent from the nature of the matter of the context of the words’.

- 2. What learnings are there available in the 16 international government and Church inquiries regarding child sexual abuse perpetrated in Catholic Church settings and the responses by Catholic Church leaders, other Church officials, and Church members to allegations and concerns about child sexual abuse? (Chapter Three)**
- 3. What findings have been made in Australia by the 10 government and Church inquiries and other relevant literature regarding child sexual abuse perpetrated in Australian Catholic Church settings and the responses by Australian Catholic Church leaders, other Church officials, and Catholic Church members to allegations and concerns about child sexual abuse? (Chapter Four)**
- 4. How have the selection processes, the educational curriculum, and spiritual and pastoral formation of priests and religious within Catholic seminaries and religious houses of formation been a relevant factor in child sexual abuse, especially since the Council of Trent, in relation to the realities of life in the ministry, the living of a celibate life, and the protection of children in Catholic institutions? (Chapter Five)**
- 5. Regarding male and female religious orders, what special characteristics have operated in their residential care and educational institutions, especially regarding their foundation, formation, proliferation and responses to allegations of child sexual abuse? (Chapter Six)**
- 6. What has been the actual prevalence of child sexual abuse by Catholic priests and religious in Australia and across the world, including an assessment of its reported peaking in the 1960s and 1970s and the alleged reasons, and whether and why there has been a subsequent abatement? (Chapter Seven)**

The research process was built around the following six strategies:

- 1. A systematic meta-analysis of the content of the 26 purposively selected international and Australian inquiries and reports using appropriate documentation analytic techniques.*
- 2. A critical review of the research and associated literature on child sexual abuse within the Catholic Church based principally on the Thomas Doyle bibliography and the Langeland annotated bibliography from the Dutch Deetman Report.*
- 3. A critical review of the Australian and international research literature pertaining to child and adolescent sexual and physical abuse and family violence as applicable and as relevant to its prevalence within the Catholic Church.*
- 4. A critical review of the research literature pertaining to clergy misconduct both in Catholic and Protestant settings, including celibate observance and breakdown and within the broader context of personality dysfunctionality.*
- 5. A critical review of unpublished Australian and international research theses that have relevance to child sexual abuse within the Catholic Church.*
- 6. A critical review of pre-service formation, service induction and subsequent in-service education in Australian seminaries and religious houses of formation, based on: (i) Vatican documentation since the Council of Trent and the Second Vatican Council, (ii) formal historical studies and other personal accounts, and (iii) research studies.*

Full details for each of the six research strategies are presented in Appendix One. The first major task was to conduct meta-analyses of the 26 major government or Church-sponsored inquiries and reports in the countries of Australia (10 reports), Belgium (1), Canada (2), Ireland (4), the Netherlands (1), the UK (2) and the US (7). The Australian and international inquiries and reports with the type of sponsoring organisation are listed in Table 1.1. Using standard documentation analysis techniques, a Meta-Analysis Evaluation using a checklist was conducted for each of the 27 reports built around the four dimensions: (a) *Contextual dimension* (b) *Structural Dimension* (c) *Constitutive Dimension* and (d) *Assessment Dimension* – more details are contained in Appendix One. When this was completed, it provided a rich narrative for Chapters Three, Four and Six.

Our review of the academic research and associated literature was very much helped by the Thomas Doyle online bibliography available on the website of Richard Sipe ([www.awrsipe.org](http://www.awrsipe.org)) and the equally useful Langeland annotated bibliography which is part of Volume Three of the Dutch Deetman report (2011). Thomas Doyle, US Dominican priest, canon lawyer and long-time supporter of justice and compassion for victim survivors, was the first and most important whistle blower on clerical child abuse beginning in 1984 (Mouton, Doyle & Peterson 1985). While working at the Apostolic Nunciature in Washington, DC, Doyle prepared a report that was sent to Rome after he became aware of all the cases that were coming to the nunciature’s attention. Very few people have a better knowledge and understanding of the tragic abuse saga in the Catholic Church. However, it became clear to us from our reading of and extrapolation from the sources, that sexual abuse of children by priests and religious was well known to the authorities of the Apostolic See throughout the whole of the twentieth century. But if they did not know of its extent, it would seem that this was because they did not want to know.

**Table 1.1: List of the 26 international and Australian reports**

	<b>AUSTRALIAN REPORTS</b>	<b>Sponsoring Organisation</b>
1.	Wood Royal Commission Report into the New South Wales Police Service, Vol. 5 (1997)	State Government of New South Wales
2.	<i>Towards Understanding Report</i> , Australian Catholic Bishops (1997)	Australian Catholic Bishops’ Conference
3.	<i>An Initial Report on Child Sexual Abuse</i> , Report to the Christian Brothers Congregational Leadership Conference (1998)	Religious Order (Irish Christian Brothers)
4.	Forde Report. Commission of Inquiry into Abuse of Children in Queensland Institutions (1999)	State Government of Queensland
5.	<i>Lost Innocents: Righting the Record</i> , Australian Senate Standing Committee on Community Affairs inquiry into child migrants (2001)	Parliament of Australia, Senate
6.	<i>Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children</i> , Australian Senate Standing Committee on Community Affairs (2004)	Parliament of Australia, Senate
7.	Whitlam Report on the Father “F” Case (2012)	Dioceses of Armidale and Parramatta–Independent Report
8.	<i>Betrayal of Trust</i> , Inquiry into the Handling of Child Abuse by Religious and Other Organisations, Family and	State Parliament of Victoria

	Community Development Committee, Parliament of Victoria (Victorian Parliamentary Inquiry) (2013)	
9.	NSW Special Commission of Inquiry concerning the investigation of certain child sexual abuse allegations in the Hunter region (Cunneen Inquiry) (2014)	State Government of New South Wales
	<b>INTERNATIONAL REPORTS</b>	<b>Type of Sponsoring Organisation</b>
10.	Mouton, Doyle & Peterson Memorandum to the US Bishops, <i>The Manual</i> (1985)	Catholic Independent Report
11.	Winter Commission Report to Archbishop Penney, Canada (1991)	Catholic Archdiocese (St. John's, Newfoundland)
12.	Chicago Commission Report to Cardinal Bernardin (1992)	Catholic Archdiocese (Chicago, Illinois)
13.	<i>From Pain to Hope Report</i> , Canadian Bishops (1992)	Canadian Catholic Bishops' Conference
14.	<i>Restoring Trust</i> Report, US Bishops Ad Hoc Committee (1994)	US Catholic Bishops' Conference
15.	<i>A Programme for Action</i> , Lord Nolan Report (2001)	Catholic Bishops' Conference of England and Wales
16.	<i>The Sexual Abuse of Children in the Roman Catholic Archdiocese of Boston</i> , A Report by the Attorney-General of Massachusetts (2003)	State Government of Massachusetts
17.	A Report on the Crisis in the Catholic Church in the United States. The National Review Board for the Protection of Children and Young People. Report to US Catholic Bishops' Conference (2004)	Independent Board of US Catholic Bishops' Conference
18.	<i>The Nature and Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States, 1950-2002</i> , First John Jay College of Criminal Justice Report, City University of New York (2004)	US Catholic Bishops' Conference
19.	<i>Safeguarding with Confidence: Keeping Children and Vulnerable Adults Safe in the Catholic Church</i> , Baroness Cumberlege (2007) UK Report	Catholic Bishops' Conference of England and Wales
20.	Ferns Diocese: Commission to Inquire into Child Abuse Report, Ireland (2008)	Government of the Republic of Ireland
21.	Ryan Report, Commission to Inquire into Child Sexual Abuse, Ireland (2009)	Government of the Republic of Ireland
22.	Murphy Report, Commission of investigation into Catholic Archdiocese of Dublin, Ireland (2009)	Government of the Republic of Ireland
23.	Adriaenssens Commission Report into Sexual Abuse in the Context of Personal Relations, Belgium (2010)	Independent Inquiry of the Catholic Bishops of Belgium
24.	Cloyne Diocese: Commission of Investigation Report, Ireland (2011)	Government of the Republic of Ireland
25.	<i>The Causes and Context of Sexual Abuse of Minors by Catholic Priests in the United States, 1950-2010</i> , Second John Jay College of Criminal Justice Report, City University of New York (2011)	US Catholic Bishops' Conference

Equally helpful were the electronic sources of e-books and e-journals available through the RMIT library and the holdings of two Melbourne libraries, the Dalton-McCaughy library in Parkville which has combined the hard copy resources of the Jesuits and the Uniting Church of Australia, and the Mannix library of the Catholic Theological College in East Melbourne. Full details are outlined in Appendix One.

## Lacunae in the literature

While the coverage in the literature of the issue of child sexual abuse by priests and religious within the Catholic Church is comprehensive, there are significant gaps. We would have liked to have had more analysis of the psychological reports of priest and religious offenders, including court reports. Studies of child sexual abuse within religious congregations, especially relating to the responses by their religious leaders both at the national and global level, are singularly lacking. This is especially pertinent in regard to religious orders who care for children in schools or for disabled children in residential care. As one major example, there has been no empirical and independent study of the Irish Christian Brothers except for the two Senate Inquiries in Australia and, most particularly, the extensive and insightful analysis of the Irish Ryan Report in 2009. There is insufficient information on the monitoring and accountability of priests and religious brothers and sisters. There are also no studies of priest and religious offenders after their release from jail or after they have been laicised. There is no study of female religious offenders. As well, there need to be more cross-national prevalence and comparison studies to address the questions outlined in Chapter Seven. For example, there is no known study of Anglican priest offenders.

## The Catholic Church in Australia: structure and pastoral profile

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For almost twenty centuries the Church has seen itself as God's living mystery, founded by Jesus, the God who has become human in the mystery of the Trinity. He appointed Peter, the Galilean fisherman, as the rock on which he would build his church and as the leader of the College of the Twelve Apostles which would be succeeded down the centuries by the College of Bishops (Cahill, 2009a; O'Loughlin 2009). Peter became the first Bishop of Rome, followed by many others and now headed by the Argentinian Pope Francis, the 266th Pope and the first Pope to be born outside Europe since Pope Gregory III (731–741) according to the latest *Annuario Pontificio*. Describing himself as 'the Pope from afar', he has remarked several times that problems, including Church problems, are often best seen from a distance. Like Argentina, Australia is a long way from Rome.

The Catholic Church professes to be the One, Holy, Catholic and Apostolic Church founded by Jesus Christ. As a universal organisation, it is made up of many 'particular' or local churches, usually dioceses governed by a bishop ordained in apostolic succession to the Twelve Apostles led by Peter. Each particular Church is constituted after the model of the universal Church, and it is in these local churches and out of these that the one and unique Catholic Church exists. Each particular Church is fully Catholic through its communion with the Church of Rome (*Catechism of the Catholic Church* 1994: par. 832–834). In accord with its self-image of its own religious exceptionalism, it claims that it

holds the fullness of God’s truth whereas those Christian Churches not in communion with Rome, particularly the Orthodox Churches headed by the Ecumenical Patriarch and the Anglican Communion headed by the Archbishop of Canterbury, ‘subsist’ in the Catholic Church because they do not hold nor practice the fullness of the Gospel message.

The Catholic Church is a global and transnational organisation which is localised or incarnated in parish communities in almost every country across the world in very diverse cultural, linguistic, religious and economic settings. On every Sunday or Saturday evening, Catholics across the world gather in the spirit of thanksgiving to celebrate the Eucharist or Mass in memory of the death and resurrection of Jesus of Nazareth. From any perspective, whether in size, complexity or historical legacy, the Roman Catholic Church is an awesome entity. One may not like the Catholic Church, but no one can ignore it (Cahill 2009a).

According to the 2017 *Annuario Statisticum Ecclesiae*<sup>7</sup>, at the end of 2015 the number of baptised Catholics in the world was 1.285 billion, 17.7 per cent of the total world population. Catholic numbers have risen by 575 million since 1975, an increase of 81 per cent (Table 1.2). Growth was especially strong in Africa, where the number of baptised Catholics grew since 2005 by 41 per cent to 206 million, representing 20 per cent of the total African population. Growth also occurred in Asia and the Americas, but only in proportion to the population growth in each continent. Between 1975 and 2015, the number of priests worldwide increased by just 2.7 per cent and the number of major seminarians by 84 per cent. However, the numbers of religious sisters and religious brothers have declined significantly: sisters by almost 30 per cent, and brothers by 21 per cent. In the previous year, there had been 6,263 ordinations, 4,484 deaths of priests and 716 so-called ‘defections’ or resignations. There were 222,696 parishes, 1,864 mission stations with a resident priest and 136,572 stations without a resident priest (Secretaria Status 2016).

**Table 1.2: Statistical data for the universal Catholic Church: 1970-2015**

Year	Catholic Population	All Priests (diocesan & religious)	Religious Sisters	Religious Brothers	Seminarians (major)
1975	710,000,000	404,783	968,526	70,388	63,000 (est)
1985	852,000,000	403,480	917,432	65,208	90,000 (est.)
1995	989,000,000	404,750	837,961	59,515	106,346
2005	1,115,000,000	406,411	760,529	54,708	114,439
2015	1,285,000,000	415,656	670,320	54,229	116,843

Source: *Annuario Statisticum Ecclesiae*, 1977, 1987, 1997, 2007, 2017

<sup>7</sup> The *Annuario Pontificum Ecclesiae* or *Statistical Handbook of the Catholic Church* is published annually. The data contained in it are usually for two years prior. Hence the 2017 edition contains data accurate as at 31<sup>st</sup> December 2015.

In the period to be covered by this project, the Latin Church's governance instrument was the 1917 Code of Canon Law (*Codex Iuris Canonici*) or Pio-Benedictine Code, which was replaced by the Revised Code in 1983. There is also the 1990 Code of Canons of the Eastern Churches (*Codex Canonum Ecclesiarum Orientalium*), promulgated by Pope John Paul II (1978–2005) which guides the activities of the 22 *sui iuris* Churches which are part of the Catholic Communion – this was the first such integrated code replacing various *motu proprio*s from previous times.

## The Church in Australia

The context for this study was the Catholic Church in Australia in communion with the Bishop of Rome, currently Pope Francis. The Catholic Church in Australia is composed of 28 geographically based Latin-rite dioceses together with five Eastern-rite eparchies (Chaldean, Maronite, Melkite, Syro-Malabar, and Ukrainian). As well, there is a Military Vicariate and one Personal Ordinariate (for former Anglican priests who have converted to Catholicism) and the Personal Prelature of the Holy Cross and Opus Dei. All the bishops come together as the Australian Catholic Bishops' Conference (ACBC) which is served by a Permanent Committee, 13 Commissions, a Canberra-based General Secretariat, and 26 other secretariats and offices. Among these are the Office for Clergy Life and Ministry, the Secretariat for Canon Law, the Secretariat for Doctrine and Morals, the Secretariat for Family, Youth and Life, and the Secretariat for Pastoral Life. Two Joint Committees which have been set up by the bishops' conference and Catholic Religious Australia (CRA), namely, the National Committee for Professional Standards and the Truth, Justice and Healing Council (TJHC), also assist the episcopal conference.

As at 31<sup>st</sup> December 2016, there were 1385 Catholic parishes in Australia, according to the 2015-2017 *Official Directory of the Catholic Church in Australia* (National Council of Priests of Australia 2017). The number of parishes has gradually declined since 1985, when there were 1476 parishes, with numerous closures or amalgamations due to the increasing shortage of male diocesan and religious order priests who now increasingly live in one-man presbyteries and carry very heavy pastoral burdens. It is becoming increasingly common for two parishes to share one parish priest. Some parishes no longer have a resident priest. There are currently 2,967 active and retired priests (1920 diocesan; 1,018 religious), of whom close to 40 per cent were born outside Australia, with many of these ministering on short-term contracts.<sup>8</sup> Priests from Vietnam make up the largest number among this group, followed by Indians, Filipinos, and Africans. In March 2016, Australia's the first Vietnamese-born bishop, Vincent Long Van Nguyen, was appointed to lead the Diocese of Parramatta. Whereas there were once many Irish-born priests in ministry in Australia, there are now few in active ministry, with some returning to Ireland to live out their retirement.

This highlights the rapidly changing profile of the Australian priesthood. There has always been since the Church's very beginnings in Australia a quiet desperation on the part of bishops to obtain priests to staff their parishes – the shortage of priests is particularly acute at the moment, but it has always been pressing. In this context, the danger of slippage in standards in relation to the selection and training of candidates for priestly ordination has always existed. In a recent research project carried

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<sup>8</sup> Current work that is still ongoing at the Pastoral Research Office established and funded by the Australian Catholic Bishops' Conference and housed within the Australian Catholic University in Melbourne suggests that the figure is 38 per cent. There is extremely varied anecdotal evidence, positive and negative, about the pastoral success of these overseas priests in individual parishes.

out by the Bishops' Pastoral Research Office in Melbourne, it was found that between 1950 and 2010 around 10,500 priests worked in the Church in Australia.

## Australian seminaries

A particular focus of this study was Catholic seminaries and the formation they offer. There are currently eight interdiocesan and diocesan seminaries in Brisbane, Melbourne, Parramatta, Perth, Sydney and Wagga Wagga, together with two Neo-Catechumenate Way<sup>9</sup> seminaries in Sydney and Perth, with a total of 204 candidates for the diocesan or secular priesthood as at 31<sup>st</sup> December 2016. There is also the ultra-traditionalist Society of St Pius X seminary outside Goulburn in New South Wales, which would claim to be mainstream Catholic but is presently in schism with Rome because it cannot accept the changes made by the Second Vatican Council (1962–1965), although protracted negotiations continue. There are also 13 religious houses of formation with 54 candidates for the priesthood, a large majority sourced from overseas. A history of seminaries in Australia is still to be written, although Kevin Walsh's study on the history of the Manly seminary in Sydney is important (Walsh 1998). There has been much change – for example, since the late 1920s, the Victorian and Tasmania regional seminary, Corpus Christi College in Melbourne has moved four times from the rustic setting at Werribee, extended to include suburban Glen Waverley in 1959, then transferred to Clayton in 1973 to be close to Monash University, and since 2000 is located in inner-city Carlton. In Sydney, St Patrick's College in Manly closed in 1995, and has been replaced by the smaller and more modest Good Shepherd Seminary in Homebush.

## The Emergence of the multicultural Catholic Church in Australia since World War II

The growth of the Catholic Church in Australia has always been driven by migration, most particularly during the two extended periods of high Australian migration from the 1850s to the 1880s, and from 1947 until the present. Throughout its history, there have inevitably been ups and downs in the Catholic migrant intake. The 1860s were the highpoint of Irish migration which had, of course, started earlier with the forced migration of the Irish convicts (O'Farrell 1987). The Irish have continued to emigrate, not least since 2008 when the global financial crisis had a major impact upon Ireland.

At the 2001 census, there were 5,000,833 Catholics resident in Australia. Ten years later, at the 2011 census, this figure had risen 8.75 per cent to 5,439,267, representing just over a quarter (25.3%) of the Australian population. The 2016 census showed a Catholic population of 5,291,800, or 22.6 per cent of the total Australian population of 23,401,900. In five years, Catholic numbers decreased by 147,467 and the proportion decreased by 2.7 per cent even though there has been since the turn of the millennium large numbers of Catholic immigrants from countries such as The Philippines and Iraq. This recent actual and proportional drop in the number of Australian Catholics is not unexpected, given the substantial haemorrhaging of Catholics away from the Church over the past four decades. Based on the 2009 International Social Services Survey, it is estimated that there are

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<sup>9</sup> The Neo-Catechumenal Way, founded in Spain in 1964, is one of several New Religious Movements within the Catholic Church, including Opus Dei, Communion and Liberation, the Legionaries of Christ and Regnum Christi whose international expansion and relative autonomy were strongly promoted by Pope John Paul II (1978 – 2005). The Neo-Catechumenate operates about 100 seminaries around the world. Little is known about their seminaries.

many more than a million 'former' Catholics currently living in Australia, perhaps 1.5 million – but for technical reasons it is difficult to extrapolate from the available data to reach a precise number.

By any measure, over both the long- and short-terms, a remarkable transformation and re-making of the Catholic Church in Australia has been taking place. The Catholic Church in Australia is also becoming more transnational through the links of its increasingly diverse immigrant and refugee members back to their home countries and to other parts of their diasporas across the world. While the Continental European groups, such as the Italy-born (-17.0% since 2001), Malta-born (-13.2%), Polish (-17.3%), German (-5.0%), and Dutch (-13.3%), have decreased through natural attrition after their arrival in the 1940s and through the 1950s, the overall Catholic population growth has been based around five factors<sup>10</sup>:

**The age and longevity factor:** the factor of longevity is impacting upon Catholic numbers, although it is difficult to quantify in actual percentage terms, but the number of Catholics aged over 65 now constitutes 14.1 per cent of the total Catholic population, or about one in seven.

**Migration from English-speaking countries:** reversing a gradual decline over the past three decades, the number of Catholics born in the United Kingdom, New Zealand, Ireland, Canada and the United States has recently increased together with the arrival of many from South Africa.

**Migration from the Philippines and Catholic-minority Asian countries:** the Australian Church is definitely becoming more Asianised, led by the large and fast growing Filipino group together with the migration from other Catholic-minority Asian countries in the 2006–2011 intercensal period, including India (+39.8% increase), Vietnam (+12.7%), Sri Lanka (+20.6%), Indonesia (+16.3%), Malaysia (+15.9%), and South Korea (+30.7%).

**Migration of members of the Eastern Catholic churches:** recent times have seen a very significant increase in the numbers of immigrants and refugees belonging to the Eastern Catholic churches, including Syro-Malabar rite Catholics from Kerala and elsewhere in India. Limited census data makes it difficult to arrive at precise numbers.

**Migration from Africa:** the hugely diverse African element has now become significant, led by the South Africans, whose presence has been focused on Perth and Brisbane. The second largest group, heavily centred in Melbourne, are the Mauritians, followed by the South Sudanese, with increasing numbers also from Congo, Kenya, Uganda and the Seychelles.

In summary, the Catholic population, more or less in line with the changes in Australia's multi-ethnic profile, has become increasingly multicultural and multilingual, but also increasingly multi-ritual as the Eastern Catholic churches have increased their stake in Australian society. As a consequence, pastoral service delivery has become much more pluralised, but this has been only partially matched by the pluralisation of Catholic male and female religious orders, and heavily circumscribed by the decreasing lack of religious personnel, whether diocesan or religious.

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<sup>10</sup> Please note that at the time of writing in late July 2017 all the 2016 census data have not been released by the Australian Bureau of Statistics.

## The current life of the Australian Church

The strength of the Catholic Church in Australia lies in its 1385 parishes and in its 1,736 schools (1249 primary, 343 secondary, 133 combined, 11 special), as well as its 68 hospitals, 414 aged care facilities, 217 children's welfare operations, and its CatholicCare offices and the services of the St Vincent de Paul Society, which is the largest welfare network in Australia with a volunteer group in almost every Australian parish to meet the needs of the poor and the disenfranchised (*Official Directory of the Catholic Church in Australia 2017-18*, National Council of Priests 2015).

The Pastoral Research Office of the Australian Catholic Bishops Conference (ACBC) has recently examined parish vitality in a purposive sample of twenty parishes. Using eight measures of parish vitality, the study found that the five main reasons for parish success were: (i) a strong sense of belonging and community, (ii) committed parishioners, (iii) a welcoming parish, (iv) active parish groups, and (v) an inclusive parish (Dantis & Dixon 2015). Sunday Mass attendance in many Western churches began to decline from the 1960s. In Australia in 1961, 53 per cent of the total Catholic population regularly attended Mass. By 1978, just 30 per cent were regularly attending, and thereafter the proportion has continued to decline to the point where, at the last count in 2011, just 12.2 per cent of the total Catholic population of 5.4 million regularly attended Mass (Table 1.2) (see Dixon, Reid & Chee 2013).

**Table 1.3: Australian Catholic population and regular Mass attendance, 1947-2011**

Year	Catholic Population	Catholics regularly attending Mass	Percentage attending
1947	1,584,094	998,000	63
1954	2,060,986	1,525,129	74
1961	2,616,541	1,386,700	53
1978	3,605,098	1,081,529	30
1996	4,799,000	864,000	17.9
2001	5,001,624	764,310	15.3
2006	5,126,884	708,618	13.8 (for 'weekly' attendance)
2011	5,439,268	662,000	12.2 (for 'a typical weekend')

Sources: ABS Census Data (various years); *National Count of Attendance*, 2001, 2006, 2011; *Catholic Church Life Survey*, 1996, 2001; National Church Life Survey 2001, 2006, 2011; CROPP, 1978; Mol, 1985, O'Farrell, p. 428; Gallup Polls, 1947, 1960, 1976.

Concerning the reasons for leaving the Church by former Catholics, in a 1996 Catholic Church Life Survey of infrequently- and non-attending Catholic parents of children attending Catholic schools (N=4,457), the most frequently cited reasons for not attending were: (a) disagreement that a committed Catholic needs to attend weekly Mass (54%), (b) disagreement with the Church's teaching on, or attitude to personal sexual issues (31%), (c) weekends only time for family, (d) disillusionment with sexual abuse revelations (22%), and (e) no longer able to accept many Catholic beliefs (18%) (see Dixon et al 2007).

In a later qualitative study, the reasons given for not attending Mass were both church-centred and participant-centred. The church-centred reasons were: (a) the irrelevance of the Church to life today, (b) the misuse of power and authority in the Church, (c) problems with priests in the parish, (d) lack of intellectual stimulation, (e) concerns related to the parish as a community, (f) a sense of being excluded by the rules of the Church, and (g) structural factors. The participant-centred reasons were: (a) family of household-related issues, (b) crisis of faith, and (c) going to Mass simply not a priority (Dixon et al. 2007). Clearly it would seem that the clerical sex abuse scandal has impacted on Mass attendance and Catholic affiliation but more current and more focused studies are needed.

## The changing process of selecting bishops

In the early church, all members of the ecclesia were involved in the selection of the bishop. St Hippolytus of Rome (215) writes: 'Let the bishop be ordained ... having been elected by all the people' (*Apostolic Tradition*, 2-3). St Cyprian of Carthage (c.200-248) insisted that all the faithful, ordained and non-ordained, in obedience to divine authority, should take part in the election of bishops (*Epistolae*, 59.6). While the office of bishop developed to meet the needs of the growing Church in particular times and regions, only in the mid-second century is there evidence of a single bishop ruling a particular church in a certain locality, now called a diocese. Like other aspects of the Church's institutional structure, the office of bishop could be altered to suit new needs.

During the fourth century, the Church became 'conciliar' or 'synodical', holding frequent provincial and local councils or synods to deal with local challenges, and occasional ecumenical or universal councils to deliberate on issues affecting the wider Church. As the membership of these councils and synods was narrowed down predominantly to bishops and some few clerics, the non-ordained lay members were increasingly and effectively shut out of decision-making processes. The provincial Council of Elvira, held in Spain in the first decade of the fourth century to deal with a range of disciplinary matters, including the abuse of children, was attended by 19 bishops and 26 priests, but no laypersons (Laeuchli 1972).

For the past several centuries, with few exceptions, the laity has been excluded from all key decision-making deliberations in the Catholic Church. From the Council of Trent (1545-1563) to the Second Vatican Council (1962-1965), the non-ordained were excluded from church councils and synods, and in the standard process for selecting bishops in the Latin Church, their input was all but token. The process was, and still is, extremely restricted and overwhelmingly and secretly controlled by papal diplomats and bishops with minor input from other clerics. Essentially, it is a 'closed' and secretive system, with the final determination being made by the pope on advice from his episcopal curia officials. From Trent onwards, the Church became increasingly clericalised and centralised in Rome. Particularly during the eighteenth and nineteenth centuries, the centralising was abetted by the onset of the first age of globalisation and its concomitant technological developments, such as the steamship and the railway, as well as the international postal system and the invention of the international conference. The second age of globalisation, in the twentieth century, would create a situation where secrecy was less possible, and the spread of the democratic spirit has led to demands for a more open process in a more participatory Church with more synodical and other mechanisms.

## Catholic Church synods in Australia

Synods are the oldest form of collegial governance in the church. They are assemblies which highlight the unity and collegiality of bishops among themselves and with the Bishop of Rome. They allow and encourage a true expression of the principle of subsidiarity, a widely recognised Catholic social principle of governance that states that when there is a local capacity to deal with issues, they should be dealt with as locally as possible.<sup>11</sup> Synods are forums where truth is sought and given expression, where guidance of the Spirit in understanding the ‘signs of the times’ is received, and where fresh hope for justice and peace in the world can be discovered and shared. Synods have frequently been held in times of crisis. Since the earliest period of the Church’s history, local church synods have been encouraged, regulated and mandated. In local or particular churches, plenary, provincial and diocesan synods had a special role in ensuring that the Church was deeply implanted in local societies and cultures, and that serious issues were addressed and resolved in the local context. In Australia, since 1834 there have been some 138 diocesan synods, two provincial synods, and four plenary or national synods. The last plenary synod for the whole Australian Church was in 1937 (Table 1.4).

**Table 1.4: Particular Councils held in Australia: 1844 - 1937**

Particular Synod/Council	Year	Place Held	Bishops attending	Clerics attending	Decrees enacted
1 <sup>st</sup> Australian Provincial Council, (Follow-up meeting) <sup>12</sup>	1844, ( 1862)	Sydney, (Melbourne)	3 (Australian only) (4)	33	50 (Supplement)
2 <sup>nd</sup> Australian Provincial Council	1869	Melbourne	8 (Australian only)		
1 <sup>st</sup> Australasian Plenary Council	1885	Sydney	18 (Australian & NZ)	52	272
2 <sup>nd</sup> Australian Plenary Council	1895	Sydney	23 (Australian only)	49	344
3 <sup>rd</sup> Australian Plenary Council	1905	Sydney	21 (Australian only)	49	371
1 <sup>st</sup> Melbourne Provincial Synod	1907	Melbourne	4 (Victorian only)	18	112
4 <sup>th</sup> Australasian Plenary Council	1937	Sydney	33 (Australian & NZ)	59	685

Note 1: A second provincial Council was planned for 1862 but as only the bishops from the eastern states attended it was not considered a canonical provincial synod.

<sup>11</sup> The principle of subsidiarity was developed by the German theologian Oswald von Nell-Breuning whose work much influenced Pope Pius XI (1922–1939) in his social teaching, especially as contained in his social encyclical, *Quadragesimo Anno* (1931).

<sup>12</sup> The 2<sup>nd</sup> Provincial Council was planned to be held in Melbourne in 1862, but the bishops from Adelaide and Western Australia did not attend, so only the bishops of Hobart, Melbourne, Brisbane and Sydney met. Since the decrees and regulations adopted at the meeting were approved by the Holy See, they were published as a Supplement to the decrees of the 1844 1<sup>st</sup> Provincial Council.. The meeting was not considered to be a canonical provincial synod. Cf. Moran, pp.770 ff; Waters, p.32.

According to the 1983 Code of Canon Law, particular councils can be called at any opportune time to ensure that the pastoral needs of the national or local Church are provided for so long as the Supreme Pontiff gives his approval. With their power of governance, especially legislative power, but never contravening the universal laws of the Church, particular councils and diocesan synods are able to decide what seems opportune for the increase of the faith, the organisation of common pastoral action, the regulation of morals, and the common ecclesiastical discipline to be observed, promoted, and protected (Canon 445). Diocesan synods must now include clerical, religious and lay members, and may even invite as observers ministers or members of other churches or ecclesial communities that are not in full communion with the Catholic Church (Canon 463).

Until 1917, Australia's bishops were under a requirement to convene a diocesan synod every year, and from 1917 to 1983 at least once every 10 years. By 1983 the bishops had convened less than 140 and of all those recorded, 95 per cent were held prior to the Second Vatican Council (1962 – 1965). The 1917 Code did not specify how often a plenary or national synod should be held, but the 1983 Code states that they can be convened whenever it seems necessary or useful to the national episcopal conference, with the approval of the Apostolic See (Canon 439). No national plenary synod has been held in Australia since 1937 but the Australian Catholic Bishops Conference has determined to hold one in 2020 if the Pope approves. Provincial councils, under the 1917 Code, were to be held at least every 20 years (Canon 283) but up to 1983 none was ever held. Since 1983, provincial synods can be held whenever it seems opportune in the judgment of the majority of the diocesan bishops of the province (Canon 440). However, no provincial council has been held since 1907, 114 years ago. The dioceses that have held the most synods have been Melbourne (29), Maitland-Newcastle (16), Ballarat (14), Sydney (13), Bathurst (12) and Brisbane (8).

**Table 1.5: Catholic diocesan council/synods in Australia, 1844-2011**

Diocese	Year*	Years When Diocesan Synods held	Total
Adelaide	1842	1885, 1889, 1908, 1916, 1945	5
Armidale	1862	1873, 1949, 1951	3
Ballarat	1874	1881, 1885, 1889, 1890, 1892, 1894, 1899, 1900, 1901, 1902, 1906, 1909, 1910, 1944	14
Bathurst	1865	1883, 1886, 1893, 1894, 1895, 1896, 1902, 1903, 1904, 1905, 1906, 1911	12
Brisbane	1859	1863, 1864, 1865, 1870(?), 1883, 1885, 1887, 2003	8
Broken Bay	1986	2011-current	1
Broome	1966	Nil	0
Bunbury	1954	1961	1
Cairns	1941	(1st & 2nd: 1949-1967?), 2008-2011(3rd)	3
Canberra-Goulburn	1862	1871, 1885, 1888, 1949, 1989, 2004	6
Darwin	1938	Nil	0

Geraldton	1898	Nil	0
Hobart	1842	1885, 1910, 1916	3
Lismore	1887	1889, 1920, 1948, 1958	4
Maitland-Newcastle	1847	1873, 1927(13th), 1939 (14th), 1956 (15th), 1992-1993, [Pastoral Assembly in 2007]	16
Melbourne	1847	1875, 1885, 1887-1906 (3rd - 21st ; annual), 1909 -1916 (22nd-29th; annual)	29
Parramatta	1986	Nil	0
Perth	1845	1850 (?), 1940, [Synod of Laity in 2001]	2
Port Pirie	1887	1890, 1950s (?)	2
Rockhampton	1882	1959	1
Sale	1887	1898, 1901, 1905, 1906	4
Sandhurst**	1874	1881, 1888, 1893, 1901, 1948 (3rd)	5
Sydney	1842	1873, 1882, 1886, 1887, 1888, 1890, 1891, 1895, 1896, 1936, 1941, 1942, 1951	13
Toowoomba	1929	1948, [Gatherings/Assemblies in 1998, 2001, 2004, 2007, 2011]	1
Townsville	1930	1948, 1958 (2nd)	2
Wagga Wagga	1917	1942, 1952	2
Wilcannia-Forbes	1887	1890 (1st)	1
Wollongong	1951	[Diocesan Consultations in 2010]	0
<b>Total</b>			<b>138</b>

Sources: *Acta et Decreta* of various synods (see Synod Documents attached); *Summary and Index to The Advocate 1868-1990* (see 'Synods'); *Freeman's Journal 1850-1932*; *Catholic Times 1877-1880*; *[Bathurst]Record*; information supplied by various diocesan archives; O'Farrell (1977, see Index for Councils and Synods); \*Year = Year the diocese was founded; \*\* Sandhurst is the old name for Bendigo.

Even allowing for good reasons why synods may have been deferred, postponed or rejected, the record suggests that the majority of Australia's bishops have been for many decades less than enthusiastic about local synods, whether plenary or national, provincial or diocesan, and have shown an almost total disregard for their canonical obligations to hold them. This is clearly evident in some of the metropolitan dioceses, where the most recent diocesan synods were held in 1951 in Sydney, 1916 in Melbourne and Hobart, 1940 in Perth, and 1945 in Adelaide.

Although the Second Vatican Council called for synods 'to flourish with vigour', Australia's bishops have overwhelmingly declined to convene councils, even in the face of the child sexual abuse crisis.

Vatican II also called for a change to participation in local synods, wanting to see a wider representation of the faithful involved in their planning and deliberations. Also to be called as participants are vicars general and episcopal vicars, superiors of both male and female religious congregations, rectors and certain deans of universities, seminary rectors, and a limited number of priests and laypersons. However, only bishops have a deliberative vote; all others have a consultative vote.

A clear problem with canonical diocesan synods is setting the agenda, especially since a 1997 Vatican instruction explicitly forbade bishops to allow discussion on a range of difficult issues likely to be raised by the faithful, such as the ordination of married men and women, birth control within marriage, homosexuality and other serious pastoral and liturgical matters considered 'hot-button topics'. The 1997 Instruction also advised that it would be imprudent to indiscriminately place on the agenda any matters concerning the life and ministry of priests.<sup>13</sup>

## Chapter Summary

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This desk study was guided by two principal questions and six sub-questions together with six research strategies, centred on the 26 international and Australian official government and Church inquiries and academic and other grey literature. A brief overview of the Catholic Church in Australia indicated its changing multicultural profile and the current state of parish life before concluding with an account of the Church's record of national and diocesan synods. The last national synod was held 79 years ago in 1937. The next is scheduled for 2020. In the two largest dioceses the last diocesan synod was held in 1916 in Melbourne and 1951 in Sydney. Until World War Two, Catholicism in Australia was partly governed as a synodical Church, although it was always a monarchical Church. Synods in the post-Vatican II period, where a significant presence of male and female laypersons had to be present, would almost certainly have been well placed to address openly and accountably the crisis of child sexual abuse. For reasons which have never been explained, the vast majority of Australian bishops chose not to convene them and not to consult their Catholic communities. They appeared only prepared and willing to listen to Rome. If some national synods had been held between the 1950s and the 1990s, might the tragedy of child sexual abuse by priests and religious have been better handled? We shall never know.

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<sup>13</sup> Instruction of Diocesan Synods, Congregation of Bishops and Congregation for the Evangelisation of Peoples, Rome, 1997. The full English text is available in the *Acta Apostolicae Sedis* 706 – 721 with an additamentum (722 – 727).

## 2. CHILD SEXUAL ABUSE IN THE CATHOLIC CHURCH: AN HISTORICAL PERSPECTIVE

The next two chapters will take an historical perspective, using the Second World War as a convenient dividing line because post-WWII events can be placed in the living memory of most people and within the momentous social and ecclesiastical changes that have occurred in the second half of the twentieth century. It is also the period where we have the most empirically-based data. For this chapter, the guiding question was: **From an historical perspective, what evidence exists that sexual abuse of children by priests and religious has been a recurring phenomenon in the Catholic Church over the past two thousand years up until World War Two?** The intention of this chapter is to provide the evidence, circumscribed though it is, that child sexual abuse, within the family or by priests and religious, has always been known to the Church right back to its very beginnings in the first century. In this chapter, after looking at the limitations, we will present material in a linear, chronological manner right up until World War Two.

### Historiographical, archival and concordat limitations

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The sexual and physical abuse of children and teenagers has a long history within the living tradition of the Catholic Church that undermines the committed and self-sacrificing work of millions of priests and religious men and women down the centuries. Here we must delve back into the Church's early history, while recognising that documentation of much of what happened is likely to have been lost, even if it was documented, and is ultimately unknowable. That history goes back at least to the Synod of Elvira in the first decade of the fourth century (Laeuchli 1972), and from then until now. From its earliest days, the sex abuse of children by priests and religious has been an issue. However, major historiographical and archival issues make the task of developing a coherent, sequential chronological account difficult if not impossible. Moreover, the provisions of many international concordats between sovereign states and the Holy See have served to keep much of the criminal abuse hidden away from public view. It is clear from the research evidence that lessons from history were not learned, shared and passed along and nor were they incorporated into seminary formation in the twentieth century. There are six hindrance factors.

### Diocesan secret archives

The first issue is that many historical clues lie deeply buried in archives, correspondence and diaries, or have been destroyed. Documents dealing with very sensitive matters such as clerical misconduct were to be placed in the diocesan secret archives and destroyed after ten years or on the death of the priest. Canons 489 and 490 of the 1983 Code of Canon Law (see Canon 379 of the 1917 Code) read:

**Canon 489**      **Par. 1:** In the diocesan curia there is also to be a secret archive, or at least there is to be a safe or cabinet, completely closed and locked which cannot be removed; in it documents to be kept secret are to be protected most securely.

**Par. 2:** Each year documents of criminal cases in matters of morals, in which the accused parties have died or ten years have elapsed from the condemnatory

sentence, are to be destroyed. A brief summary of what occurred along with the text of the definitive sentence is to be retained.

**Canon 490 Par. 1:** Only the bishop is to have the key to the sacred archive.

**Par. 2:** When a see is vacant, the secret archive or safe is not to be opened except in a case of true necessity by the diocesan administrator himself.

**Par. 3:** Documents are not to be removed from the secret archive or safe.

Waters (2016) emphasises that, as stated in Canon 489, Par. 2, a short summary of the facts was to be kept with the text of the judgement. The intent is very clear. A seeming example of this overriding necessity to maintain secrecy in cases of priestly misconduct, is the case of “Father F”, who was the subject of an independent investigation in 2012 for the New South Wales dioceses of Armidale and Parramatta by Antony Whitlam QC, after the priest was the subject of an ABC Television current affairs report. Whitlam complained in his report that the priest’s diocesan personnel file lacked the critical documents even though it was filled with copious other material, even postcards. This suggests that the relevant and sensitive documentation was kept by Bishop Harry Kennedy in his secret archive and would have been destroyed after ten years. It may also help explain why Melbourne Archbishop Daniel Mannix (1864–1963) ordered his housekeepers to destroy all his personal papers and archives on his death. Delaney (2004) points out that when an allegation was made, the bishop was required by *Crimen Sollicitationis* (1922, revised 1962) to search the secret archives to see if there were previous cases.

## The use of code words and euphemisms

The second issue is that the realities of sexual misconduct have often been masked by code words or various euphemisms such as ‘against the sixth commandment’, ‘against the sextum’<sup>14</sup>, ‘broke his vows’, ‘imprudent behaviour’, ‘*crimen pessimum*’ or the old English word, ‘goosing’. Sipe (2015) in his analysis of key files, especially from the Via Coeli Treatment Centre for priests run by the Servants of the Paraclete in Santa Fe, New Mexico, has documented various euphemisms used by bishops: ‘health and family reasons’, ‘horseplay and wrestling’ and ‘evidence of questionable judgement’. In the 1984 case of Louisiana priest, Fr. Gilbert Gauthe, ‘affinity with boys’, and ‘a problem with boys’, were the terms used in his seminary files. Over the centuries, during their seminary studies, priests learned the Latin terms for the various sexual sins and could easily resort to these when it suited: ‘*stuprum*’ (rape), and ‘*delicta*’ (crime), as well as ‘*de re turpi cum infantibus*’ (concerning a depraved matter with children). Sipe notes that, in regard to child sexual abuse, both psychiatrists and police have also used euphemisms in order to tone down the nature of the offence. He further notes that, in his view, the term ‘alcoholism’ was used as a cover word for clerical sexual abuse, especially in earlier decades, because of the presumed correlation between alcohol use and sexual abuse. The issue of nomenclature and labelling is further compounded by a historical lack of terminology. The word ‘homosexual’ did not exist until 1869, and the word ‘gay’ is a more recent invention. The word ‘sodomy’ was often used as a replacement term (Doyle 2003). Some of the moral theological manuals used in Catholic seminaries up until the 1970s were still referring to

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<sup>14</sup> The Sixth Commandment (the sextum) of the Decalogue is “Thou shalt not commit adultery” under which the Church led by the moral theologians groups all sexual sins.

paedophilia as 'the Greek vice', listing as 'immodest acts' many of the offences which today are considered abusive, while only a female could be raped (Doyle 2003).

## The omission of negative material

The third issue is the omission of negative material from historical accounts with the consequent skewing of the record. Many church histories, ecclesiastical biographies, and histories of religious orders, usually written by priests or male or female religious, gloss over sexual misconduct with barely a reference either to protect the reputation of the Church or of the religious order even though the information is contained in the archives. One example is in the various biographies of Australia's first bishop and archbishop, John Bede Polding OSB (1794–1877). In his diaries (Compton 1998 a, b & c), Polding clearly referred to abusing and sexually misbehaving priests and seminarians in the earlier decades of the Australian Church, yet these references are almost completely glossed over in the various accounts. The Marquette University theologian, Ulrich Lehner, in his study of monastic prisons and torture chambers, draws attention to this issue and the policy of secrecy regarding clerical crimes and clerical misconduct: 'To my knowledge, historians have not taken this 'cover-up' seriously enough when assessing historical accounts' (Lehner 2013: 90).

## The non-searching of archives

The fourth issue relates to the non-searching of archives. When files extending back many decades or even centuries have been scrutinised, the findings are often sadly revealing notwithstanding the issue of canon law on the secret archives. The four Irish inquiries into child abuse (the 2005 Ferns Report, the 2009 Ryan Report, the 2009 Murphy Report on the Archdiocese of Dublin, and the 2011 Cloyne Report), are partly based on an intensive search of the relevant church archives to reach their dismal conclusions. In the Netherlands, the Deetman Commission, as a core research strategy, searched very extensively the archives of all dioceses, the Conference of Bishops, the *Hulp & Recht* Church organisation, the male religious congregations and one female religious congregation, as well as in relevant national archival centres. It found sexual abuse cases that extended back to the last half of the nineteenth century (Deetman Commission 2011). In 2013, in the interests of transparency, the Capuchin Franciscans of St Joseph in the US mid-west commissioned an independent audit of the personnel files of 1283 friars (both priests and brothers). It found that since 1901, 3.6 per cent of the monks had had allegations made against them, with half being confirmed. Fifteen friars had sexually abused in the 1930s and 1940s, and thereafter the allegations were fairly evenly distributed across the decades until 2013, without any rise during the 1960s and 1970s, but with a decrease in more recent decades. Three of the friars had been dismissed for soliciting in the confessional (Burnett, Doyle & Freiburger 2013).

There is an important conclusion to be drawn here: If relevant State, Church and other archives are searched systematically, then instances of sexual, emotional and physical abuse of both adults and children by priests and male and female religious are likely to be uncovered (Lehner 2013). Lack of systematic archival searching remains a major factor in the inability to realise the dimensions of the problem right up to contemporary times.

## The contested history of childhood

An additional issue relates to the contested notion and history of childhood. In 1962, Aries argued that 'childhood' only emerged as a distinct social, familial, and perhaps personal phenomenon in

post-Medieval European culture. His personal indifference hypothesis suggested that parents had less emotional investment in their children in previous epochs. Certainly the concept of childhood has been re-invented and re-invented (Mintz 2012). But Aries' view has been largely rejected because various and many historical accounts have shown that parents have always cared for their children notwithstanding the very high infant mortality rates and the incidence of child abandonment (Volk 2011). Moreover, the definition of childhood has varied upwards to 18 years. The Church has traditionally distinguished between childhood and adulthood in terms of puberty and the capacity for procreation, as seen in its age limits for marriage. The history of childhood is not a trivial issue (Mintz 2012), and most of it remains hidden for it is a deep history that has been difficult to uncover because of the silence of children (Volk 2011). Much of the academic focus has also been on child death – historically the Church was very much involved with the fate of unbaptised children and this led to the invention by some theologians of the theory of Limbo as a place of natural happiness where unbaptised children would reside for eternity (Boyce 2014). This theory is no longer accepted by the Church, even though it was taught in Australian Catholic schools up until the 1970s.

## Vatican concordats with nation states

The last issue relates to data from a very different source, namely, the various concordats or international treaties concluded by the Apostolic or Holy See with sovereign nation states. Specifically, it relates to those provisions relating to clerical privilege, clerical crime and its treatment within the State criminal justice system. This is a much under researched area though Muriel Fraser's concordat.watch website ([www.concordatwatch.eu](http://www.concordatwatch.eu)) provides much relevant information. There would seem to be over 200 concordats currently in operation. Tapsell (2015) cites certain provisions in some of them:

- The 1922 Concordat between Latvia and the Holy See provided that if a priest or religious monk was sentenced to prison by a State court, the sentence would be served in a monastery. Earlier concordats with Poland and Italy contained similar provisions.
- In Spain, the 1953 Concordat between the Holy See and General Franco's Government, which was superseded in 1985, provided that a bishop could only be put on trial in a civil court with the consent of the Holy See, while criminal proceedings against clerics were permissible only with the consent of the bishop, any sentence would be served in a religious house, and court proceedings were not to be made public.
- The 1954 Concordat between the Holy See and the Dominican Republic provides that priests cannot be interrogated by judges or by other authorities over any matters revealed to them in their 'sacred ministry'.

Tapsell concludes that: 'these concordats reflect the theology that priests are special people and should not have to spend time in jail like every other convicted citizen but in a place more appropriate to their status as ontologically changed beings, namely monasteries', as well as a desire to keep clerical crimes from public visibility and scrutiny (Tapsell 2015: 71).

Thus, all six hindrance factors imply that a continuous, comprehensive history of child sexual abuse in the Catholic Church is not possible, nor will a full history ever be possible, although clues and actual incidents keep being brought to the surface, and future historians will uncover much that is still to be revealed. Nevertheless, there is enough known from the following narrative to conclude

that child sexual abuse, not least by male consecrated celibates, has always been a recurring issue within the Catholic Church and is enmeshed with the history of sexual violence itself and the issue of celibate dysfunctionality and breakdown.

## Child sexual abuse in New Testament and Patristic times

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### Evidence from the sacred scriptures

In Greek and Roman societies, pederasty had a long tradition. In the Old Testament such as in the Book of Leviticus, sodomy was condemned (*Lev. 18:22; 20:13*) but the betrothal and marriage of young girls was permitted. According to the Talmud, a father could arrange the marriage of his daughter, without her consent, from the age of three years to twelve years. But there would be no legal marriage unless she gave her consent on reaching 'the age of maturity'. In the Book of Numbers, Moses tells the Israelite captains after a battle: 'Now kill all the boys. And kill every woman who has slept with a man, but save for yourselves every girl who has never slept with a man, and take them for yourselves' (*Numbers 31: 17–18*). No age of the virgins is given, and it is not clear if they were to be taken as wives or slaves. However, with the coming of Jesus, there is absolute clarity about how children are to be regarded and treated, for he made children a central focus of his ministry as previously suggested: they are models of discipleship (*Mk 10: 16; Mt 18, 4–5; Mk 9, 36–37; Lk 18, 15–17*), their innocence is to be protected (*Mt 18, 5–6*) and any abuse of children will merit the severest of punishments (*Mt 18, 6–7*). This was quite unusual in the Greco-Roman context (MacDonald 2014).

It is not surprising that the early Church was very concerned about the sexual abuse of children and young people – there was never any doubt right from Gospel times that it was sinful and contrary to the law of God and the law of nature. The New Testament scholar, Margaret MacDonald, has taken the perspective of children in examining the New Testament writings. She notes that there were three relationships or pairs within the rigid hierarchical structure of the early Christian household: husbands and wives, parents and children, masters and slaves. Slaves, both female and male, including children, were available to be used in whatever manner by their owner. Slavery was an institution tolerated by the early Church in its sociocultural Roman context, as were oppressive patriarchal relationships. Sometimes slaves were the biological offspring of the *paterfamilias* (master of the household). The two New Testament letters to the Ephesians (5, 21–6, 9) and the Colossians (3, 18–4, 1) show that free and slave children mixed freely together, all subject to the *paterfamilias*. MacDonald notes, 'The deep concern for sexual ethics in Colossians and Ephesians should be taken as having a bearing on sexual relations with slaves, including slave children' (MacDonald 2014: 22). While the New Testament is silent on the sexual use of slaves, she notes that under the surface of the household codes, the Greek verb used to describe corruption (*phthreio*) of boys and girls has strong sexual overtones (e.g. *1 Cor. 3, 17; 2 Cor. 11, 3; 2 Peter 2, 12; Rev. 19, 2*).

### Patristic evidence

The references to child sexual abuse become clearer in early Patristic times. Ignatius of Antioch (c. 50 – c. 98–117 CE), in his letter to Bishop Polycarp (69–115 CE), clearly links slaves and sexuality. The very early Christian document called the *Didache*, rediscovered in 1873, contains a strong prohibition against the sexual corruption of children (*paidephthoreo*; *Didache 2,2*) while Justin the

Martyr (100–165 CE) praises the freeing of slaves as a sign of Christian conversion (MacDonald 2014). Some of the contemporary philosophers were also condemnatory of the corruption of children. The Roman Stoic philosopher, Musonius Rufus (c 20–30 – 101), readily admitted that sexual relations between masters and slave girls were not considered adultery, and he forcefully condemned the practice as ‘swine rejoicing in its own vileness’ (MacDonald 2014: 45). In possibly one of his last works, the Christian apologist, Tertullian (c. 155–c. 240) wrote, ‘All other frenzies of lusts which exceed the laws of nature and are impious toward both bodies and the sexes we banish...from all shelter of the church’ (De Pudicitia, VI).

The first reference to child sexual abuse in formal Church documents is usually traced to the Synod of Elvira and its canons whose textual history is complicated and disputed. The 1909 Catholic Encyclopedia tells us that the Synod was held at Elliberis in southern Spain, a town now in ruins near Granada, probably in 305–306. Together with two other synods, it was the prelude to the First Ecumenical Council held at Nicaea in north-western Anatolia in 325. The Elvira Synod is considered important as it is the first synod or council for which we have written records. Led by the well-known Bishop Hosius of Corboda (257–359), it was attended by 19 bishops and 26 priests, together with deacons and lay people. It promulgated 81 canons<sup>15</sup>, all exclusively concerning disciplinary and not theological matters.

## The Elvira Synod

The Elvira synod insisted upon the celibacy of the clergy, but the canons it promulgated also reflect the Church’s conflicted attitude to sexuality and its connection with procreation. Canon 33 states that: ‘Bishops, presbyters, deacons and others with a position in the ministry are to abstain completely from sexual intercourse with their wives and from the procreation of children. If anyone disobeys, he shall be removed from the clerical office’. Canon 18 states that those in ministry are not to be given communion even at the time of death ‘if they are guilty of sexual immorality’. For persons in ministry, this synod also forbade the practice of *syneisaktism* (literally those brought into the house together) whereby a woman moved into the house of a man to live an alleged brother-and-sister relationship that in fact was otherwise. The Church has also always been uneasy about spiritual or virginal marriages<sup>16</sup>, because of the high importance it has always placed on procreation, but has not condemned them because of the virginal marriage between Mary and Joseph, the parents of Jesus (Elliot 1993).

The Elvira synod explicitly condemned child sexual abuse in Canon 12 when it stated that:

parents and other Christians who give up their children to sexual abuse are selling others’ bodies, and if they do so or sell their own bodies, they shall not receive communion even at death’.

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<sup>15</sup> The French scholar, Maurice Meigne (1975), considers that only the first 21 canons were initially promulgated with the remaining 60 being added later, possibly from other synods.

<sup>16</sup> In her fine study, Dyan Elliot (1993) has distinguished between virginal marriages where the commitment to no sexual contact is maintained from the beginning and spiritual marriages whereby a couple after having children commit themselves to no sexual contact towards the end of their lives as happened in the case of the French parents of St. Therese of Lisieux (1873–1897).

Despite some claims to the contrary, the canons do not explicitly link the sacred orders of priesthood and child sex abuse but the issue is caught up in a general canon, 'Those who sexually abuse boys may not be given communion even when death approaches' (Canon 71).<sup>17</sup>

Elvira is the critical and documented beginning of the long saga and continuing struggle of the Church to insist upon clerical celibacy and continence and to combat sexual misconduct, not least the sexual abuse of children. Michel Foucault and his colleagues (2014) show their fascination with monk and theologian, St John Cassian (c. 365-430), and his struggles against the flesh, stressing the role of prayer and personal asceticism in confronting the eight evil tendencies: gluttony, impurity, covetousness, anger, dejection, *accidia* (ennui), vainglory and pride. He warned his monks: 'Let no one especially when among young folk remain alone with another even for a short time, or withdraw with him or take him by the hand'.

Another practice, beginning with St Benedict of Nursia (Norcia) (c. 480–c.547) in the late sixth century, was child oblation, whereby parents donated their five to seven year-old sons or daughters to the monastery (De Jong 1996)<sup>18</sup>, as a gift to God in imitation of the Old Testament prophet Samuel. The child became a sacrifice to God and an orphan 'of sorts' without full-time family ties. The aim supported by a theology of oblation was for the child to become a full member of the monastery though still retaining some links with their families. There were many problems with the practice, perhaps including sexual abuse, although the historical evidence remains unclear. Ecclesiastical legislation endeavoured to stamp it out. De Jong argues that the practice needs to be understood in the context of the time. Forced entry to monastic life was not considered an issue – the focus was on the benefits for the family and for the Church.

## The seal of confession in Patristic times

Another issue parallel to the issue of child sexual abuse was confession and the seal of confession. Virtually no attention was given to the seal during the twentieth century by sacramental theologians after the forensic examination by a German Franciscan, Bertrand Kurtscheid (1877 – 1941): 'Christ gave no express command regarding the seal; at least none that has come down to us. Moreover, the seal necessarily presupposes a secret confession which Christ has nowhere proscribed as the sole admissible form' (Kurtscheid 1927: 3). This gives great power to the Church in respect of the conditions surrounding the administration of the sacrament. A fuller history is given in Appendix Six.

The very early history of the seal is entwined in the two questions of whether and to what extent secret sins were a matter of a public confession, and whether they were subject to public penance. The biblical sources, in Kurtscheid's view, do not indicate whether confession should be public or private. The *Didache* (80–100) and the *Epistle of Barnabas* towards the end of the first century as well as the letter of Pope Clement I (88–99) to the troubled Corinthian community, and the *Shepherd of Hermas*, all clearly state the obligation to publicly confess one's sins. Public confession was the norm in the early Church. In the third century Origen used the analogy that sins concealed in the heart are like undigested food which causes distress until it is vomited up. The central and controversial issue was whether certain serious sins, though committed in secret, were subject to

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<sup>17</sup> The Latin text reads "*Stupratoribus puerorum nec in finem dandum esse communionem*". Some have translated this in terms of only men abusing boys but the text is written in such a way it could also include women abusing boys.

<sup>18</sup> De Jong rejects the contention of Boswell (1980) that the young boys were abandoned by the parents.

public penance and thus to public knowledge. Irenaeus answered in the affirmative (*Adv. Haereses* 1, 6, 3). Tertullian (c. 155–c. 240), Cyprian (c. 200–258), Bishop of Carthage, and Ambrose (c. 340–397), Bishop of Milan, were of the same view. Pacian (310–391), Bishop of Barcelona, thought only murder, idolatry and adultery should be the subject of public penance.

The pastoral leaders of the Eastern Church including St Basil of Caesarea (c. 330–379) in his *Letter to Amphilochius*, and his brother, Gregory (c. 335–c. 395), Bishop of Nyssa, in his *Letter to Letoius*, were also in agreement. In 314, the Council of Ancyra ruled that in the case of such public sins, sins such as adultery, abortion, bestiality, incest with one's sister, and theft, required public penance. Probably by the beginning of the fifth century, the practice of public penance for secret sins had disappeared in the Eastern Church. It lasted longer in the Western Church.

Given the emphasis on public confession and public penance, there were initially no regulations regarding the confessional seal, although indications that confessed sins were to be kept secret began to emerge. The rudiments of the confessional seal begin to take hold in a remarkable development of a Church doctrine. St Basil of Caesarea (c. 330–379) mentions a Church directive for safeguarding confessional secrecy while Augustine (354–430) in *Sermo 82* emphasises that he endeavours to keep secret sins secret. By the time of Augustine, the dispute of whether secret serious is needed to be publicly confessed had been resolved – he simply does not mention public confession.

As Kurtscheid documents, it is with Pope Leo I (440–461), known as Leo the Great, in his letter to the bishops of the Italian dioceses of Campania, Samnium and Picenum, that we have the first decretal touching on safeguarding the secrecy of confession. Leo considered it an abuse for secret sins to be written down and read in open assembly as part of the practice of public penance. What worried him was that the shame and the fear of legal prosecution would deter many from benefiting from the 'salutary remedy of penance'.

## Child sexual abuse and the penitential manuals during the Middle Ages

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### *Liber Gomorrhianus* of Peter Damian

In the long and sorry saga of the clerical sexual abuse of children, arguably the episode that has the closest parallels with recent and current Catholic history concerns St Peter Damian (1007–1072), the great early medieval doctor of reform who was plucked from monastic life to become the cardinal bishop of Ostia (LeClerq 1960), and who brought aberrant clerical moral behaviour to the fore with his book *Liber Gomorrhianus*, written in 1051. Damian confronted the evils of simony, clerical concubinage and the sexual immorality of monks and clergy, particularly the sodomising of young boys and adolescents (Anderson 2004). He found that the Church's leadership demonstrated an unwillingness to address the problem, with the bishops more motivated by a shortage of priests able to celebrate the parish Eucharists. He excoriates 'episcopal laxity', arguing that the failure to act resulted from a profound misunderstanding of the episcopal office. It is also important to note that, at that time, clerics were formally excluded from civil prosecution, but Peter Damian viewed the reform movement against simony and sexual misconduct as a joint project by both the papacy and the Holy Roman Empire (Blum 2003). However, modern historians have assessed that Peter Damian

was over-fixated on clerical misbehaviour and his judgements should be treated with some caution (Boswell 1980, Collins 2013).

In 1049, framing the issue around ritual purity, canon law and abuse of power, Peter Damian wrote his first treatise on sexual abuse by clergy and sent a copy to the German Pope, Leo IX (1049–1054). Anderson writes that: ‘Peter Damian explained that boys and adolescents who entered into the lower ranks of the clergy found themselves “enslaved under the iron rule of Satan” because they were commanded or seduced into performing sexual acts such as masturbation, mutual masturbation, anal intercourse and intercourse between the thighs’<sup>19</sup> (Anderson 2004: 751). While the book caused much debate and controversy, Leo IX was persuaded that the work was exaggerated, and advised Peter Damian that his own exemplary life would do more good than his words. The pope, preferring forgiveness to punishment, took just and moderate remedial action by excluding from clergy ranks only those who had offended repeatedly and over a long period.

## The penitential manuals

As we enter further into the Middle Ages, the Church’s sexual ethic was unambiguous. Pierre Payer (2009) from the Pontifical Institute of Medieval Studies has outlined how the Church’s theology of sexuality was focused on marriage between a man and a woman and, quoting the 1215 French Synod of Angers, ‘it must be said that every voluntary emission is a mortal sin in both males and females unless excused by legitimate marriage’ (Payer 2009). Confession, contrition, and appropriate penance were taken seriously by priests. Despite some suggestions to the contrary<sup>20</sup>, sexuality and gender were the overriding preoccupations of the literature of medieval confession as seen in Payer’s careful analysis of the 26 main confession or penitential manuals. Up until the twelfth century, the penitentials for confessors had been short statements in the form of canons, but these were on the wane. The manuals that subsequently emerged were based on the work of the great Scholastic theologians such as Albertus Magnus (c. 1200–1280), Bonaventure (1221–1274) and Thomas Aquinas (1225–1274).

These new penitential manuals were more simply written out of concern about the intellectual capacity and Latin reading ability of the village clergy. For most of the Middle Ages, sexual misconduct was signified by the terms ‘fornication’ (*fornicatio*) and ‘lechery’ (*luxuria*)<sup>21</sup>, although lechery eventually became the umbrella term for denoting any kind of sexual activity outside marriage. ‘Most interrogatories (used by confessors in the confessional) were structured around fornication, adultery, incest, rape, violation of virgins, and vice against nature. The other dominant organising concept was marriage under which rubric were discussed such issues as acceptable and unacceptable marital sex, adultery, and forms of relationship such as incest, that impeded valid

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<sup>19</sup> See Peter Damian’s letter 31, 7 – 8, in Vol. One, p. 287 of *Die Briefe des Petrus Damiani*, ed. Kurt Peindel, Monumenta Germaniae Historica: Die Briefe der Deutschen Kaiserzeit, Vols 1 – 4 (Monumenta Germaniae Historica, Munich, 1983)

<sup>20</sup> Several scholars have maintained that avarice, stealing and usury were the main preoccupations but Payer demonstrates decisively that this was not so. Sex was the overriding focus.

<sup>21</sup> ‘*Luxuria*’ is usually translated as ‘lust’ but Payer prefers ‘lechery’ as being closer to the Latin original though neither English word is fully satisfactory.

marriage' (Payer 2009: 7) though 'there seems to have been a widespread social belief that simple fornication<sup>22</sup> was not seriously sinful' (p. 124). Confessors had to insist that it was seriously sinful.

Great attention was given to the gravity of serious or mortal sins – for example, sexual intercourse with a nun was not just fornication but, much worse, sacrilegious fornication. There was also a preoccupation with whether nocturnal emissions were sinful or not, although the general consensus came to be in the negative (Payer 2009). A distinction which still remains in Catholic social morality was made between serious sins according to nature (*peccatum iuxta naturam*) such as fornication and rape and sins contrary to nature (*peccatum contra naturam*) such as masturbation and homosexuality, which were classified as of greater gravity because they were not open to the possibility of procreation. The Latin word *stuprum* was used especially in regard to rape, including the violation of female virgins and boys. One opinion considered that the so-called missionary position was the only possible one allowable for sexual communion between a man and a woman because it was according to the laws of nature (Boswell 1980).

The various penitential manuals were creative in imagining all kinds of sexual sin, including lesbianism, bestiality and other abusive behaviour. However, if Payer is correct, child sexual abuse was not an upfront topic in any of the 26 leading manuals of that time, although three of the manuals deal explicitly with clerics and monks who pursue young boys, and with ordained clergy, including both bishops and deacons, who 'commit fornication against nature'<sup>23</sup>. Payer's erudite analysis ends with his noting that the system of confession:

was meant to shape behaviour in such a way as to ensure that people lived in harmony with God, and to offer them the opportunity through forgiveness to re-establish that harmony when it was disrupted. Initially, of course, the system was one of moral control....and then by extension became a system of social control (Payer 2009: 196).

Hence, during the Middle Ages based on the evidence of the manuals, clerical sexual abuse of children was always in the sin mix but never at the forefront, although the issue needs more research. However, this is complicated by the fact that the Church identified adulthood with puberty, and really never had a theology of childhood based on a realistic anthropology and certainly not a theology of adolescence.

## The seal of confession during the Middle Ages

The documental silence in relation to confessional secrecy prior to the ninth century suggests it had passed into normal pastoral practice (Kurtscheid 1927). Public penance was never introduced into the Irish or English Churches – their missionaries would subsequently take the practice of secret, individual confessing to continental Europe. The emphasis was on secret atonement for secret transgressions. The Synod of Pavia in 850 did allow that confessional secrecy could be transgressed if the confessor needed advice – he could consult the bishop, but only if the sinner's name was kept confidential. At the close of the ninth century, Canon 105 of the *Penitentiale Summorum Pontificum* represents the first direct legislation on the confessional seal in the Western Church: violating the

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<sup>22</sup> The term 'simple fornication' emerged after Gratian to denote sexual intercourse of *solutus cum soluta*, both male and female unattached or unmarried.

<sup>23</sup> These manuals were prepared by Alan of Lille, Bartholomew of Exeter, Master Serlo, Robert of Flamborough and Thomas of Chobham among others (cf. Payer 2009: 133).

seal was to be punished by removal from ecclesiastical office and lifelong exile. Other documents from the tenth and eleventh centuries reinforce the importance of the seal (See Appendix Two for a fuller account).

According to Kurtzsheid (1927), in the context of confessional secrecy, Peter Abelard (1179–1142) criticised those priests ‘who are light-minded and careless, and it is difficult for them to hold their tongues’ (Hon. II om Ramis Palmarum, Sermo VIII). Anselm (1033 – 1109), Archbishop of Canterbury, was insistent on secrecy as a strict obligation of the confessor, although the duty was still ill-defined. It is at this time that there emerged an issue that has dominated pastoral considerations until the nineteenth century: whether the seal could be violated to prevent a calamity to the State or the common good. It was also during the eleventh to thirteenth centuries that controversy emerged about the use of knowledge received during a sacramental confession. The dominant thinking was that the confessor ‘must act as if not he, but God alone, knew this’.

The key moment in the history of the seal of confession is the Fourth Lateran Council in Rome in 1215. Its Canon 21 decreed that all the faithful of either sex who had attained the ‘age of reason’ must confess their sins to a priest and receive the Eucharist at least once a year on pain of excommunication. In relation to confessional secrecy, it legislated what synods and individual bishops had been saying for four centuries, that the priest was to be ‘discreet and cautious’:

But let him exercise the greatest precaution that he does not in any degree by word, sign, or any other manner make known the sinner, but should he need more prudent counsel, let him seek it cautiously without any mention of the person. He who dares to reveal a sin confided to him in the tribunal of penance, we decree that he be not only deposed from the sacerdotal office but also relegated to a monastery of strict observance to do penance for the remainder of his life.

Kurtzsheid (1927) interprets this canon as requiring the confessor to treat his penitents ‘with leniency and prudence’. The confessional seal only binds the confessor, but he can seek advice from another but on the condition that the identity of the penitent is never revealed. Caesarius of Heisterbach (c.1180–c.1240) reported various abuses, such as a priest who attempted to seduce a woman penitent by threatening to reveal the contents of her confession and was denounced by the woman and subsequently banished.

The inviolability of the confessional seal was stressed by many such as the Portuguese St Anthony of Padua (1195–1231), who commented on Canon 21 of the Fourth Lateran Council that: ‘I maintain that whosoever reveals the confession made to him sins more grievously than the traitor Judas’ (Kurtzsheid 1927: 124–125). However, there continued to be disputation about the extent to which the confessional seal was absolute. In his *Summa Aurea*, William of Auxerre (1145–1231) documents the opinions of several theologians that the seal could be broken for grave reasons. However, support for violating the seal in extenuating circumstances would only ever be a very minority position (Kurtzsheid 1927).

## Reformation, Counter-Reformation and Inquisitions

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One of the major causes of the Protestant Reformation was the state of corruption among the Catholic clergy. Bigness (2009), in his thesis on Thomas More (1478-1535) and English anti-clericalism, draws attention to the role of the sixteenth century Protestant translator of the Bible into English, William Tyndale (1494–1536), certainly no friend of the Catholic Church and an

exaggerator of the situation. He portrays the 'standard Catholic priest as one who patronises prostitutes and exploits the poor', and suggests that Catholic bishops had set up 'stews of young boys' to serve as clerical concubines. Certainly Martin Luther, originally an Augustinian friar, introduced immediately visible changes by abrogating clerical celibacy. He himself married a nun and was followed in this by many others. Plummer (2012) has studied 30 sets of German archives between 1513 and 1545, to find 2,500 men who became Lutheran pastors. Many had been Catholic priests or monks and their wives had previously been their live-in partners. There was much opposition to these pastors' wives, who were perceived as 'priests' whores', although there was also much popular support.

## The Inquisitions

In the twelfth century, well before the time of Luther's Reformation, the Catholic Inquisition<sup>24</sup> had begun the hunt for heretics and schismatics in France against the Cathars and Waldensians. It would not be abolished until the early nineteenth century, with the Spanish Inquisition (1478–1834) lasting longer than the Roman Inquisition (1543–1700). In 1904, the Inquisition transformed itself to become the Supreme Sacred Congregation of the Holy Office, before being rebadged in 1965 as the Congregation for the Doctrine of the Faith.

The primary purpose of the various inquisitions was to pursue heresy and to defend the purity of the faith. But by the late Middle Ages and early Renaissance period, they had partly switched their attentions to matters of morality in addition to matters of doctrinal purity. The so-called witches, often old, wise and healing women, were certainly targeted as has been well documented, and their children were particularly vulnerable to torture and abuse. Some have argued that because the various inquisitions were controlled by the clergy, they covered up clerical sexual abuse (DeDieu 1987). DeDieu has examined the Spanish Inquisition archives for the city of Toledo. He says a large part of the sexual activity it investigated was labelled by the judges as 'simple fornication' and there is little evidence that cases of clerical sexual abuse of children came often before the Inquisition. Haliczzer (1996), in an analysis of cases of solicitation in confession investigated by the Spanish Inquisition from 1530 to 1819, searched Spain's Archivo Historico Nacional and found 223 solicitation cases where the documentation was complete. He found that members of the mendicant orders, including the Franciscans and Dominicans, were more frequent offenders than diocesan priests or the Jesuits. But few of these cases are likely to have concerned young children, since children did not make their confession until age twelve and puberty was considered the transition to young adulthood.<sup>25</sup>

However, Tapsell (2015) cites the study of Carrasco (1986) who examined the Spanish Inquisition archives for Toledo between 1565 and 1785. Carrasco found that most of the priests and religious

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<sup>24</sup> The Inquisition was a group of institutions within the judicial system of the Catholic Church whose initial aim was to combat heresy. Historians have struggled to gain a complete understanding of the Inquisition because much of the historical evidence has disappeared. In recent decades, historians led by the British scholar, Henry Kamen (1998), after an earlier book in 1965, have suggested that the Inquisition was not nearly as cruel or as widespread as is commonly believed. Yet there is no doubting the grotesque ingenuity of the torturing instruments.

<sup>25</sup> However, Haliczzer did find cases of one priest, seemingly an alcoholic, attempting to seduce a 15-year-old girl in the confessional and then following her to her house – he was hauled before the Inquisition for soliciting sex from nine female penitents. He also found other cases of involvement with boys, such as a Franciscan exposing and masturbating himself in front of a young boy (Haliczzer 1996; Cornwell 2014).

accused of committing sexual crimes were charged with committing acts with adolescents, either religious novices, or students, or boys plying 'the street trade'. Almost one third (30%) of the victims were aged between nine and nineteen years, with an average age of 15.4 years. One example in 1752 involved a friar, Pedro Pizarro, nicknamed La Pizarra, who had a 'playroom' in the grounds of his monastery to which he would invite boys on the pretext of doing paid work, plying them with food and wine before assaulting them with the help of other monks. In other cases, several novice masters were denounced for abusing their young charges, and one priest was accused of murdering some of the boys in a religious house as well as having sexual relations with eleven young men (Carrasco 1986).

## The Reformation and Counter-Reformation age

During the Reformation and post-Reformation period, the historical clues are indicative rather than definitive, although the archives have yet to be fully searched. Pope Julius III (1550–1555) created scandal with his infatuation with Innocenzo, a fifteen-year old boy whom he had rescued from the streets of Parma, had his brother adopt him and made him a cardinal (Kelly 1986). A search of the Florentine civil records has uncovered the case of a Jesuit priest who was defrocked and decapitated on 15 October 1570, for sodomising an adolescent choirboy (Sheer 1991). A year later, three minor seminarians complained of being sexually abused by the rector. He confessed after one of the victims bit off his tongue. He was not executed because anal intercourse had not taken place, but was sentenced to life imprisonment. Later in the same year at Loreto, a choirboy was abused by three priests. Scott (2016) documents how a parish priest who turned charismatic healer beginning in 1598 in Navarre, was in trouble when laying hands on sick young girls and women, for 'probing and palpitating their underthings'. However, in both periods it is rare to find child abuse incidents in ecclesiastical records (Sheer 1991).

## The Piarist scandal

In 1948, Pope Pius XII declared St Joseph Calasanz (1557–1648) to be the universal patron saint of Catholic schools. This pioneering Spanish priest eventually found himself in Rome, where at a time of social activism and growing consciousness that the masses needed to have some education, he established the first religious order to work in schools, the Order of Clerics Regular for the Pious Schools, otherwise known as the Piarists (Leibreich 2004; see also MacCulloch 2012). These priests have never worked in Australia. According to historian Diarmaid MacCulloch, 'It was the first order in the Christian world to provide free education to the poor' (MacCulloch 2013: 204). Eventually they would educate Mozart and Goya and, much later on, Pope Pius XI. Calasanz was a good friend of Galileo, which led to his schools being open to the teaching of mathematics and science.

But at the very core of this new religious order was the evil of child sexual abuse. Stefano Cherubini was the dandy son of a distinguished Roman family who was over promoted by Calasanz. When Calasanz became aware of Cherubini's offending against boys in a Naples school, he did nothing. Nor did he try to limit Cherubini's subsequent contact with boys. This inaction was prompted by a desire to defend the new order's reputation, although this would be to the detriment of Calasanz' own personal reputation. Nor was Cherubini the only Piarist offender in those early times for the order. The Piarists were temporarily suppressed in 1648, but more for their association with Galileo than their toleration of child sexual abuse. By careful manoeuvring, Cherubini became the head of the order in 1643, towards the end of Calasanz's long life. The scandal was buried in the archives in

Florence until unearthed by Karen Leibreich (2004). St Joseph Calasanz remains the patron saint of Catholic schools.

Diarmaid MacCulloch, Professor of Church History at Oxford University, in his monograph on silence in Christian history, reflects on how the Piarist case of child sexual abuse in the Catholic Church represents another recurrence in a 'repeated but discrete series of individual reactions to a structural problem – the emotional constraints of universal compulsory clerical celibacy'. In reaction to the Protestant emphasis on clerical marriages, the Catholic Counter-Reformation resolved to insist on clerical celibacy for a frequently reluctant clergy: 'The Counter-Reformation on the special ontological status of priesthood did not always encourage clergy to attempt proper moral reflection on their actions' (MacCulloch 2013: 207). Both Cornwell (2014) and Tapsell (2014, 2015) draw attention to the link between imposed celibacy and solicitation in the confessional, including its frequency. The Spanish canonical records show that between 1723 and 1820 there were 3,775 cases of solicitation in Spain, an average of forty cases per year. Pope Benedict XIV issued an instruction about solicitation in 1741, and throughout the nineteenth century there were regular similar Vatican instructions under Gregory XVI (1842), Pius IX (1866), and Leo XIII (1890) (Tapsell 2015).

In his study of monastic prisons and torture chambers in Central European monasteries (Austria, Germany and Poland), Lehner (2013) devotes half a chapter to the issue of child sexual abuse and sexual abuse generally. Offenders were punished severely – for example, a priest received a life sentence for seducing a nun. Lehner refers to several cases, such as the case of an eleven-year-old boy who was raped by an Augustinian prior in 1653, and the case of Johannes Figulus, sub-prior of a Benedictine monastery near Trier, who was found to be a serial offender against altar boys in 1769 and sentenced to life in jail by the Archbishop of Trier.

## Evidence from the first part of the Twentieth Century

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### The sexual proclivities of a terrorised Jesuit Superior-General

Coming closer to our own times, the Jesuit historian, David Schultenover, has brought to light a remarkable document - the unfinished but voluminous memoirs of the Spanish Jesuit Luis Martin Garcia (1846–1906), the Superior-General of the Society of Jesus, which documents his tormented struggle with his own homosexuality. In a section devoted to the life story of Fr Martin in his study of the Modernist crisis, Schultenover (1993, pp 208–215) chronicles how Martin left home at the age of twelve, in 1858, to study at a minor seminary in Burgos, where he was billeted and shared not only a room but also a bed with an older servant boy who 'attempted many evil conversations and reprehensible actions'. His sexual awakening at puberty remained fixed in Martin's memory in a lifelong and morbid preoccupation with sex, to which he attributed the chronic ill-health that led to his relatively early death.

Martin struggled with same-sex attraction towards his peers and seems to have led a life of sexual terror. He documents how he used binoculars to spy on young boys, and much later, in Rome, into hotel rooms. During his philosophy studies he began reading suggestive material in Greek and Roman literature and then in Spanish and Italian literary works. During his third year of theology, he refers to a 'catastrophe' without giving any details. Always lamenting the gap between his secret actions, which may or may not have included masturbation, and his public life as a very successful ecclesiastical leader, he wrote,

It was a shame for me to find myself so poor and unable to control my fierce passion...I think that it was something providential and healthy for me to have been so weak that I should know, first, how powerful is the passion excited by the occasion, to drag worldly men to the abyss of sin and keep them there for years and years (quoted in Schultenover 1993: 211).

## The Spanish Civil War of the 1930s

Turning again to Spain, in a book described by reviewers as provocative but informative (Callahan 1999, Chamon-Deutsch 2000, Ortiz (2000)) and basing his historical views on anecdotal historical evidence, Timothy Mitchell (2000), an academic authority on Spanish history and culture, has argued that the Catholic Church in Spain has created generations of psychosexually impaired Spaniards through clergy sexual abuse of children and young women. He suggests that, according to his research, Spain is potentially the most prominent national case study of State and Church approval of clerical sexual abuse, dating back at least to the sixteenth century according to his research. He argues that the combination of Church power and clerical sexual abuse have made Spaniards deeply suspicious and resentful of the Church and its clergy, and that the desecration of hundreds of churches and the murder of thousands of clergy during the Spanish civil war in the 1930s needs to be understood, in part, as a backlash against clergy sexual abuse. He writes that, even in the wake of the Franco period:

Rhetoric aside, it is clear that authoritarian sexuality and its cultural support systems retain a good deal of their former power ....Consensual or not, sex without commitment does not require a priest to transcend his meager repertory of role-relationship models. After physical consummation he can continue to regard women as basically bad, dirty and threatening – therefore erotic enough to make it likely that the behavior will be repeated, or become habit-forming or addictive. Following his dysfunctional script, a priest can go from affair to affair or from brothel to brothel his entire life (Mitchell 2000: 125).

Among the estimated half a million dead during the civil war were almost 7,000 priests (including 11 bishops) as part of the so-called Red Terror committed by the virulently anti-clerical Republicans. The killings of priests occurred particularly in the first months of the war (Mitchell 2000). Mitchell's reviewers (e.g. Callahan 1999, Chamon-Deutsch 2000, Ortiz 2000) suggest that his argument that revenge for clerical sexual abuse was the major cause for the killings of bishops and priests, is too reductionist and simplistic. But it was a significant factor, even if Mitchell's brush is too broad. Certainly in the preceding centuries, many Spanish novelists and popular writers wrote about priests as sexual predators.

## The Verner Moore study – insanity levels in the 1930s

While it cannot be directly related to clerical sex abuse of children by priests and religious during the 1930s, another remarkable document comes from the USA in the 1930s. It highlights the relatively high levels of clerical and religious celibate dysfunctionality and un-wellness as measured through the prism of insanity rates. Dom Thomas Verner Moore (1877–1969) was a priest psychiatrist and

Benedictine scholar monk<sup>26</sup> (Neenan 2000). In the 1930s, he became concerned about the seemingly high rate of insanity among priests and religious. Using the psychiatric terminology of the day, he asked the research question: What is the incidence of insanity among priests and religious and how does it compare with the rate for the single in general, the married, the widowed and the divorced? He received a very high response rate from all 'sanatoria and asylas', both government, Catholic and non-Catholic, from right across the USA. (Moore 1936a).

**Table 2.1: Rate of Hospitalisation for Insanity in 1935 in U.S.A. for Marital Status and Religious Personnel Groups**

Group Category	Incidence per 100,000
Single adults	261.60
Married adults	158.83
Widowed	330.73
Divorced	745.10
Diocesan priests	503.94
Religious priests	286.81
Non-cloistered nuns	427.80
Cloistered nuns	1034.04
Brothers in community	294.29
Lay Brothers	498.75

Source: Thomas Verner Moore (1936a)

As seen from Table 2.1, the insanity rates per 100,000 were generally low. The 30,250 diocesan priests had the highest rate of insanity except for the 4,642 cloistered nuns who had an extremely high rate compared to all marital groups and religious personnel groups. The 117,578 non-cloistered nuns had an insanity rate of 427.80. The lowest rate was for married persons. Amongst the religious groups, the lowest rate was for religious order priests, followed by brothers in community as distinct from lay brothers living with a community of priests. For the six religious groups, the most common diagnosis was dementia praecox, which is best described today as schizophrenia.<sup>27</sup> 'Forty-four% of insane nuns suffer from some form of dementia praecox whereas only 21.1% of insane women fell into this category' (Moore 1936a: 497). Amongst nuns, the next most common diagnosis was manic depressive, but this was not so for the priests. The priests suffered most from dementia praecox (20.67%), 'definitely higher than for the general (male) population'. 'The next most common type of insanity resulted from alcoholism, 20.74% as compared to 7.3% for males in the general population'

<sup>26</sup> During his life, Dom Verner Moore was to publish over 100 academic articles. He spent the last 22 years of his life in seclusion in a Carthusian monastery in Burgos in Spain (Neenan 2000).

<sup>27</sup> There is a long, complicated and turgid history of arguments about psychiatric terminology, but dementia praecox was usually described as a cognitive disintegration often beginning in the late teens or early twenties. Moore was tied to US terminology of the time. The system distinguished between five types of dementia praecox.

(Moore 1936a: 498). At no stage in this analysis does Moore mention anything about sexual disorders or about celibate breakdown.

In a subsequent article about ‘the detection of prepsychotics who apply for admission to the priesthood or religious communities’, Moore (1936b) listed a series of many questions under seven headings to be asked as part of an admissions process. But, at no stage does he nominate questions about sexuality or sexual history, nor about capacity for celibacy. This is very odd and it is possible that he did not wish to address the issue in an open publication. The closest he gets is to ask the applicant about anyone ‘notoriously immoral’ or associated with criminality in the family tree. Sipe (1995, 2015) has suggested that the term ‘alcoholism’ may be a masking term for sexual issues. This may be so, but one would have expected Moore to have mentioned it in his second article about screening.

Another historical clue comes from the Italian-Jewish doctor, Carlo Levi (1912–1975), who was exiled for his anti-Fascist activities by Mussolini to the village of Aliano (called Gagliano in the book) in 1935 – 36. He subsequently wrote a sympathetic account in an Italian literary masterpiece, *Christ Stopped at Eboli*, of this poor village in Basilicata, neglected both by the State and the Church. In the book, Levi befriends the priest, Don Trajella, who is living in utter poverty and filth with his aged mother. His predecessor is known for the number of children he has fathered, who are still running around the village. Trajella is a former seminary professor who has been banished to Aliano ‘for taking certain liberties – you know what I mean – with his students’ (Levi 1982: 45).

## The Netherlands

In the Netherlands, the 2011 Deetman Commission briefly examined the pre-World War II situation of child sexual abuse in Catholic parishes and institutions, even though technically this was outside its terms of reference. Some of the reports from still living victims dated back to 1936. In the archives of several congregations of religious brothers, the Commission found regulations and circulars, subsequent to 1855, which referred to ‘association with children’. The archives of the Brothers of Tilburg also contained information about specific instances of abuse. In Nazi Germany, in 1936 and 1937, so-called “immorality trials” (*sittlichkeitsprozesse*) were held, with the conviction of 170 brothers as a way of subjugating the Catholic Church. This had an immediate impact upon the Netherlands, and before the Nazi invasion sensitive archival documents were destroyed. The Commission found that, during the 1940s, the Dutch bishops were actively trying to address the problem of child sexual abuse by clergy and religious. In 1953, the Bishop of Roermond asked the psychiatrist priest, Fr Bless (1903–1974), to review the care and treatment being provided in Roman Catholic institutions. He was an established authority on ‘pastoral psychopathology’, having written a book with the title *Pastoral Psychiatry* in 1934. He had major concerns at this time about sexual psychopaths among priests and religious in the Catholic community and argued strongly in favour of the psychiatric assessment of candidates for the priesthood. Bless seems to have been very aware of sexually misbehaving priests. In his 1953 report, he suggests that an average of 34 priests a year were being treated at each of the seven Roman Catholic psychiatric institutions he investigated in the Netherlands, although not all of these would have been treated for sexual disorders and some would have been treated for the psychological consequences of World War Two (Deetman Report 2012: 66 – 67).

# History of child sexual abuse in Catholic Australia prior to 1945

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In the case of Australia, we have the same historiographical and archival problems outlined at the beginning of this chapter, although the Australian government has never signed a concordat with the Holy See. The same pattern of clerical misconduct reaches back to the earliest decades of the Australian Church and has been glossed over by Church historians and biographers. The story has to be understood in the context of the very trying and testing conditions of the early building of the pioneer Church on Australian soil, and of the overall physical and mental health of priests and religious men and women.

## The Polding era

Many pioneering priests before and after Archbishop John Bede Polding OSB (1794-1877), the foundation bishop of Australian Catholicism, worked to establish the edifice of the Australian Catholic Church in Australia. Cooper (2015) has documented the lives of these pioneer priests, including the two convict priests, James Harold (1744–1831) and James Dixon (1794-1868). John McEnroe (1794–1868) arrived in Sydney in 1832, and at one stage was overtaken by alcoholism, before eventually becoming Polding's secretary. He also worked for four years on Norfolk Island. Charles Lovat (1799–1859) after his seminary teaching days in Sydney, pioneered the work of the Church in Yass and its environs. The Irishman, Timothy McCarthy (1829–1879), pioneered the Grafton, Tamworth and Armidale areas and their goldfields - like other pioneer priests his first residence was a slab wood cottage. Fr Michael McGrath (1815–1899) pioneered Goulburn.

These and many other upright and committed priests and religious worked long and hard to establish the Church in the new British colonies. However, in every decade of his long episcopacy, Polding, an English Benedictine monk, was always in a desperate and despairing search for more priests to deliver pastoral services to a rapidly expanding Catholic population, but especially during the 1850s Gold Rush and the great influx of Irish Catholics during the 1860s (Compton et al. 1996a). In 1866, in a report to Cardinal Barnabo, head of the Congregation for the Propagation of the Faith in Rome, after the dioceses of Hobart (1842), Adelaide (1844), Perth (1845), Melbourne (1848), Maitland (1848), Brisbane (1859), and Bathurst (1865) had been created, Polding records in his correspondence that he had just 84 priests for 130,000 Catholics out of a total European population of 400,000, and 181 churches (Compton et al. 1998c).

The first known case of clerical sexual misconduct against minors in Australia was that committed by a Benedictine deacon, John Bernard Caldwell (1819–1908). In his private correspondence to his Benedictine confreres back in England, Polding poured out his soul. In his letter of 21 May 1849 to Very Reverend Bernard Barber OSB, the President-General of the English Benedictine community (1842–1850), Polding writes about Caldwell whom he describes as 'very musical'. Several years before this, Polding had written of a priest who was a drunkard and a womaniser, and then made a reference to 'something worse' without further elaboration. In his letter, he states:

So Bernard, I hoped, would overcome his strange propensity by an entire change of persons and place. I fear it still remains unovercome. A miserable foolish lack-a-daisical fondness. Goosey<sup>28</sup> he is and goosey he will be. Excuse the word – but it is very apt in characterising his softness in this manner...both Edmund and Bernard have been raised to the rank of Deacons (Compton et al. 1996b).

The next day in a new letter, he again writes to Barber,

It is not for me to advise D.F.P.<sup>29</sup> but really if a flaw can be discovered in Caldwell's Profession it would be well to let him go his own way. What children can be safe under the same Roof with him? (Compton et al. 1996b)

Two weeks later (5 June 1849), Polding writes to his cousin, Fr. Thomas Paulinus Heptonstall OSB, a monk at Downside Abbey and Procurator of the Southern Benedictine Province in England:

Poor Caldwell, I fear, will never be fit for the Mission nor indeed is he a desirable person to have with Boys. I was not aware of his Goosiness until the allegations made by the two rendered an examination into the state of our community in some sort necessary. To a great extent he is like Spencer.<sup>30</sup> May we thank God we are not musicians (underlining in the original) (Compton et al. 1996b)

Caldwell was sent back to England where he was ordained in June 1850. After ministering in many places throughout England from 1852 to 1901, he became the Cathedral Prior of Ely.

## Polding and his problem priests

Polding experienced many problems with his priests in his far-flung mission. A year earlier, in a letter (25 May 1848) to Cardinal Giacomo Fransoni in Rome, he writes about a Fr Barsi who has arrived from Hong Kong with a companion 'who was a doctor who was constantly intoxicated'. He complains that Barsi 'wore secular dress, constantly smoked'. He comments: 'His behaviour is the antithesis of the behaviour of our Missionaries'.

But the most important and relevant letter in the three volumes of Polding's correspondence (Compton et al. 1996a, 1996b, 1996c) is one written to the Congregation for the Propagation of the Faith in mid-May, 1859. In it Polding names 33 priests who have had to be released from the mission, including six who were described as being 'unchaste', and usually also 'drunk'. He gives only the surnames: Hogan (Irish), Platt (Irish), who is also described as 'adulterous', Houlahan (Irish),

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<sup>28</sup> Being 'goosey' or 'goosiness' is a 19th century term for sexual abuse. The Concise Oxford Dictionary describes as one of its meanings to 'poke a person in sensitive (esp. genital or anal) region'. Its meaning has since evolved to describe someone who is silly or stupid, especially in the U.S.A. e.g. he/she is 'loosey goosey'. Then there is the old rhyme, "Goosey goosey gander, where shall I wander? / upstairs and downstairs, in my lady's chamber". Thus it can be given a phallic connotation. The phrase 'goose bumps' can refer to sexual arousal as well as strong emotions such as fear, pleasure, nostalgia and admiration. The Free Encyclopedia on Wikipedia cites several studies that 'goose bumps' can refer to the symptoms of sexually transmitted diseases. "Bitten by a Winchester goose" was a common euphemism for having contracted syphilis in the 16th century and 'Winchester geese' referred to the prostitutes of South London.

<sup>29</sup> Dear Father Procurator.

<sup>30</sup> John Benedict Spencer was an English Benedictine sub-deacon who arrived in Sydney in 1835 with Polding. Ordained a deacon, he was sent as a catechist to Port Macquarie in 1836. He returned to England in 1837 and joined a Trappist monastery in France. He was subsequently ordained a priest in 1839 but had his faculties withdrawn in 1841. Spencer was eventually expelled from the Benedictines in 1851 and reduced to the lay state in 1851. He died in 1864.

Kums (Belgian), Kavanagh (Irish) and Dom Garroni (Italian), who is described as 'very dangerous among young men'. A few weeks later (9 July 1859), the French Benedictine monk and sculptor, Fr Jean Gourbeillon, also left Sydney after being 'seduced by a woman', and it transpires that he was leaking derogatory material against Polding to the local magazine, *The Freeman* (O'Donoghue 1982).

Polding also had trouble with another priest who is accused of 'soliciting' a nun; then with an English convert who became a Benedictine lay brother and married a Presbyterian woman; with a deacon who left his mission and fled to Melbourne with his housekeeper; and with a priest called Keating, 'a useless priest' who lay in bed all day and refused to preside at an execution: 'he imagines himself incapable of work'. There was also the Benedictine deacon and sub-Prior, John Oswald Connery, who left the monastery and contracted a civil marriage with a Protestant woman – in 1897 he sought dispensation from his vows when his wife and daughter wanted to become Catholics. Another Benedictine priest, Henry Anselm Curtis, novice master and head of the seminary, fled to Melbourne with a woman and married her, while another Benedictine deacon, Joseph Laurence Moore, married and sought dispensation from his vows in 1871. Most of these cases are concerned about adult sexual behaviour but highlight the psychological pressures under which the clergy in the early colonial period were operating.

## The excommunication of Mother Mary MacKillop

Another major episode of clerical child sexual abuse to have recently come to light concerns Australia's first canonised saint, Mother Mary MacKillop (1842–1909), known as St Mary of the Cross, who was born in the inner Melbourne suburb of Fitzroy. She established the Sisters of St Joseph to work in schools and welfare institutions across far-flung urban and remote Australia. In 1871, her religious order was disbanded by Bishop Laurence Shiel, the Franciscan Bishop of Adelaide, and she herself was excommunicated. The reason for this drastic action had always been a mystery until an ABC Television Compass program in 2010.<sup>31</sup> In 1870, the Josephite nuns at Kapunda, north of Adelaide, reported a Franciscan priest, Fr Patrick Keating,<sup>32</sup> to the Adelaide Vicar-General for allegedly sexually abusing children. The priest was sent back to Ireland to continue his pastoral work there. But his good friend and fellow Franciscan, Fr Charles Horan, most upset by the nuns' action, in a complicated series of events, was able to manipulate an unstable, aging and sick Franciscan Bishop Shiel into excommunicating Mother MacKillop in an act of revenge. Horan<sup>33</sup> himself seems to have been a sexual predator, propositioning a nun, Sr Angela Mary, and behaving, on her account, in 'an unpriestly manner'. Another priest was convinced Horan had also been involved in abusing children. On his deathbed, in March 1872, Shiel seems to have realised his mistake and withdrew the excommunication order (Congregation for the Causes of the Saints 1989).

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<sup>31</sup> The program was aired on the ABC on 10 October 2010. The incident is referred to in the 1989 document prepared by the Jesuit, Fr Paul Gardner, in presenting her case for canonisation to the Vatican under the direction of the relator, Fr Peter Gumpel. The account of the episode is based on material written in Latin and held in the archives of the Congregation for the Propagation of the Faith in Rome.

<sup>32</sup> There is no evidence to link this Fr Keating with the Fr Keating mentioned in Polding's correspondence. Keating is a common Irish name.

<sup>33</sup> Born in Galway, Horan had arrived in South Australia in 1868, becoming Shiel's vicar-general.

## The Christian Brothers and child sexual abuse in the inter-war period

Another example of the discovery of child sexual abuse through careful and systematic examination of the archives is the Australian Senate Inquiry into Child Migration (2001), which included in its investigations four Western Australian rural institutions: the Castledare Junior Orphanage, St Vincent's Orphanage in Clontarf, St Mary's Agricultural School at Tardun, and the Bindoon Farm School. These were all operated by the Christian Brothers from the 1910s until they were closed between the 1960s and 1980s. In each decade from the 1910s to the 1960s, the relevant Provincial Council of the Christian Brothers knew about allegations against some brothers. The Senate Inquiry found that in February 1919, a Brother Carmody was jailed for three years after pleading guilty to indecent dealing with young minors. He seems to have been possibly the first Catholic religious to have been jailed in Australia for child sexual abuse. This incident has not been mentioned in any of the histories of the Christian Brothers in Australia, nor in the biography of Patrick Clune CSsR, first Archbishop of Perth (1864–1935), who was informed of abuse allegations on two occasions by the Under-Secretary for Colonial Affairs.<sup>34</sup>

During the 1920s, eight Christian Brothers were reported for sexually abusing of boys, but the consequences for the eight are unknown. More than a dozen brothers were reported during the 1930s, so many in fact that the Provincial was moved to write in his report to the Christian Brothers' Superior General in Dublin, that: 'The frequency of moral lapses is alarming'. In the 1940s, allegations were made against 17 Christian Brothers across Australia (Bindoon, Castledare, Clontarf, Geraldton, Kalgoorlie and Tardun in Western Australia, Lewisham, Strathfield and Tamworth in New South Wales, and in Brisbane). During the 1950s, 24 brothers were reported to the provincial for abusing boys (Royal Commission, Report of Case Study No. 11, 2015).

## The Institute of St John the Baptist in Adelaide

The next historical clue emerges during the episcopacy of Matthew Beovich, Archbishop of Adelaide (1939–1971). His biographer, Josephine Laffey, recounts how John Healy, the parish priest of Thebarton, an Adelaide suburb, from 1881 until his death in 1921, founded the Institute of St John the Baptist for religious brothers in the late nineteenth century. The well-intentioned Institute did not flourish or grow beyond Thebarton, where the brothers taught in the parish school. They also established a post-prison transition house for males, and ran a reformatory school for delinquent boys (Laffey 2008). By 1940, only fourteen brothers remained, heavily divided by age, with an older and a younger group and a 20+ year gap. Community life was wracked by dissension, with the brothers themselves lacking in educational levels and leadership capacities. A formal visitation in 1941 found a 'lack of definite traditions of the religious life'. In August 1942, Beovich was informed that one brother had been abusing several boys at the recently established reform school at Brooklyn Park. It was also found that a second brother was another abuser (Laffey 2008).

After a presumably canonical committee of inquiry, both were dismissed and the other brothers were encouraged to join other institutes, which most did. By 1948 only three elderly brothers were left and Beovich decided to canonically suppress the order. But the three resisted and this led to a public dispute in which Beovich felt unable to defend himself from many attacks because he wanted

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<sup>34</sup> Some of the information in this paragraph has been supplemented by information from Case Study Report No. 11 of this Royal Commission into the Institutional Responses to Child Sexual Abuse.

to keep the 1942 events hidden from more public view. The Institute was not finally wound up until 1960 when all three were dead. These attacks 'were the price the archbishop paid for endeavouring to keep his beloved Church free from scandal' (Laffey 2008: 147) – it is a telling comment. The case highlights the determination of one bishop to keep the actual incidents of child sexual abuse secret from both the Catholic community and the general public. And it highlights the vulnerability of children to members of religious orders in serious decline, with poor leadership and poor formation capacities. We shall return to this issue in Chapter Six.

## Chapter Summary

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Any cohesive and comprehensive narrative of the deep history of child sexual abuse in the Christian Church over the past 2000 years is virtually impossible, given the historiographical and archival issues involved. But, right from its very beginnings in New Testament times, child sexual abuse has been an issue for Christian families and their communities. For the first 1000 years, most Catholic priests serving small village communities were either married or living in some kind of relationship, which Church historians have dealt with disparagingly under the rubric of 'concubinage' (Kelleher 2002). These patterns of relationships have endured in many countries up to contemporary times and have always been quietly tolerated. Beginning at the start of the fourth century, the Church began to insist on clerical celibacy for the diocesan clergy, with varying degrees of success down the centuries. At the same time, formal condemnation of clerical child sex abuse began with the Council of Elvira at the beginning of the fourth century. From the earliest Christian centuries, the sexual abuse of young boys always seems to have been an issue with monastic clergy who had access to children. Solid evidence of this comes from the penitential manuals used by confessors during the Middle Ages.

In the post-Reformation era, as the Catholic Church struggled to implement the decrees of the Council of Trent and maintain its claimed religious exceptionalism or superiority over other Christian churches, the historical clues about priestly and religious misconduct with children keep emerging. From Holy See's viewpoint, Catholic superiority would have been severely compromised and jeopardised by any revelations about child sexual abuse within its ranks. The Piarist scandal is an example of this.

It would seem that where archives are intensively searched and the euphemisms and code words are understood, historical clues relating to misconduct by priests and religious and child sexual abuse can be and are uncovered. It is also well to remember that 'child' was understood as pre-pubescent, which further heightens the difficulty of the historical search.

And all this is certainly true of Catholic Australia, right from Polding's time and up to the time of the Second World War. The sexual abuse of children by clergy and religious brothers was an issue across the world, and in Australia, well before the 1960s. Although it existed, was known and identified by Church authorities as a serious, but never systemic issue, it was kept secret - very secret. The motivations for that secrecy were an over-riding concern for the Church's reputation, a very strong determination to avoid public scandal, and a desire to protect offending clergy and religious. Nothing in the historical evidence shows any concern whatsoever for the welfare of the abused children themselves, or for their families.

# 3. THE POST-WWII HISTORY OF CHILD SEXUAL ABUSE IN THE CATHOLIC CHURCH

## Introduction: The inter-war period and papal concerns

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This chapter will take a global perspective and focus on the sexual abuse of children by priests and religious in the Catholic Church following the Second World War. It will rely on the various narratives contained in the 26 government and Church-sponsored inquiries and reports together with other information gleaned by the RMIT research team from the research literature and, in some cases, media reports. The guiding research question for the chapter was formulated as follows: **What learnings are there available in the 17 international government and Church inquiries regarding child sexual abuse perpetrated in Catholic settings and the responses by Catholic Church leaders, other Church officials, and Church members to allegations and concerns about child sexual abuse?** After outlining the theological and pastoral settings in the post-War Church, our narrative will be mainly based on the findings of the 17 international reports from Europe and North America, together with some very limited information from the Asian and African Churches, and with a special section on Italy, concluding with the learnings gained from our research.

This chapter will suggest that child sexual abuse by priests and religious is a world-wide phenomenon in the global, universal Catholic Church even where the research evidence is either scanty or non-existent. However, as we have seen in the previous chapter, the convenient 1940s baseline is in no way intended to suggest that child sexual abuse was not an issue for the Church in the first half of the twentieth century. There is much evidence to suggest there were many instances. In the USA, the bishops.accountability website documents many pre-1945 cases while in the Netherlands the Deetman Commission in its inspection of diocesan and religious order archives uncovered some instances that extend back to the nineteenth century.

### Catholic popular culture and St Maria Goretti – victim of sexual violence

Sexual violence against children was far from unknown in recent Catholic popular culture. One key twentieth century case that came right at the end of the long pontificate of Pope Leo XIII (1878–1903) was the tragic murder of St Maria Goretti (1890–1902) in a case that caught the Catholic imagination throughout the twentieth century (Poage 1967).

Born into a poor Italian family living near Nettuno just south of Rome, Maria Goretti was violently attacked by a 20-year old, Alessandro Serenelli. She resisted with great vehemence, shouting, ‘No! It is a sin! God does not want it!’ She was stabbed fourteen times, dying about 24 hours later. It is central to the Church’s framing of the story, that Maria Goretti remained *virgo intacta* on both the evidence of herself and Serenelli. Her last words were said to be: ‘I forgive Alessandro Serenelli...and I want him with me in heaven forever’. Immediately a huge devotion grew up in her honour and she was canonised in 1950 by Pope Pius XII in the presence of her mother, and celebrated as a virgin martyr, ‘the St. Agnes of the twentieth century’ (Poage 1977). She is also known as the Patroness of Mercy. In Australia, two parishes and schools have been named after her. However, it is very significant that official and popular Catholic culture has treated the Maria Goretti story within the

dynamic of purity, virginity and machismo, rather than the reality of power relations, sexual violence, the vulnerability of children, and hegemonic masculinity, to use Marie Keenan's (2012) phrase.

All sexual violence and abuse against children and women comes out of particular cultural and religious contexts. Accordingly, the attempted violent rape of Maria Goretti must be framed within the southern Italian sociocultural context, including the practice of marriage by abduction and rape, and marriage by elopement, leading to so-called *matrimonium riparatore*, or rehabilitative marriage, whereby the young violated woman would marry her rapist to avoid becoming a *donna svergognata*, or disgraced woman. According to an old Italian law that was abolished only in 1981, the rapist could extinguish his crime by marrying his victim (Cronin 1970). In 1965, a young Sicilian woman from the village of Alcamo, Franca Viola, refused to marry her rapist and she charged him under Italian law, the first time this had ever happened. He was imprisoned, and she became a symbol of cultural progress, gender equality, and the transformation of Italian sexual mores (Cronin 1970), while the young murdered girl, Maria Goretti, had already become a symbol of virginity and sexual and ritual purity.

## Papal Concern about the behaviour of priests in the inter-war period

In the modern period, our examination of the papal documents leads us to conclude that the behaviour of the Church's priests was of concern to the popes, right throughout the twentieth century. They and their curial congregations continued to place great emphasis on the character, life, and discipline of priests, as well as on their formation, and their instructions provide evidence of rising concern about matters of chastity and celibacy.

On 9 June 1922, the new pope, Pius XI (1922-1939), gave approval for the Holy Office to dispatch to the world's diocesan bishops the ultra-secret Instruction *Crimen Sollicitationis*, containing procedural norms for processing accusations against priests accused of soliciting sex in the act of sacramental confession, homosexual sex, sexual abuse of minor males or females, and bestiality and imposing 'the secret of the Holy Office'. Coming so soon after the promulgation of the 1917 Code of Canon Law, it may be inferred that the highest Church authorities were aware of these grave clergy sexual crimes being committed, but wanted them dealt with in the utmost secrecy.

The Melbourne canonist, Dr Ian Waters (2016), disputes that the Instruction was sent to the Australian bishops. He could find no copy of the 1922 or subsequent 1962 versions of *Crimen Sollicitationis* in the secret archives of the Archdiocese of Melbourne. He speculates that the 'mission territories' under the jurisdiction of the Congregation De Propaganda Fide – as Australia was until 1976 – may have been exempt from the Instruction (Waters 2016)<sup>35</sup>.

In 1935, clearly concerned about serious problems within the clergy, Pius XI published his encyclical *Ad Catholici Sacerdotii*. Referring to the 'deplorable and distressing' fact of some 'unworthy priests falling away' (n. 31), he stressed the need for priests to have purity of heart, sanctity of life, a good conscience before God, and a good name among men (n. 33). He reminded them of their grave obligation to total and perfect chastity and commitment to celibacy (nn. 40-47), and that they

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<sup>35</sup> Australia ceased to be a 'mission territory' with the promulgation of the Constitution *Australiam Terram* on 22 March 1976 (*Acta Apostolicae Sedis* Vol. 69, p. 29). The Holy See allowed an extra ten years for a gradual transition to the new status but this was abbreviated with the publication of the 1983 Code of Canon Law (Waters 2016).

needed to have a full grasp of Catholic teaching on faith and morals, and to know how to present it to others (n. 57).

Pius XI was also aware of serious shortcomings in the seminary system and the failure of some bishops to properly investigate candidates before ordaining them. Accordingly, he insisted that candidates for the priesthood must receive a superior training (n. 64), with the seminary to be the 'chief object of your solicitude' for every diocesan bishop (n. 66), who should choose their best priests to staff it (n. 66), employing the teaching methods of Medieval scholasticism (n. 67), establishing a regional seminary with other bishops if they cannot establish their own (n. 68), carefully selecting and approving suitable candidates, and discouraging without hesitation, delay, human consideration or false mercy, and at an early stage, those who are unsuitable (n. 69)<sup>36</sup>. Pius XI made it quite clear that the bishop has the principal responsibility for deciding whom he will ordain to sacred orders, and should only proceed if, from positive signs, he is morally certain of canonical fitness: 'otherwise he sins grievously himself, places himself in danger of sharing in the sins of others' (n. 72), exposing the Church to 'much grief', and the faithful to 'much scandal' (n. 74). For the first time, the expression 'moral certitude' about the ordaining decision is introduced, a very high standard of proof equivalent to 'beyond reasonable doubt' (Tapsell 2015).

## The pastoral and moral theological settings after World War II

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The immediate post-World War II period was dominated by the towering figure of Pope Pius XII (1939-1958) who continued the centralisation process within Church structures although he did begin, ever so slightly, the internationalisation of the College of Cardinals with appointments such as that of Cardinal Norman Gilroy, Archbishop of Sydney (1896–1977) in 1946. The first modern black African cardinal would not be nominated until 1960. The Italian Curial cardinals led by Cardinal Alfredo Ottaviani remained very firmly in control – Pope John XXIII (1958–1963) would describe them as 'the prophets of doom'. During the 1940s, the Dutch bishops had discussed over a period of some years the issue of clerical sexual abuse and this seems to have been one of the reasons, never publicly revealed at the time, for their advocacy of changing the celibacy rule during the 1960s (Deetman Commission 2011).

From the outset of his papacy, Pope Pius XII (1939-58) showed concern for clerical chastity and celibacy, focusing on both in an early address to seminarians, *Sollemnis Conventus*, 24 June 1939. He followed up in his very significant 1950 Apostolic Exhortation *Menti Nostrae* addressed to clergy everywhere. While urging priests to preserve chastity and celibacy (nn. 20-22), he also gave precise instructions for the screening of clerical candidates, calling for special attention to their intentions, and their moral and physical qualifications (nn. 78-79). He wanted their formation to take place in a

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<sup>36</sup> 'Such false mercy would be a real cruelty, not only towards the Church, to whom would be given an unfitted or unworthy minister, but also towards the youth himself; for, thus embarked upon a false course, he would find himself exposed to the risk of becoming a stumbling block to himself and to others with peril of eternal ruin' (n. 69). A seminarian who 'is intractable, unruly or undisciplined, has small taste for piety, is not industrious, and shows little zeal for souls; who has a special tendency to sensuality, and after long trial has not proved he can conquer it; who has no aptitude for study; all such cases show that they are not intended for the priesthood. By letting them go on almost to the threshold of the sanctuary, superiors only make it ever more difficult for them to draw back; and, perhaps, even cause them to accept ordination through human respect, without vocation and without the priestly spirit.'

calm and healthy atmosphere, with the younger boys leading as normal a life as possible and developing a sense of responsibility (n. 84).

Pius XII also expressed concern for young priests just out of the seminary, fearing that the 'many hopes placed in [them] may fail if they are not gradually introduced to their work, wisely watched, and paternally guided in the first steps of their ministry' (n. 102). He wanted to see them 'gathering for some years in special [diocesan or inter-diocesan] institutions where, under the guidance of experienced superiors, they can develop their piety and perfect themselves in sacred studies and be put on the path toward that form of the ministry more closely corresponding to their temperaments and aptitudes' (nn. 103-104). Young priests should continue their studies, be carefully examined annually for at least three years (n. 111), have easy access to up-to-date libraries (nn. 112-114), avoid the 'spirit of novelty' which often contains serious errors (nn. 116-118), pursue a modern apostolate approved by the bishops (n. 119), and hold a correct attitude to the Church's social doctrine in respect of communism, capitalism, the poor and the needy (nn. 121-124).

The same period during the 1950s was marked by world events that impacted upon the Church, not least upon the Australian episcopate. This was led by the bi-polar global struggle between the United States and the Soviet Union, especially after the Eastern European countries became Communist, with cardinals such as Beran, Slipyi and Stepinac in jail, and the Hungarian Mindszenty sheltering in the US embassy in Budapest. This reverberated around the world, not least in Australia where the Catholic Bishops Conference became badly divided over managing a Catholic response to Communism and the claimed infiltration of trade unions by extreme socialist forces. The division was painted in Melbourne vs. Sydney terms with the key figures including Archbishop Mannix (1864–1963), his activist lay colleague Bob Santamaria (1915-1998), and leader of the Democratic Labor Party, Senator Frank McManus (1905-1983), amongst others. The Australian Labor Party had 'split' in 1954 and the subsequent bitterness would badly divide the Australian Catholic community, which was gaining strength and confidence both politically and economically with the emergence of a Catholic middle-class as well as badly dividing the Australian episcopate. Later, Cardinal George Pell would see himself as a disciple of Bob Santamaria whom he describes as 'Australia's greatest ever lay Catholic'. The 'split' in the Labor Party was significantly more divisive in Melbourne than in Sydney, as the former Labor Prime Minister, Paul Keating, has recently observed (O'Brien 2015).

## The on-going divisions within the Australian episcopacy

This political divide thus still has repercussions within the Australian Catholic Bishops Conference. But another fault line emerged with the Second Vatican Council (1962–1966) and the implementation of its reforms that is usually described in terms of the 'progressives' and the 'traditionalists' or, with Pope John Paul II (1978–2005), the 'restorationists'. These political and pastoral fault lines have rendered the Conference largely dysfunctional on key issues, with individual bishops pursuing their own agendas, such as the restorationist Bishop of Wagga Wagga, William Brennan, establishing his own diocesan seminary because he was dissatisfied with the Vatican II product from the Manly seminary. Certainly, before 2016, the Australian Catholic Bishops' Conference has not been sufficiently coherent to agree to hold a p-lenary or national council as had happened in previous decades.

Also during the 1960s, at the same time as the Second Vatican Council was attempting an *aggiornamento*, or updating of the Church, other global social movements began to emerge as the world regained its confidence and economic strength following World War II. One was the women's

movement, which reverberated within the Church with the development of feminist theology, an open consideration of the role of women in the Church, and advocacy for women's ordination.

The other related global social movement was the so-called sexual revolution, which saw sexual matters more openly discussed in public. In the Netherlands, the 2011 report of the Deetman Commission appointed by the Dutch bishops, narrates how after World War II there was clear concern about sexuality and the sin of lust loomed large. The Dutch bishops had been aware that in the pre-WWII period there had been a steady increase in recorded sexual offences in the general population, with Catholics significantly over-represented.

Throughout the first eight decades of the twentieth century, as sexual openness became more accepted, within the Catholic Church homosexuality was still regarded as a great evil against nature, and there was a belief that same sex orientation could be changed through psychological treatment, a sentiment that still reverberates in some corners of the contemporary Church, especially in Africa. At the same time, Church leaders were becoming aware of the fact that there were many gay men in the ranks of the priesthood, and at much higher levels than in the general community. Some brave priests outed themselves, and in some dioceses an apostolate caring for gay people was commenced.

The 1960s, with the Second Vatican Council and its short-lived Catholic Spring, saw an opening up to modernity and to the Catholic laity who were becoming better educated and more professionalised. They wanted dialogue and a greater feeling of participation within the Church and its decision-making processes. In the Mass and other liturgical celebrations, they had welcomed the switch from Latin to the vernacular, and this led to much innovation, especially in newly written vernacular hymns. Across the world, new diocesan pastoral councils and parish councils were established to implement the spirit of the Second Vatican Council. But much of this effort has petered out. In Australia, most bishops encouraged or mandated parish pastoral councils, but few established diocesan pastoral councils.

## The aftermath of the Second Vatican Council

The Italianised Roman Curia, though now becoming more internationalised, prompted by the views of conservative lay Catholics, was laying the foundations for a restorationist Catholicism that harked back to a perceived golden period in the centuries following the Council of Trent. The beginnings of this restorationist moment must be associated with the decision of Pope Paul VI (1963–1978) in 1968 to re-assert the ban on artificial contraception in his encyclical *Humanae Vitae*. This caused a well-documented storm with wholesale rejection by Catholic lay people and many priests, and the issue remains unresolved.

*Humanae Vitae* re-emphasised a traditional sexual morality based on isolated acts, which are regarded either as being 'ordered to nature' or 'against nature', rather than a sexual morality based on relationality. Such was the intensity of the division it caused that it has led to a dangerous and damaging situation, whereby the Catholic Church effectively lacks an accepted sexual morality, with many negative consequences.

One of the most damaging is that Catholic teachers have been afraid to teach about Catholic sexual morality to Catholic young people. In Australia, Barbagallo and Boon (2012) conducted a study of 110 people aged 18 – 20, 44 of whom had attended Catholic schools. They were asked to reflect on their education in sexuality whilst at school, and there were found to be very significant differences between Government, Catholic and Independent schools. While over half the students (53.8%) in

the Independent sector, and a quarter (26.4%) in the Government school sector, had always had opportunities to discuss sexuality issues, the equivalent figure for the Catholic sector was only 4.5 per cent. As well, the comparative figures for those who had 'never' or 'seldom' had opportunities for such discussions were significantly different (Government 41.5%; Catholic 56.9%; Independent 23.1%). Barbagallo and Boon concluded that: 'Those who attended Catholic schools showed that content and perspectives presented were the most pressing areas for improvement, closely followed by the need for improving the delivery' (Barbagallo & Boon 2012: 114). The comments of these young Catholic graduates were interesting: 'They (the teachers) were unrealistic about the age at which people start having sex', 'It had a heavy religious perspective that didn't encompass real world situations, it provided information but in useless contexts', and 'The teachers had to be careful about what they said. It wasn't real-life'. Anecdotal evidence supports these observations, with Catholic teachers being fearful of teaching about sexuality and human relationships because of the huge gap between their own moral values and those of the Catholic Magisterium's teaching on issues such as sexual activity before marriage, artificial contraception, and divorce and remarriage, as well as fear of very conservative Catholic parents objecting to the whole notion of teaching about human sexuality in the Catholic classroom.

Secondly, under the reign of Pope John Paul II, every newly appointed bishop and theologian in a Catholic higher education and seminary setting was vetted before appointment for their complete adherence to *Humanae Vitae* as well as for their rejection of women's ordination, and opposition to same sex partnerships and married clergy. This led to a severe narrowing of suitable candidates for episcopal appointment at a time when numbers had already been depleted by the resignation of thousands of priests and seminarians from the 1960s onwards, many of them very talented individuals (Allen 2009; Cornwell 2005).

## The emergence of child sexual abuse in Catholic settings into the public arena

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In the contemporary era, the first sexual abuse episode to come into the public arena occurred in Canada with the scandal of the Mount Cashel orphanage in Newfoundland run by the Irish Christian Brothers, although at least one Canadian priest had been convicted in 1970 according to Sylvia's Site blog which lists religious offenders like the Broken Rites website in Australia. The Mount Cashel Orphanage scandal became known in 1971 and dragged on for another two decades. As the Hughes Royal Commission would later show, two separate investigations were carried out by the Royal Newfoundland Constabulary in 1975 and 1982, although the first was suddenly curtailed through alleged collusion between the Church, police, and law officers of the Department of Justice, even though five Christian Brothers had admitted offending. Two were transferred to other Brothers' institutions. Another series of investigations occurred between 1989 and 1996, with 28 staff eventually being charged, including nine more brothers who were convicted. In March 1989, the Hughes Royal Commission was established by the Newfoundland government, headed by a former judge of the Supreme Court, and it would make its damning report in 1992. The orphanage itself would be closed somewhat belatedly in 1990 because, as the 2009 Ryan Commission in Ireland would show, the Christian Brothers were slow to accept the process of de-institutionalisation and the foster home care system as a far superior option than large-scale orphanages.

## Fr Gerald Fitzgerald and the Servants of the Paraclete

In the USA, the uncovering of the child sexual abuse crisis in the Catholic Church is often dated from the Gilbert Gauthier case in Louisiana in 1984. But much had been happening behind the scenes without the glare of public scrutiny. The key figure is Fr Gerald Fitzgerald<sup>37</sup> (1894–1969), a priest from the Boston archdiocese and founder of a religious order of priests, the Servants of the Paraclete, whose charism was to serve priests being challenged by mental ill-health, depression, alcoholism, substance abuse and sexual misconduct, through the establishment of treatment centres (McLoughlin 1954, 1962).<sup>38</sup>

The first Servants of the Paraclete foundation was established at Jemez Springs in New Mexico in 1947, and eventually grew to 23 centres around the world, including in the Philippines and Vietnam. Fr Fitzgerald's therapeutic approach was spiritual healing based on intense prayer. In 1948, he resolved that he would not receive priests who had sexually abused minors. However, at the insistence of some bishops he soon changed his policy, but in 1957 he wrote: 'Experience has taught us these men are too dangerous to the children of the parish and neighbourhood for us to be justified in receiving them here' (McLoughlin 1962). For the next two decades, he wrote regularly to various bishops and to Vatican officials of his opinion that sexually abusing priests should be laicised. In August 1963 he is said to have spoken with Pope Paul VI (1963–1978) about his concerns and possibly Pope Pius XII (1939–1958). In 2009, Bishop Blase Cupich, now the Archbishop of Chicago, said that Fitzgerald's counsel 'went unheeded for 50 years'.

Fitzgerald's credibility was harmed by his emphasis on prayer as a form of 'treatment', although eventually his centres did employ professionals to deal with the troubled clergy and religious. His credibility was further damaged by his suggestion in 1957 that a small island be purchased where priest perpetrators could be sequestered. By the 1990s many of the Servants of the Paraclete treatment centres had been closed down because of a series of lawsuits.

## Southdown Institute in Canada

In Canada, well before Mount Cashel, the Southdown Institute was established in 1965 with the support and endorsement of the Canadian Conference of Catholic Bishops. The Southdown Institute was designed to provide treatment for male clergy suffering with alcoholism although, following many requests, almost a decade later it extended its treatment program beyond treating alcoholism. By 1994, in the three decades of its establishment, it had treated over 2400 priests and religious, approximately half from Canada, 45 per cent from the USA and the rest from other English-speaking countries, including Australia. In a submission the Institute made to the 1994 US Catholic Bishops' Inquiry, the Institute noted that:

there remains a significant group of grossly immature, sexually repressed, psychosexually underdeveloped persons who have transgressed behavioral norms for a variety of reasons and who may or may not represent significant continued risk to the population at large (U.S. Ad Hoc Committee Report 1994: 26).

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<sup>37</sup> His papers were unsealed in 2007 but a fully researched history of his life and work is yet to be written according to the account of his life on Wikipedia under the headings of *Gerald Fitzgerald (priest)* and *Congregation of Servants of the Paraclete*.

<sup>38</sup> His biography was written in 1954 by a former Franciscan priest, Emmett McLoughlin, with another follow-up book in 1962.

This US inquiry listed ten centres in the USA and Canada where priests and male and female religious were sent with various psychological and addiction problems.

In Australia, it is now documented that cases extending back to at least the 1930s and up to the 1970s were coming to the attention of various bishops, including Daniel Mannix, Archbishop of Melbourne. We now know that clerical child sexual abuse did occur under his watch, with known cases stretching back to the 1930s, as was admitted by the current Archbishop, Denis Hart, in his evidence to the Royal Commission. Mannix, as Niall (2015) notes in her biography, was hard on his priests in regards to alcohol and gambling. Nothing about sexual abuse has been gleaned from the records and probably never will be, given that he ordered his personal papers to be burnt immediately after his death. However, in the last decade of his long life, much seems to have been kept from him by his ultra-loyal auxiliary bishop, Arthur Fox, later the Bishop of Sale (Niall 2015).

But it is only in 1978<sup>39</sup>, with the case of the Melbourne diocesan priest, Michael Glennon, that Catholic clerical child sexual abuse came into the Australian public arena, with his jailing for three months. Glennon was well known for holding camps and karate classes and could hold children spellbound with his theatrical acts. In jail, according to the anecdotal evidence, he convinced prison officers of his innocence, claiming he had pleaded guilty to prevent the children from having to testify.

The Glennon saga was a constant news item for much of the 1980s after he was publicly named in contravention of the *sub judice* rule by a Melbourne radio host, Derryn Hinch, now an Australian senator, who claimed he was warning parents about the dangers that Glennon presented with his still continuing karate classes and camps following his release from jail. Hinch's appeal to the High Court of Australia failed and he spent 12 days in prison for being in contempt of court. On New Year's Day in 2014, Glennon died in his sleep in his prison bed. Yet the Glennon case did not prepare the public for what was to come. In Catholic circles, it was interpreted in terms of 'one rotten apple'.

## The 1985 United States Manual – the problem of sexual molestation by Catholic clergy

In the United States, the Gauthe case in 1984-85 triggered a landmark response. The 1985 document that has come to be known as 'The Manual' is the earliest published Catholic Church report in the world about clerical sexual abuse although initially it was confidential to the US bishops. Its formal title is *The Problem of Sexual Molestation by Roman Catholic Clergy: Meeting the Problem in a Comprehensive and Responsible Way* (Mouton, Doyle & Peterson 1985)<sup>40</sup>. According to Marie Keenan, the Gauthe case received so much publicity that 'the floodgates opened in the English-speaking Catholic world, and in the avalanche that followed the publicity across the United States, child sexual abuse by clergy came onto the public agenda' (Keenan, 2012: 17). 'The Manual' was an initiative of Ray Mouton, the young Catholic solicitor who had represented Gauthe, Fr Thomas Doyle OP, the Dominican priest and canon lawyer who, as the initial whistle blower, had written a confidential document for the Holy See in 1983 while working at the Apostolic Nunciature in Washington, DC, and Fr Michael Peterson, a psychiatrist who in 1977 had founded the St Luke

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<sup>39</sup> There has been the suggestion that a Sydney priest was convicted of exposing himself to a child in the late 1960s but it was quietly hushed up.

<sup>40</sup> Available from [http://www.bishop-accountability.org/reports/1985\\_06\\_09\\_Doyle\\_Manual/](http://www.bishop-accountability.org/reports/1985_06_09_Doyle_Manual/)

Institute in Suitland, Maryland, a specialised psychiatric hospital that still offers therapy programs to troubled priests and religious.

The Mouton-Doyle-Peterson report emanated from the Diocese of Lafayette in Louisiana, triggered by the case of Gauthé, who had been ordained in 1972 and soon became the diocesan scout leader. He was suspected of molesting up to perhaps 100 boys in four parishes over a period of more than ten years. In 1984, several parents brought civil charges against the diocese, and later in the year Gauthé was sentenced to 20 years in jail, eventually serving ten years. Charged again in 1997, he was released on seven years' probation. In 2008 he was sentenced to two years' imprisonment for failing to register as a sex offender. He is said to be now living in Texas. Before Gauthé, a Los Angeles priest had been found guilty of child molestation in 1981. At the time, these cases were both seen as isolated 'rotten apple' incidents. But the authors of 'The Manual' knew otherwise, especially Thomas Doyle from his vantage point in the Apostolic Nunciature in Washington.

Initially confidential, 'The Manual' was submitted to the US Catholic Bishops Conference which discussed it in a secret session in 1985. Subsequently, 'the bishops limited themselves to a commitment to combat child abuse on an individual basis whenever it arose' (Keenan 2012: 18). The issue was discussed at every subsequent bishops' conference but nothing substantial would happen until the 1990s.

Even three decades later, 'The Manual' has a shrill yet compelling tone, reflecting the urgency of the need for an individual and joint episcopal response. The three authors emphasised that their urgency was being driven by the reality that all four major television networks (ABC, CBS, CNN and NBC), as well as the *New York Times* and the *Washington Post*, had assigned reporters to cover the issue. The American Bar Association was in the process of scheduling conferences and briefing sessions for 'this newly developing area of law'.

The report was framed in terms of 'the age of litigation' and around 'the developing area of clergy malpractice', generating a list of 79 questions and answers for bishops pertaining to criminal law, civil law, canon law, and medical/clinical issues, before raising other issues such as insurance and public relations. It proposed to the US Bishops Conference a plan built around a crisis control team and a policy and planning group, closing with a five-point implementation strategy and a conclusion.

In this detailed, intense and urgent document, the three authors very clearly saw the immense ramifications and the damage that would be done to the Church. It can rightly be called prophetic. It was remarkably comprehensive, especially in its consideration of the canonical issues. The U.S. bishops brushed it aside but eventually it did impact upon policy and practice even though there was resistance all along the way.

## Child sexual abuse in Canada

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In terms of formal inquiries, our attention now switches from the USA back to Canada with the 1990 Winter Commission into the Archdiocese of St John's in Newfoundland. In 2015 the Truth and Reconciliation Commission of Canada released its report on Indian Residential Schools which, augmented by a series of poignant old photographs, documents how in the pre-World War II period up to 1939, Canadian indigenous children were particularly vulnerable to sexual predators. In fact, French Catholic Canada had been forewarned of an 1888 case of child sexual abuse at a reformatory school at Citeaux in France where 15 religious were charged with assault against minors. In the

report, several descriptive case studies based on archival evidence are given, especially in relation to religious from the order of the Oblates of Mary Immaculate during the 1930s. In one case in 1930, its superior-general in Rome refused to recall a serial offender (see Truth and Reconciliation Commission Report, p. 565). The report concluded that it was not possible to quantify the extent of the abuse. “Knowledge of the extent of the abuse is limited, in part, because the officials in charge of the school did not want to hear about it, talk about it, or do anything about it” (Truth and Reconciliation Report 2015, p. 570).

## Winter Commission Inquiry (1990)

Commissioned by Archbishop Alphonsus Penney (1924- ), the Winter Commission was partly prompted by the Royal Commission initiated by the Government of Newfoundland and Labrador and chaired by the retired Supreme Court judge, Samuel Hughes, into the Mount Cashel Orphanage. The Winter Commission was more immediately driven by public outrage about the long history of abuse committed by Fr James Hickey, extending back to at least 1975, after the vicar-general had been told of his crimes on two separate occasions and with many rumours circulating and actual accusations being made. Hickey died of a heart attack at the age of 59, soon after his release from prison in 1992. The Inquiry was headed by Hon. Gordon Winter, a former Lieutenant-General of the Newfoundland province, and its members included a nun with specialisation in paediatrics, a canon lawyer, and a social worker.

The two-volume *The Report of the Archdiocesan Commission of Inquiry into the Sexual Abuse of Children by the Clergy*<sup>41</sup>, was done in just five months with a quite limited data collection methodology. Together with the Hughes Report, the Winter Commission Report was instrumental in Archbishop Penney’s resignation in 1991, aged 66. While Church-sponsored, the Winter Commission was definitely independent, and made 55 recommendations. It documents how little was done to respond to clergy child sexual abuse by the various archdiocesan authorities, with much recycling of offending priests from parish to parish, and little compassion shown for the victims. It was also critical of ‘a general poor sense of ecclesiology in the Archdiocese’, whereby ‘the People of God are kept powerless’, which caused Catholics to be very reluctant to report the abuse to Church officials. It also suggested that there was ‘a need for a radical change in the way the Archdiocese is governed’, adding that ‘the Archbishop does not use advice well’. It agreed with the information it had gathered from North American data that about thirty per cent of priests in the Archdiocese had a homosexual orientation, and was very critical of the ‘climate of homophobia’. The issue of sexuality and compulsory celibacy was firmly on the minds of the Commission. It made two pertinent recommendations: that a national program of research be undertaken for further development of the Church’s theology of sexuality, to be derived from human and medical sources as well as Biblical and theological sources. It also recommended that ‘the Archbishop join with other bishops across Canada to address directly, honestly and without reservation questions relating to the problematic link between celibacy and the ministerial priesthood’.

As the first such inquiry in the world by a Catholic archdiocese, the Commission could have made a very substantial start in addressing the phenomenon of clerical child sexual abuse if all the recommendations had been implemented. The fact that it led to the resignation of Archbishop

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<sup>41</sup> Available from [http://www.attorneygeneral.jus.gov.on.ca/inquiries/cornwall/en/hearings/exhibits/Tom\\_Doyle/pdf/06\\_Commission.pdf](http://www.attorneygeneral.jus.gov.on.ca/inquiries/cornwall/en/hearings/exhibits/Tom_Doyle/pdf/06_Commission.pdf)

Penney soon after its publication is most telling. Certainly some comments and recommendations were aimed squarely at him.

However, the Winter Report sorely lacked a historical perspective. The fact that clerical child sexual abuse is a crime was mentioned, but it was far from highlighted. The recommendations lacked a genuine healing strategy, although it might be argued that its terms of reference contained no reference to healing. The report's most serious weakness, and one that is probably not surprising given that the Commission only talked to two convicted priests, is that blame was very much placed on homosexuality and gay priests generally, although there was a caveat in the reference to repressed homosexuality. It is possible, if not probable, that this may have led to the assumption, very well embedded in many Catholic circles across the world, not least the Holy See, that homosexuality and homosexual priests were the cause of the clerical child sexual abuse scandal. It unwittingly generated a very convenient scapegoat. But the Winter Report into the Archdiocese of St. John played an important role in informing other inquiries, including the 1992 inquiry commissioned by Cardinal Joseph Bernardin of Chicago.

## The Canadian Bishops' Conference Report, *From Pain to Hope* (1992)

The Winter Commission was followed in quick time by the Canadian Bishops' report, *From Pain to Hope: the 1992 Report from the Ad Hoc Committee of the Canadian Conference of Catholic Bishops on Child Sexual Abuse*<sup>42</sup>, although it had been commissioned a short time before the commissioning of the Winter Report. It was designed to update and expand the 1987 guidelines issued by the Canadian bishops in light of the sex abuse cases that emerged during the 1980s. The committee was episcopally top-heavy, with three bishops on the seven-member committee, one priest, a paediatrician nun, and two laypeople. The report is a shoddy document that meanders along without any sourcing of the academic literature and contains no list of references nor bibliography and nor does it contain any statistical data on prevalence. The Canadian bishops have never, as far as it is publicly known, compiled any public list of offending priests and religious so as to ascertain the dimensions of the problem. Even though all 50 recommendations are worthwhile, *From Pain to Hope* could be interpreted as a counter to the Winter Report because it is a defensive document with much on canonical processes and on seminary training. Its tenor is, 'Let us move on, this problem will go away', without any hint that something might be wrong with the organisational culture and the governance structures. Like the Winter Report, its evidence data base was quite weak. It did achieve its primary purpose of going beyond the 1987 guidelines but it could have gone much further and could have been better constructed as a serious policy document. It showed, however, full awareness that:

The fear of scandal conditions the instinctive reactions of inadvertently protecting the perpetrators and a certain image of the Church or the institution we represent, rather than the children, who are powerless to defend themselves (Canadian Ad Hoc Bishops' Committee 1992: 27).

It is difficult to assess the dimensions of the problem in Canada. The only publicly available source of such data is a blog known as Sylvia's Site<sup>43</sup>, started in 2010 by Sylvia MacEachern, much later than

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<sup>42</sup> Available from [http://www.cccb.ca/site/Files/From\\_Pain\\_To\\_Hope.pdf](http://www.cccb.ca/site/Files/From_Pain_To_Hope.pdf)

<sup>43</sup> The material from Sylvia's Site is available at [www.theinquiry.ca](http://www.theinquiry.ca)>wordpress.

the equivalent Australian and US websites, Broken Rites<sup>44</sup> and Bishops' Accountability<sup>45</sup> respectively, which means it is unlikely to be as comprehensive as they are. In July 2017, 306 priests, plus five bishops and two permanent deacons were listed as credibly accused of sexual abuse in Canada, including some adults. Five other priests are also listed for adult sexual relationships or stealing Church funds. It is clear from the data that many offending priests had been recycled from the United States, and vice versa. Many (12.1 per cent) were from overseas, especially Ireland, the Philippines, India (including two Syro-Malabar rite priests) and Africa, as well as four from the Eastern-rite Ukrainian Catholic Church. Twenty-four religious brothers are listed, including thirteen Christian Brothers, five from the Brothers of Christian Instruction and two Marist Brothers. Quite a number of offenders worked with First Nations peoples in remote Canada. Of the 306 priests, including the Eastern-rite eparchial priests, 238 were diocesan priests, and 57 religious order priests. Leading the religious order offenders were the Oblates (16 credibly accused), Redemptorists (10), Viatorans (6), and Basilians (6). The Redemptorist offending was especially associated with one school in Quebec. There was one Jesuit, who was a serial offender, and one Salesian. No female religious is listed. One of the listed priests was murdered in a Quebec motel room by two young men (one aged 17), who were being paid \$20 for 'sexual favours'. Of the 175 priests whose year of ordination was known, 17.1 per cent had been ordained before 1949 including four in the 1920s. Five had been ordained since 1995.

In her assessment of institutional responses by Canada's Christian and Unitarian churches and Muslims, Trothen (2012) concluded that 'the Roman Catholic Church led the way among institutional religions in addressing child sexual abuse complaints' (Trothen 2012, p. 11), mainly because of *From Pain to Hope*. The perhaps final coda to the two Canadian reports is that on 23 June 2010, Sister Nuala Kenny, the paediatric nun, gave an interview to CBS in which she said that she felt like dusting off the Report and presenting it again to the Canadian bishops such was the lack of implementation of the 55 recommendations made almost twenty years before: 'The bishops never dealt with the recommendations that went to the very foundations of the Church...much of the pain could have been avoided'. Moreover, today on the website of the Archdiocese of St. John's, it is very, very difficult to find any reference to the availability of counselling for victims.

## The continuing narrative of child sexual abuse in the US Catholic Church

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### Chicago – the 1992 Cardinal's Commission on clerical sexual misconduct with minors.

From Canada, our narrative shifts back to the United States and the Archdiocese of Chicago led by Cardinal Joseph Bernardin (1928–1996), who became Archbishop in 1982 and very soon afterwards created a Vicar for Priests' Office, which handled child sex abuse complaints. According to Rossetti (1996), the inquiry into clerical child sexual abuse in the Archdiocese of Chicago was generated by allegations against 34 Chicago diocesan priests. The report itself, while not disagreeing with this general claim, suggests that the specific triggering factor related to the 1991 reassignment to a

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<sup>44</sup> The Broken Rites listing is available at [www.brokenrites.org.au](http://www.brokenrites.org.au)

<sup>45</sup> The Bishops' Accountability is available at [www.bishop-accountability.org](http://www.bishop-accountability.org)

suburban parish of a priest who had undergone intensive therapy after being the subject of plausible accusations of child sexual abuse. He had been evaluated by a clinic in 1990, and its report indicated that he did not have paedophilic tendencies, and, in 1991, the new assignment was issued' (Chicago Report 1992: 5). Soon he had propositioned a young adult male for sex, and other new allegations had been made, highlighting to the Commission<sup>46</sup> the dangers of re-assignment and recidivism. This salutary case, which had received massive press attention, prompted the popular Cardinal Bernardin to appoint a three-person commission in October 1991, led by Judge Julia Quinn Dempsey, a judge in the juvenile division of Cook county, and including, quite controversially, the archdiocesan Vicar General, Bishop John Gorman, who was also a clinical psychologist. His membership was discussed at the first meeting and the two lay members voted to retain him on the committee. Its secretary was a priest, and three others assisted: the cardinal's secretary, the head of Archdiocesan personnel services, and a senior executive from the education office of the Archdiocese. Like the *From Pain to Hope* report of the Canadian bishops, it was ecclesiastically top-heavy. The report, presented in June 1992, while containing much useful material, is at times less than precise in its phrasing and composition.

The limited methodology of the Chicago report was based on three research strategies: interviews with experts and adult victims, a review of the literature, and 184 submissions from interested persons. A short and poorly compiled chapter outlined knowledge of 57 offenders out of the 2,252 diocesan priests who served the Archdiocese from 1951 to 1991. The earliest case reported to the Archdiocese was in 1963, with few cases in the 1960s and 1970s, but with a considerable increase in the 1980s and early 1990s, and peaking with 11 cases in 1990. Twelve cases involved girls only, including two six-year-old nieces who were abused by their priest-uncle, and two cases that involved both boys and girls. The remaining 43 cases involved boys only, mainly between the ages of 12 and 17. The report claimed that in eighteen cases no sexual misconduct had occurred though in fourteen cases inappropriate and immature behaviour had occurred, so the report makes mention of false allegations and the fallibility of the human memory.

The 57 Chicago Archdiocese clergy offenders documented by the Bernardin Report in 1992, contrast 26 years later with 93 documented diocesan clergy offenders listed on the Bishops.Accountability website (as accessed on 7 July, 2017), of which three are listed as having begun their offending during the 1950s, 15 during the 1960s, 21 during the 1970s, 17 during the 1980s, and 9 during the 1990s. Some offending had occurred since 2000, using downloading child pornography. Information was not available on 28 priests, two of whom were ordained in the 1910s. However, care must be taken because the list is incomplete, in that it only represents information that is publicly available. The Bishop-Accountability list of alleged offenders for the Chicago Archdiocese also contains 21 religious, one Syro-Malabar rite priest, 26 Irish Christian Brothers, and one nun who, seemingly suffering from a mental illness, sexually abused children in the 1950s and 1960s.

Given the clericalised nature of the Bernardin Commission and its team, it is not surprising that the focus is on priests rather than victim survivors, and that there is a disproportionate section of the 46-page report devoted to the question of the return of accused priests to ministry. Opinion in the submissions on this topic is very divided – some argued against 'writing off' offending priests, while the great majority (76%) took the opposing view. This was of primary concern to the Commission. It

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<sup>46</sup> The Chicago Commission was formally known as the Cardinal's Commission in Clerical Sexual Misconduct with Minors which is available at [www.bishopaccountability.org/reports//1992-06-BernardinReport/](http://www.bishopaccountability.org/reports//1992-06-BernardinReport/)

duly recommended the establishment of a nine-person Permanent Review Board to investigate allegations - although it emphasised that this was to be regarded as 'an administrative, not a criminal procedure' and that canon law must always be followed. The Bernardin Report's recommendation on this issue is skewed in favour of return to ministry, but it carefully and firmly nominated instances where return could not be considered: cases where there were multiple victims, cases where abuse of a single victim had occurred over a long period of time, cases where the offender presented a poor risk for rehabilitation, and cases where a public scandal had ensued. Following a policy of the Archdiocese of St Paul/Minneapolis, it took a risk minimisation approach.

A major feature of the Chicago report was the concentration on the three Archdiocesan seminaries and details about the psychological screening process for students. The minor seminary and the final stage Mundelin Seminary had no screening at the time unless it was deemed necessary, and although the intermediate Niles College had compulsory testing, it had dropped the widely-used MMPI (Minnesota Multiphasic Personality Inventory), on the grounds that it was 'culturally biased', in favour of the narrower MPD (Ministry Potential Discerner) test. Even though it was aware of psychiatric advice that 'no test or combination of tests will accurately predict if a person will commit a sex offense', the Commission was clearly unhappy that it was possible for students to go through all three seminaries without additional psychological testing beyond the MPD test. It recommended that the two major seminaries 'explore a process for all students that will produce a full psychological profile for archdiocesan seminarians' (Chicago Report 1992: 38). It further recommended age-appropriate courses and components in their formation programs that dealt 'in depth with psychosexual development, including both moral and deviant sexual behaviour, with special emphasis on the implications for making moral choices in accord with Church teaching' (Chicago Report 1992: 39), as well as a more open environment in seminaries where issues of sexuality could be openly discussed.

## The 1994 US Catholic Bishops' Ad Hoc Committee Report: *Restoring Trust*

By the early 1990s, the Catholic bishops of the United States were being galvanised into some limited action as more clerical abuse cases emerged. But there was far from unanimity on the issue among the bishops, and the issue of diocesan autonomy was always lurking in the foreground.

Coming more than nine years after the report by Mouton, Doyle and Peterson (1985), the *Restoring Trust* Report can be characterised as the first organised response of the US Conference of Catholic Bishops. As the dimensions of the child sex abuse continued to emerge during the 1990s, the Bishops' Ad Hoc Committee on Sexual Abuse, chaired by Bishop John Kinney, was established at the June 1993 plenary meeting of the US Bishops Conference to evaluate diocesan policies and provide resource material for the US bishops.

With all the appearances of a rushed document, the *Restoring Trust* Report was presented in binder form at the November 1994 plenary meeting of the bishops. It is essentially a resource directory and it had much very good material, but there is very little on a healing process for victims, their families and their communities. It is unlikely that many bishops, busy as they were, read all or most of the material. Bishop Kinney's covering letter states that more material would be provided in the future.

A second volume emerged in 1995, and a third in 1996, although this last volume cannot be accessed.<sup>47</sup>

Bishop Kinney felt that 1992 was ‘a watershed year’ for the US Bishops’ Conference and that the bishops had undergone a self-educative process in the meantime. The *Restoring Trust* Report initially documents ‘the Five Principles’ which had been decided upon at the November 1992 plenary meeting of the bishops. These were:

- Respond promptly to all allegations of abuse where there is reasonable belief that abuse has occurred.
- If such an allegation is supported by sufficient evidence, relieve the alleged offender promptly of his ministerial duties and refer him for appropriate medical evaluation and intervention.
- Comply with the obligations of civil law as regards reporting of the incident and cooperating with the investigation.
- Reach out to the victims and their families and communicate sincere commitment to their spiritual and emotional well-being.
- Within the confines of respect for privacy of the individuals involved, deal as openly as possible with the members of the community.

In his covering letter, Bishop Kinney outlines how the material in the binder contains (i) a review of the 157 (diocesan) policies together with highlighted sections as the first objective, (ii) a report of ten evaluation/treatment centres as the second objective, and (iii) articles on selected topics, written by experts. At no stage in the report is there any statement about methodology, neither in relation to reviewing diocesan policies, nor in relation to the reporting on the centres – although such a review presumably would have required a sophisticated content analysis strategy. It is documented that of the 188 US dioceses, 178 replies had been received, of which 157 provide actual policies, 13 provided no policy, and eight ‘were working on one’. This barely qualified as an evaluation, although it showed that some initiatives had taken place in the majority of dioceses.

The section relating to the evaluation and treatment centres, focuses on ten such centres which supplied descriptive information after being chosen following consultation with senior staff of the National Association of Church Personnel Administrators and their 1992 publication, *Treatment Facility Resource Manual*.

There then followed a series of key questions that might be asked of any facility by bishops when referring clergy for assessment or treatment, together with a list of criteria. In this listing, there is no attempt to formally evaluate each centre. Nonetheless, this section contains very informative material.

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<sup>47</sup> It is to be noted that none of the three volumes is accessible on the website of the US Conference of Catholic Bishops. In fact the oldest archived of the 45 documents under the banner of ‘Issues and Action’/‘Child and Youth protection’ dates back to 23 April 2002, when Pope John Paul II was in the USA. The three volumes are available at [www.bishop-accountability.org/reports/1994\\_11\\_NCCB\\_Restoring\\_Trust/](http://www.bishop-accountability.org/reports/1994_11_NCCB_Restoring_Trust/)

The remainder of the first volume of the *Restoring Trust* compendium contains articles on paedophilia; the role of the diocesan external counsel; care for victims and their families; priests and power in the context of sexual abuse; the role of the diocesan in-house attorney; the issue of the media; “recovered” memories of abuse; parishes as victims of abuse; and expectations of treatment for child molesters. The second volume of 189 pages, published in the following year, contained information on evaluation and treatment centres in the USA, material on responding to victim survivors, and an article written by a priest offender about the recovery process.

In summary, this document was not worthy of a very large episcopal conference with abundant resources. The diocesan policy details reflected the seemingly hurried compilation of the report, and the lack of a policy evaluation methodology is incomprehensible. It is bluntly a ragbag of suggestions from the various diocesan policies, together with the 28 ‘suggestions’. It is interesting, if not indicative, that there are no formal suggestions under the canon law sub-section. It is important to note that, as exemplified in the definition given at the start of the report, it is dealing with all types of sexual misconduct referring to ‘a minor or vulnerable adult’, without specifying what a vulnerable adult is. It is also indicative that the word ‘child’ is mentioned only once in the 28 suggestions or recommendations. The use of the term ‘suggestion’ appears to reflect the sensitivities amongst the bishops at the heart of the debate, because the first ‘suggestion’ reads, in deference to the autonomy of diocesan bishops, ‘that all dioceses consider having a written policy on sexual abuse of minors’.

## Boston and the resulting US Bishops Conference initiatives of 2002

The broader social and ecclesiastical trigger for the two comprehensive John Jay studies initiated in 2002 was the crisis that had erupted in the Boston Archdiocese following the publication of investigative articles in the *Boston Globe* in January 2002, and which led to the 2003 report of the Attorney-General of Massachusetts. As the number of allegations kept mounting exponentially<sup>48</sup>, especially in the 2000–2002 period, following an earlier peak in 1993, there was also the feeling that there had been a lack of diocesan action across the United States in regard to the five principles enunciated in the 1994 *Restoring Trust*<sup>49</sup> Report of the US Bishops’ Ad Hoc Committee on Sexual Abuse. This lack had manifested itself in the following:

1. The failure of diocesan and religious leaders to meet directly with victims in many cases.
2. The lack of follow-up with the families of the victims.
3. The sending away of priests for treatment and then returning to ministry without the parishes being notified of the offender’s history.
4. Communication with civil authorities was only occurring in the most severe of cases.
5. Some diocesan leaders giving testimony under oath had denied they had had knowledge of the abuse.
6. Information was very tightly controlled with only ‘insiders’ being engaged, while ‘outsiders’ were rebuffed and shunned.

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<sup>48</sup> Between 2000 and 2002, 44.4 per cent of the 10,210 abuse reports were made according to the 2004 John Jay Report

<sup>49</sup> The *Restoring Trust* report is available from [www.bishops-accountability.org/reports/1994\\_11\\_NCCB\\_Restoring\\_Trust/](http://www.bishops-accountability.org/reports/1994_11_NCCB_Restoring_Trust/)

7. The focus was so totally on the priests that there was a lack of recognition of the Church's responsibility for the harm wrought on victims (Terry & Freilich 2012).<sup>50</sup>
8. At their historic meeting in Dallas in June 2002, the US Bishops' Conference (USCCB) approved The Charter for the Protection of Children and Young People, known as the 'Dallas Charter', established an Office of Child and Youth Protection, and appointed a National Review Board. This Board was mandated by the US bishops to commission 'a descriptive study' of the nature and scope of the problem of clergy child sexual abuse in order to understand what had happened. A second study was to concern itself with the causes and context of the problem in order to understand why it had happened. These studies became the 2004 and 2011 John Jay reports.

## The Massachusetts Attorney General's report on the Archdiocese of Boston

In the meantime, in 2003, a completely independent report had been delivered by the Attorney-General of the Commonwealth of Massachusetts, following the furore that led to his intervention. Early in 2002 a small mostly Catholic investigative team of *The Boston Globe* covered the prosecution of five Catholic priests in an article that won the Pulitzer Prize. The clerical child sexual abuse that has occurred in the Archdiocese of Boston soon became a national and international scandal, and the *Boston Globe* investigation was recently the subject of the 2015 film *Spotlight*. It had been preceded in November 2001 by the lifting of a confidentiality order on some 10,000 pages of documents concerning 84 different lawsuits against a Boston diocesan priest, Fr John Geoghan. The *Boston Globe* published a two-part series of reports on Geoghan which had a cascading impact on victims, who began disclosing to the paper. The Archbishop of Boston, Cardinal Bernard Law, had first received a report about Geoghan's activities from a fellow bishop many years earlier. On 13 December 2002, Law resigned, after having attempted to resign the previous April – Pope John Paul II, now canonised, had refused to accept his resignation. Law was subsequently rewarded with a sinecure as the arch-priest of the Basilica of Santa Maria Maggiore in Rome.

The report of the Massachusetts Attorney-General<sup>51</sup> was very much focused on the failure of leadership. The findings are very blunt and searing. The first finding is that:

The investigation did not produce evidence of recent or ongoing sexual abuse of children in the archdiocese of Boston. But it is too soon to conclude that the archdiocese has undertaken the changes necessary to ensure that abuse has stopped and will not occur in the future (Attorney-General of Massachusetts 2003: 15).

Prior to 1993, the Archdiocese did not have written policies, but later when it did, it had not followed them. The Attorney-General estimated that there were more than one thousand victims, but there were 789 identified victims going back to 1940. Allegations had been made against 237 priests and 13 other diocesan workers. Of these priests, 114 had graduated from the Archdiocese's most important seminary. The Report commented that the Archdiocese had undertaken:

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<sup>50</sup> From a paper given by Dr Karen Terry on *Understanding Child Sexual Abuse by Catholic Priests in the United States* at the Onati workshop on Sexual Abuse in the Church and Other Institutional Settings in Northern Spain in April, 2014. Dr. Terry led the John Jay research team.

<sup>51</sup> The Boston report is available from [www.bishop-accountability.org/downloads/archdiocese.pdf](http://www.bishop-accountability.org/downloads/archdiocese.pdf).

no comprehensive analysis of possible systemic causes of the abuse and whether there was a causal relationship between the prevalence of abuse, the type of candidates attracted to the priesthood and the Archdiocese's policies and practices for recruiting and screening applicants to the ministry (Attorney-General of Massachusetts 2003).

The Report could not decide whether 'the abuse has, in fact, stopped, or could not reoccur in the future'. It observed that the Archdiocese had not yet demonstrated a commitment to reform commensurate with the scope of the tragedy. In particular, it had not determined the systemic causes, nor were the review boards as outlined in the 1993 policies truly independent. Early in 2003, the Archdiocese had produced a new policy, but this is described as 'a disappointment'. The report further commented that the Archdiocese was not committed 'to supervise, monitor and assess the dangerousness of priests' found to have sexually abused children.

The report's second formal finding was that: 'The investigation did not produce evidence sufficient to charge the Archdiocese or its senior managers with crimes under applicable State law' (Attorney-General of Massachusetts 2003: 21). The statute of limitations, even though extended in 1985 to ten years, was a problem. There was insufficient evidence to prove beyond reasonable doubt that Archdiocesan managers were 'accessories after the fact to a felony', or 'accessories before the fact to a felony', or were guilty of conspiracy, or that they had obstructed justice under the common law. However, if they had followed their own policies much abuse might have been prevented.

The third finding was that:

The investigation did produce evidence that widespread sexual abuse of children was due to an institutional acceptance of abuse and a massive and pervasive failure of leadership" (Attorney-General of Massachusetts 2003: 25).

The Attorney-General of Massachusetts found that the top Archdiocesan officials had known for many years about the clergy sexual abuse problem, and documented many cases in the body of the report. The Archdiocese's maintenance of secrecy had placed more children at risk.

## The 2004 and 2011 John Jay reports

The following year, in 2004, the first John Jay empirical report was delivered. A large research team from the prestigious John Jay College of Criminal Justice at the City University of New York, led by Dr Karen Terry, had been commissioned in 2002. It was composed of forensic psychologists, criminologists and human behaviour experts. It is important to note that none of the research team had expertise in Catholic culture or Catholic theology, nor any direct experience of priestly life or seminary training. The team was very pleased with the commitment to the study and the good faith shown in the data collection process by the US dioceses and the male religious orders. The first John Jay report, published in 2004<sup>52</sup>, was essentially a presentation of the quantitative findings regarding the offending priests and their victims, which we will present in Chapter Seven.

Organisational, psychological, and situational factors contributed to the vulnerability of individual priests in this era of normative change. The second John Jay Report provided data about the increase

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<sup>52</sup> The formal title of the first John Jay Report is *The Nature and Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States*. The report is available at [www.uscb.org/issues-and-action/child-and-youth-protection/upload/The-Nature-and-Scope-of-Sexual-Abuse-of-Minors-by-Catholic-Priests-and-Deacons-in-the-United-States-1950-2002.pdf](http://www.uscb.org/issues-and-action/child-and-youth-protection/upload/The-Nature-and-Scope-of-Sexual-Abuse-of-Minors-by-Catholic-Priests-and-Deacons-in-the-United-States-1950-2002.pdf)

in incidence of child sexual abuse from 1950 until the late 1970s, and the sharp decline by 1985. Although no specific institutional cause for the increase in incidence was found, factors specific to the Catholic Church contributed to the decline in the mid-1980s. Analyses of the development and influence of seminary education throughout the historical period was consistent with the continued decline of reports of clerical child sexual abuse in the twenty-first century. The priests who engaged in abuse of minors were not found, on the basis of their developmental histories or their psychological characteristics, to be statistically distinguishable from other priests who had not been the subject of allegations of sexual abuse against minors (John Jay Report 2011), although smaller studies would question some aspects of this finding.

In its second report, published in 2011<sup>53</sup>, the John Jay research team concluded that there was no single 'cause' of sexual abuse of minors by Catholic priests that was identified as a result of their research. Regarding the historical and sociocultural context of American society, the John Jay team found that what it referred to in quotes as the 'crisis' of sexual abuse of minors by Catholic priests, had been a very recent 'historical' problem. The count of incidents per year had increased steadily from the mid-1960s through to the late 1970s, then declined in the 1980s, and had continued to remain low. A substantial delay in the reporting of sexual abuse was very common, and many incidents of sexual abuse by priests were reported decades after the abuse occurred. Even though incidents of sexual abuse of minors by priests were still being reported, the pattern of distribution of abuse incidents continued to be concentrated in the mid-1960s to mid-1980s (John Jay Report 2011).

The John Jay team argued in the report that the rise in abuse cases in the 1960s and 1970s was influenced by social and cultural factors in American society generally. This increase in abusive behaviour was consistent, according to the research team, with the rise in other types of 'deviant' behaviour, such as drug use and crime, as well as changes in social behaviour including an increase in premarital sexual behaviour and divorce. Reflecting the ahistorical nature of its analysis, the report found that at the time of the peak and subsequent decline in sexual abuse incidents by Catholic priests, there was a substantial increase in knowledge and understanding in American society about victimisation and the harm of child sexual abuse, as if to imply that the rape of children was almost an unknown phenomenon up to this point in history.

According to the analysis advanced by the John Jay team, such features and characteristics of the Catholic Church as the exclusively male priesthood and the commitment to celibate chastity, did not vary during the periods after World War II as reported abuse incidents had increased, peaked, and then decreased. Hence, they concluded controversially that these two features could not be considered as causes of the 'crisis', nor even as part of the cause.

When the offending priests were grouped by the decade of their priestly ordination, each group displayed a distinct pattern of behaviour, which the research team related to the sociocultural influences associated with each decennial group. Men ordained in the 1930s, 1940s, and 1950s did not generally abuse before the 1960s or 1970s. Men ordained in the 1960s and the early 1970s engaged in abusive behaviour much more quickly after their entrance into ministry. The ordination cohorts of men entering the priesthood before 1960, and before any moderation of the regimentation of seminary life, represented 44 per cent of those later accused of abuse.

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<sup>53</sup> The formal title of the second John Jay report is *The Causes and Context of Sexual Abuse of Minors by Catholic Priests in the United States, 1950 – 2010*. It is available at [www.usccb.org/issues-and-action/child-and-youth-protection/upload/The-Causes-and-Context-of-Sexual-Abuse-of-Minors-by-Catholic-Priests-in-the-United-States-1950-2010.pdf](http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/The-Causes-and-Context-of-Sexual-Abuse-of-Minors-by-Catholic-Priests-in-the-United-States-1950-2010.pdf)

Most priests with allegations of sexual abuse against minors were educated in freestanding seminaries or schools of theology. They were not significantly more likely than non-abusers to have attended minor seminaries or foreign seminaries. The development of a curriculum of “human formation” as part of seminary education followed the recognition of the problem of sexual abuse by priests from the 1980s onwards. Participation in human formation programs during their seminary stay, distinguished priests with later abusive behaviour from those who did not abuse. The priests with abusive behaviour were statistically less likely to have participated in human formation training than those who had not been the subject of allegations of abuse.

The regular assessment of priests after ordination varied considerably from diocese to diocese. Evaluation processes were usually reserved for the newly ordained in the first five years after their ordination. In most dioceses, priests in the parishes were not obliged to undergo regular assessment of any significance.

The John Jay data further found that many accused priests began abusing years after they were ordained, at times of increased job stress, social isolation, and decreased contact with peers. Generally, few structures such as psychological and professional counselling were readily available to assist them with the difficulties they experienced. Many priests let go of the practice of spiritual direction after only a few years of ordained ministry.

In terms of individual, psychological factors, less than five per cent of the priests with allegations of abuse exhibited behaviour consistent with a diagnosis of paedophilia - defined as a psychiatric disorder that is characterised by recurrent fantasies, urges, and behaviours about prepubescent children. Thus, it was inaccurate to refer to abusers as ‘paedophile priest’. Priests who were the subject of allegations of sexually abusing minors were not significantly more likely than other priests to have personality or mood disorders. Sexual behaviour in violation of the commitment to celibacy was reported by 80 per cent of the priests who participated in residential psychological treatment, but most sexual behaviour was with adults. The majority of priests who were given residential treatment following an allegation of sexual abuse of a minor, also reported sexual behaviour with adult partners.

Those offending priests who had sexual relationships either before the seminary, or while in the seminary, were more likely to also have had sexual relationships after ordination, but those relationships were most likely to be with adults. They were not significantly more likely to abuse minors. Priests who had same-sex sexual experiences either before the seminary or in the seminary were more likely to have sexual behaviour after ordination, but this behaviour was usually with adults. These men were not significantly more likely to abuse minors. Priests who were sexually abused as minors themselves were more likely to abuse minors than those without a history of abuse.

Priests who lacked close social bonds, and those whose families spoke negatively or not at all about sex as they grew up, were more likely to sexually abuse minors than those with close social bonds and positive family discussions about sexual behaviour. In general, priests from the ordination cohorts of the 1940s and 1950s, showed evidence of difficulty with intimacy, well before the upheavals of the 1960s.

## The 2011 John Jay Report – organisational issues

The second 2011 John Jay Report also focused on organisational factors. It found that prior to 1985, reports of abuse were predominantly brought forward by parents of the youths who had experienced abuse, soon after the incident took place. By the mid-1990s, reports of abuse were being made by adults ten to twenty years after the incident date. In 2002, reports of abuse were more likely to be put forward by lawyers for the person who had been abused, and many reports described incidents that had happened thirty to forty years earlier. By 1985, the US bishops knew that the sexual abuse of minors by Catholic priests was a problem, but they did not know the scope of the problem. Although more than 80 per cent of cases now known had already occurred by 1985, only six per cent of those cases had been reported to the dioceses by that time.

When allegations of abuse were made, most diocesan leaders responded. However, the response typically focused on the priest-abusers rather than on the victims. The data from the dioceses indicated that the majority of diocesan leaders took actions to help 'rehabilitate' the abusive priests. There is little evidence that diocesan leaders met directly with victims before 2002; consequently, the understanding of the harm of sexual abuse to the victim was limited. As knowledge of victim harm increased in society generally in the 1990s, so did the understanding by diocesan leaders.

It was clearly found from the data that diocesan bishops were more likely to respond to sexual abuse allegations internally within the institution, using investigation, evaluation, and administrative leave, but certainly not involving the external mechanisms of the criminal law. It was very clear that many, if not most, diocesan leaders' actions were not transparent to those outside the church. This lack of transparency was not an atypical response to deviant behaviour by members of any institution. The procedures for formal canonical responses, such as laicisation or dismissal from the clerical state, were complicated, time-consuming, and often avoided. The John Jay report found that canon law provisions were simply wholly inadequate.

## Reasons for decline from 1985

The decline of abuse cases by 1985, was earlier and sharper than the decline in the levels of other deviant behaviours in the broader society (such as crime) during the same period. Contributing factors to this decline included activism by victims of abuse by priests, discussions of sexual abuse of minors at annual meetings of the United States Conference of Catholic Bishops, and evolving diocesan responses to abuse and abusers. Some bishops were 'innovators' who offered organisational leadership to address the problems of sexual abuse of minors. However, other bishops and archbishops, particularly in dioceses where the Catholic Church was highly influential, were slow to recognise the problem of sexual abuse by priests, or to respond to victims. The media often focused on these 'laggard bishops', further perpetuating the image that the bishops as a group were not responding to the problem of sexual abuse of minors.

The study found that, like sexual offenders in the general population, priests with allegations of abuse showed patterns of behaviour consistent with the often-quoted four-factor model of offending developed by sociologist David Finkelhor (1984, 2003):

1. motivation to abuse (often emotional congruence with the minor, as well as a blockage to [nonsexual] intimate relationships with adults)
2. overcoming internal inhibitions to abuse (through the excuses and justifications that alleviate their sense of responsibility for the behaviour)

3. overcoming external factors (by creating opportunities for abuse to occur)
4. overcoming the child's resistance (through grooming techniques).

It was common for abusive priests to create opportunities to be alone with minors, for example, during retreats. These men often integrated themselves into the families of the victims. Minors who were abused typically did not disclose their victimisation; the signs of abuse were not detected by those close to them. This silence, typical of the period of the 1950s through to the 1990s, is one reason why the abusive behaviour persisted. Detection and an official report were rarely the reason for the end of an abuse incident, as reports were often made decades after the abuse occurred. For abuse to occur, three factors must converge: there must be a person who is motivated to commit the act of abuse; there must be a potential victim; and there must be a lack of a 'capable guardian'.

The study concluded that the sexual victimisation of children is a serious and pervasive issue in society. It is present in families, and it is not uncommon in institutions where adults form mentoring and nurturing relationships with adolescents, including schools and religious agencies, sports, and social organisations.

In summarising, the two John Jay reports represent the most thorough, comprehensive and empirically-based study of a whole national presbyterate and its child sex abusers ever conducted in the 2000+ years of Church history using professional social science researchers. We will periodically in this report return to their findings in answering our research questions. As the authors of the 2004 Report led by Karen Terry acknowledged on the very first page:

The findings presented in this report are very disturbing. As we at John Jay College pored over the data, we were deeply moved by the recitation of the large number of offences committed against children and the seriousness of their nature (John Jay Report 2004: 1)

However, the breadth of analysis in the John Jay studies did not always lead to depth of interpretation. The limitations of the 1950 baseline were not always fully appreciated, and this multidisciplinary study, like so many others, lacked a genuine historical perspective. The John Jay research team's own figures suggest that abuse in their baseline year of 1950 was already substantial. Nor did the authors fully appreciate the underlying Church cultural factors. They also neglected the underlying theological and pastoral issues, especially the pushback by many bishops well after 1985 and right up to 2002. However, the use of the 1971 Loyola study data for the US bishops by Eugene Kennedy (1971) was very helpful in interpreting their findings, as was Roger's diffusion of innovation model, which suggests that 'the more the power is concentrated in an organisation, the less innovative the organisation' (John Jay Report 2011: 85).

They presented interesting discussions on the use of psychological screening processes and their limitations, and on desisting in abusive behaviour. Their discussion of situational opportunity was very sophisticated, drawing on their criminology background, as was the section of how the priests justified their abusive actions and minimised the harm wrought, particularly in its utilisation of Finkelhor's techniques of neutralisation model. However, they seriously underplayed the issue of secrecy, secret archives, and obedience.

# Child sexual abuse in the Catholic Church in Europe

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## United Kingdom

The United Kingdom<sup>54</sup> presents a rather curious case for Gilligan (2014) and Scorer (2014), who have argued that its Catholic bishops, led by Cardinal Cormac Murphy-O'Connor and Cardinal Vincent Nichols, have followed an apparently successful strategy to create a media discourse in which the phenomenon of child sexual abuse by Catholic clergy and religious is largely seen as a problem outside the UK that need cause little public concern because of robust and appropriate policies and procedures in place since 2001, notwithstanding 'the untrustworthy and obfuscating nature' of episcopal statements. However, it is accepted that the two cardinals have shown significant leadership (Scorer 2014, Shearer 2014). Distress is still being felt by survivors, and the discontent is expressed by their organisations. Dioceses are still behaving in unacceptable ways.

A further aspect to the UK situation is that there had never been a public inquiry by Government until the British Home Secretary established one in July, 2014, after sensational claims of sexual abuse of young people by celebrity entertainers such as Jimmy Savile and Rolf Harris, and prominent political figures stretching back decades. This inquiry has had a very troubled journey with its fourth chair, Professor Alexis Jay, appointed in August 2016. Its terms of reference include 'churches, mosques and other religious organisations'. Like the Australian Royal Commission, the UK Goddard Commission will take a broader perspective.

The Catholic Church in England and Wales has itself conducted two reviews, resulting in the 2001 Nolan Report, *A Programme for Action*<sup>55</sup>, and the follow-up 2007 Cumberlege Report *Safeguarding with Confidence: Keeping Children and Vulnerable Adults Safe in the Catholic Church*. In his 2015 autobiography, Cardinal Cormac Murphy-O'Connor relates how the Nolan Report was triggered by the headline news concerning abuse by the recidivist priest perpetrator, Michael Hill, after he had received treatment. Both the Nolan and Cumberlege reports were founded on the so-called Paramountcy Principle, which states that: 'The welfare of the child is the paramount consideration in proceedings concerning children'. The retired judge, Lord Nolan, first chair of the UK Committee on Standards in Public Life, headed a ten-member eminent persons' committee which in a short report made 83 recommendations that focused on preventative policies and procedures applicable to parishes, dioceses and religious orders. It recommended a structure whereby every Catholic parish in England and Wales was to have a lay Parish Child Protection Representative (PCPR), appointed by the diocesan Child Protection Co-ordinator, nominated by the bishop and who provides an annual report. The report made the interesting recommendation that confession for children should be conducted in a setting where the children can be seen but not heard (Rec. 25), presumably reflecting problems with soliciting in the confessional. It also recommended that, in assessing candidates for the priesthood, bishops and religious superiors should not overrule specially-appointed selection boards (Rec. 36), and that there needed to be a single national database for male and female

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<sup>54</sup> At the 2011 census there were 66.24 million people in England and Wales of whom 4.16 million (7.4%) were Catholic. It is thus a smaller Church than the Australian. It has 22 dioceses together with a military ordinariate, a Ukrainian eparchy and a prefecture for the Falkland Islands as well as a special ordinariate for former Anglican clergy.

<sup>55</sup> Both the Nolan and Cumberlege Reports are available at [www.cathroom.org/mysharedaccounts/cumberlege/finalnolan1.htm](http://www.cathroom.org/mysharedaccounts/cumberlege/finalnolan1.htm)

applicants to the priesthood and consecrated life (Rec. 37) in order to prevent the recycling of psychologically flawed seminarians.

## The 2007 Cumberlege Report

The subsequent evaluative report in 2007 was headed by Baroness Cumberlege, formerly a Junior Minister for Health. In its final chapter, The Cumberlege Committee found it had no need to question the principles embodied in Lord Nolan's report. In re-affirming openness and transparency, it was acutely aware of the tension between diocesan autonomy and the need for national episcopal cohesion. In its very last recommendation, it recommended in a most interesting use of canon law, that the Bishops' Conference in consultation with the Conference of Religious:

should make the appropriate *decreta generalia* and secure canonical recognitio of them (canon 455), so that there will be a special territorial law (canon 13 §1) for England and Wales which would give juridical authority to the Church's most important safeguarding rules for children and vulnerable adults and also secure a right of recourse to the Holy See against a diocese, religious congregation or other juridical person which failed to fulfil the obligations laid down in the law (Rec. 72).

As with the Nolan report, the Cumberlege Report aspired to 'a culture of vigilance', and it proposed a clever use of canon law to ensure the cooperation of every diocese.

Many of the Cumberlege recommendations involved a tweaking of the Nolan recommendations, but with some new initiatives, such as a parish information pack and developing a national database policy. The report recommended that each diocesan commission should have a lay chair, and the bishop attend at least one meeting a year. Interestingly, there was a recommendation specifically for contemplative congregations (Rec. 37), which probably reflected the major sexual abuse problems that had occurred in boarding schools run by monastic congregations such as the Benedictine Order. The Commission was clearly not satisfied with clergy knowledge about child sexual abuse and recommended that within twelve months all Church leaders and all clergy should undertake a full day's training concerning safeguarding (Rec. 39). Twenty-seven further recommendations concerned the welfare of children and vulnerable adults and the investigation and review of abuse cases according to the principle of fairness. Five recommendations were applied to vulnerable adults, including the training of priests, religious and seminarians.

However, the Cumberlege Report also outlined the failure of the English and Welsh bishops to implement four Nolan Report recommendations: (1) consideration of a national selection board for seminary candidates (Nolan Rec. 40), (2) development of a whistle blower policy (Nolan Rec. 60), (3) dealing with mistakes openly and learning from them (Nolan Rec. 80), and (4) development of a brief, user-friendly parish leaflet (Nolan Rec. 82). Pushback had occurred in several areas, especially regarding diocesan autonomy, with large differences between the dioceses in implementation. Yet the Baroness and her Committee very strongly advocated a 'One Church Approach' to obviate against diocesan independence. Another deeply felt tension was the emergence of 'a strong and vocal lobby of priests (who) now believe that the system for dealing with allegations against them leaves them exposed and vulnerable and is a breach of canon law and natural justice' (Cumberlege Report par. 2.17), thereby eroding trust in bishops and congregational leaders. It was also noted that the seven seminaries had been unable to agree on a common safeguarding curriculum.

The Committee was particularly concerned about the tardiness in compliance of the 430 Catholic religious congregations in England and Wales, especially the 'non-aligned' congregations which it

suggested should consider placing themselves under the care of the Diocesan Commission if: (a) they were institutes of diocesan right, (b) they were congregations with only a single house in the UK, (c) they were congregations with apostolic works limited to one diocese, and (d) they were sui iuris monasteries under the particular vigilance of the diocesan bishop (Canon 615) (Cumberlege Report par. 3.65). The report noted that a long awaited parish pack was close to finalisation and also recommended a Code of Conduct, pointing affirmatively to an Australian version, *Integrity in Ministry*.

The National Catholic Safeguarding Commission, which oversees the Catholic Safeguarding Advisory Service with its offices in Birmingham, was established in 2008 and operates on providing a 'Care Pathway'. The Catholic Safeguarding Advisory Service ([www.catholicsafeguarding.org.uk](http://www.catholicsafeguarding.org.uk)) has promoted appreciation of the notions of 'institutional grooming' and 'approach explicit pathways' in organisations where there can easily be an abuse of trust, power and authority and there is ready access to children and adolescents. Regarding the Church, attention is given to the insidious nature of the theological theory of 'priestly character' in terms of the power it confers on the individual priest.

More recently, a strategic plan has been outlined called *Towards a Culture of Safeguarding*. This includes the appointment of a safeguard representative in every parish – 96 per cent of parishes are compliant. There is also a national training program. The National Safeguarding Commission's 2015 annual report revealed that between 2009 and 2014, 403 allegations had been made against religious and lay personnel in Catholic agencies. In 2014, there were 79 allegations of abuse against children involving 118 victims and 83 abusers - 75.9 per cent of the allegations concerned sexual abuse. While there are no figures to assess the prevalence of the sexual abuse problem within the UK Catholic Church, there is much to commend its strategy, which has reached down to almost every parish. Unfortunately these annual reports do not follow a standard format in their annual public reporting.

## Ireland

The Irish story is reasonably well known.<sup>56</sup> The watershed moment came in 1994 with the conviction of Fr Brendan Smyth, which in a complicated story led to the fall of the Irish government in the same year and the resignation of the Taoiseach and the Attorney-General. The Church and the State had colluded in protecting abusive priests, leading to public disenchantment with an institution once regarded as all-powerful and untouchable (Keenan 2012).

Ireland, with its intense Catholic history, came perhaps a little belatedly to the reality of child sexual abuse generally and clerical child sexual abuse in particular. In the Republic of Ireland, a country of 4.59 million, the social services were basically run for many decades by the religious orders on behalf of the State. The Catholic Church had been plagued by sexual scandals in the 1990s, with Bishop Eamon Casey having an affair with an American woman and fathering their child, together with a media story about a popular singing priest who was living with his housekeeper and had had two children with her, followed by the sudden death of a priest in a Dublin gay sauna. But regarding the clerical sexual abuse of children, a very ugly Pandora's Box, once opened, was revealed to lie at the

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<sup>56</sup> The Irish nation state had at the 2011 census 4.59 million people of whom 84.2 per cent were Catholic, representing a significant decline from previous decades. In 1990, weekly Mass attendance was 81 per cent but by 2006 it had slipped to 48 per cent. In 2011 in Dublin it was 18 per cent.

very core of the Irish nation and of the Irish Catholic Church. In the early 1990s, the Irish became aware of child sexual abuse through a Kilkenny incest case, and the West of Ireland farmer case in 1995, which demonstrated that these were crimes that were often perpetrated by ‘apparently upright and decent members of the community’. In 1994, there was genuine public shock at the case of Fr Brendan Smyth, which particularly came to light through the airing of a TV documentary, *Suffer Little Children*. Smyth pleaded guilty to 74 child sex abuse charges and was sentenced to 12 years in prison. It transpired that the State had failed to extradite Smyth from Northern Ireland, which inexorably led to substantive claims that the Catholic Church was being protected by the State. In December 1994, the Reynolds government collapsed as a result of the uproar.

As Keenan (2012) and others have documented, these and subsequent events led to a very changed relationship between the Church, the State, and the Irish people, culminating in the 2015 referendum to approve same-sex marriages as an illustration of this. Two introductory reports, in September and October 1999, from a non-statutory Commission chaired by Justice Mary Laffoy, led to the establishment of a national counselling service for victims and to an amendment to the Statute of Limitations to enable victims to make compensation claims. In May 2000, the Ahern Government established the Commission to Inquire into Child Abuse (CICA), commonly known as the Ryan Commission after its chair, Justice Seán Ryan.<sup>57</sup> It would take nine long years to report, collecting oral evidence from 1000+ witnesses who gave evidence of physical, sexual and emotional abuse in Irish residential institutions between 1914 and 2000 (Ryan Report 2009: par. 9.01). The abuse occurred in 216 different institutional settings, the majority of which were industrial and reformatory schools, but which also included orphanages or children’s homes, hospitals, foster care, schools and residential facilities for children with special needs, hostels, residential group homes, novitiates, laundries, and other settings where children were placed away from their families. The report’s focus was on sexual, emotional and physical abuse in Catholic residential settings, which we will address in Chapter Six.

The other three Irish government inquiries were focused on the dioceses of Ferns and Cloyne and the Archdiocese of Dublin, and used very similar methodologies.

## Ferns Report

Ferns is an ancient diocese within the ecclesiastical province of Dublin, founded in the year 598 with St Aiden as its first bishop. It is mainly located in County Wexford, with 49 parishes at the time of the Inquiry. The Irish government, through its Minister for Health and Children, initiated a formal inquiry in early 2002 into the Diocese of Ferns<sup>58</sup> after a public outcry about priestly sexual abuse of children following a BBC documentary on Fr Sean Fortune, entitled *Suing the Pope*. The short and focused Ferns Inquiry was essentially a case study of one Irish diocese, its priest abusers and, most particularly, the response of the diocesan authorities. Headed by a retired High Court judge, it found eight factors militating against an appropriate response by church authorities:

- failure to assess and monitor seminarians during their admission and training
- failure after ordination to have any proper system for the management of priests, and especially failure to identify the serious and systematic nature of the problem

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<sup>57</sup> The Ryan Report is available at [www.childabusecommission.ie](http://www.childabusecommission.ie)

<sup>58</sup> The Ferns Report is available at <https://archive.otg/stream/243711-2-complete-ferns-report-so-ireland#page/n0/mode/2up>

- failure to keep proper records of allegations, which militated against proper management
- absence of proper records combined with the reluctance of priests to report inappropriate behaviour
- failure to operate a transparent complaints procedure
- lack of understanding by the Ferns diocesan priests of child sexual abuse until the early 1990s, and Rome's failure to educate bishops and priests
- failure in some cases to listen sensitively and sympathetically to misconduct allegations
- a culture of secrecy and fear of causing scandal, placing the interests of the Church ahead of children.

The twenty recommendations went broader than the Church. The Ferns Report was critical of Ireland's South Eastern Health Board which mostly did not provide counselling or support for the victims, and the police, who even though complaints had been made, had no record of complaints from the 1970s and 1980s though from 1990 complaints were carefully investigated and recorded.

Given the severe damage suffered by the children whose courage was admired by the three members of the Inquiry, the Commission stated that it wished 'to record its revulsion at the extent, severity and duration of the child sexual abuse allegedly perpetrated on children by priests acting under the aegis of the Diocese of Ferns' (Ferns Report 2005: 259).

### The Murphy Report into the Archdiocese of Dublin

Like Ferns and Cloyne, the Archdiocese of Dublin is an ancient diocese, founded in 633, and became an archdiocese in 1152. In 1990, it had a Catholic population of about 900,000, with 163 parishes and about 900 priests. In 2009, its Catholic population had increased to just over one million, with 200 parishes, including 42 under the care of religious orders, with 650 active priests. The Murphy Report<sup>59</sup> states that, in the post-World War II period, about 2,800 priests had worked in the diocese, giving an approximate offending rate of 6.14 per cent.

The Report was commissioned in 2002, following two television investigative documentaries, *Suing the Pope* and *Cardinal Secrets*, and intensive lobbying by support groups. The Irish government, responding to the wave of public concern appointed Yvonne Murphy, a Circuit Court judge, to head the inquiry. In March 2009 the same investigative Committee would begin its investigation into the Diocese of Cloyne with much the same methodology. It submitted the Murphy Report in July 2009, and the report was publicly released in the following November, following High Court action which allowed the release of an edited version omitting references to three priests who were the subject of upcoming court cases. The report caused a political and ecclesiastical storm, with one history professor declaring: 'The age of our craven deference (to the Church) is over'.

The focus of the investigation was on how complaints had been handled by State and Church authorities. The terms of reference, which did not allow for the making of recommendations, asked the Commission of Investigation to cover the allegations made against Dublin priests from 1975 to

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<sup>59</sup> The report is available at [www.justice.ie/en/JELR/Pages/PB09000504](http://www.justice.ie/en/JELR/Pages/PB09000504)

2004. Its focus was thus on four archbishops: Archbishop John McQuaid (1940–1971); Archbishop Dermot Ryan (1971–1984); Archbishop Kevin McNamara (1984–1987), and Cardinal Desmond O’Connell (1988–2004), the only one still alive at the time of the inquiry. Archbishop Diarmuid Martin had taken over in 2004 and remains in charge – his time was not included within the investigation’s remit.

Aside from cataloguing the offending of priests, the most distinguishing feature of the Murphy Report, in comparison to other international inquiries, was its documentation of its own interaction with the Holy See and the interaction between the Archdiocese and the Holy See. In September 2006, the Commission of Investigation wrote to the Congregation for the Doctrine of the Faith (CDF) in Rome, headed by Cardinal Ratzinger, asking for information on the promulgation of the document *Crimen Sollicitationis*, and any information on reports of clerical sexual abuse conveyed to the CDF by the Archbishop of Dublin. The Congregation did not reply but contacted the Irish Department of Foreign Affairs, stating that the Commission had not gone through the appropriate channels. The Murphy Report states: ‘The Commission is a body independent of government and does not consider it appropriate for it to use diplomatic channels’ (Murphy Report 2009: par. 2.23). In February 2007, the Commission wrote to the Apostolic Nuncio, but received no response. And it wrote again in February 2009, but again received no response.

The Commission was advised by Archbishop Martin that the October 2006 Archdiocese of Dublin’s Quinquennial Report, presented during his *ad limina* visit to the Pope, 100 pages in length, contained only ten lines of reference to clerical child sexual abuse, with no statistics on the scale of the problem. The Murphy Report also details how the instruction, *Crimen Sollicitationis* (1922, revised 1962), set out procedures for dealing with sexual solicitation in the confessional. The Commission found that:

The main problem with these procedural rules was that virtually no one appears to have known anything about them – including the people who were supposed to implement them. It appears that both documents were circulated only to bishops and under terms of secrecy. Each document stated that it was to be kept in the secret archive to which only the bishop had access. The Commission found evidence that the 1922 document was known to senior figures in the Archdiocese of Dublin, especially during the time of Archbishop John Charles McQuaid and that, in the words of one witness, it was a ‘well-thumbed’ document’ (Murphy Report 2009: par. 4.21).

In contrast, the May 2001 Vatican instruction, *Sacramentorum Sanctitatis Tutela*, was widely disseminated, representing a change in the policy of the Holy See. The Murphy Report did not really examine the underlying issues as to why the offending priests behaved as they did, why the bishops behaved as they did, and why the Vatican behaved as it did. It did not put the abuse, or the Archdiocese’s response to the abuse, into a systemic context. The Murphy Report was a key aspect of the irrevocable change in the relationship between the Irish people and the Catholic Church in the momentous year of 2009. The public fall-out was immense. The Archbishops had clear knowledge of the issue and understanding of its recidivist nature from at least 1941. And notification to the police did not begin until 1995. Keenan (2012) notes that many priests were upset by the Report’s observation that ‘the vast majority (of priests) simply chose to turn a blind eye’. She further makes the important point that the episcopal non-performance needed to be compared with the reporting practices of other organisations caring for children.

In a low response (20.3%) study of 97 Dublin Catholic priests, the Irish priest Alan Hilliard found that as a result of the Murphy Report, the priests felt an underlying sense of vulnerability and neediness. They were found to be lacking in energy and depressed, because they felt that as a group they had been 'hung out to dry'. It was now a case of 'every man for himself', and 'you are on your own'. They received support from ecclesial movements, some but not all parishioners, other clergy, and family and friends (Hilliard 2013).

## The 2011 Cloyne Report

The investigation into the small diocese of Cloyne in the Republic of Ireland immediately followed on the Murphy inquiry into the Archdiocese of Dublin and was completed by the same Commission of Investigation team led by Justice Yvonne Murphy. It was focused on Bishop John Magee (1987–2009) and his vicar-general, Monsignor Denis O'Callaghan (1982–2009). The monsignor had noted the large number of US priests with Irish surnames who had been convicted of child sexual abuse, and this had concerned him. The Cloyne Inquiry had very defined limits insofar as the Commission was charged to investigate allegations made against priests in the Cloyne diocese from 1 January 1996 until 1 February 2009. The baseline year was set because 1996 was the time when the Catholic Church in Ireland put in place detailed procedures for dealing with child sexual abuse. The so-called 'learning curve' theory, which claimed that the Church had had very little experience of dealing with the issue in earlier decades, thus did not apply, and hence the Cloyne Inquiry was an evaluative case study of the post-1996 response in a single diocese.

The Diocese of Cloyne was founded as a bishopric by St Colman in 580 and currently incorporates much of County Cork. In the 2011 census, its estimated population was 164,334 people living in 46 parishes. At the time the Commission commenced, the diocese had 143 priests, 104 active, 13 with other assignments, and five whose status was not clear. In 1996, there had been 163 priests. Bishop Magee would tender his resignation on 9 March 2010, after stepping aside exactly a year earlier, just as the Cloyne Inquiry was about to begin. John Magee was born in 1936 in Northern Ireland, and after his ordination in 1962 he became a missionary in Nigeria during the 1960s. He was then appointed Procurator General of his religious order in Rome and then secretary of the Congregation for the Evangelisation of Peoples, formerly the Congregation De Propaganda Fide, and soon afterwards was appointed secretary to Pope Paul VI. Eventually he would become the secretary to John Paul I and John Paul II, and thus is a unique figure in Church history as the secretary to three Popes. He was appointed to the Diocese of Cloyne in 1987.

The Cloyne Report has three major and interrelated findings. Firstly, it documents the inaction and/or lack of engagement of Bishop Magee, stating that:

It is a remarkable fact that Bishop Magee took little or no interest in the management of clerical child sexual abuse cases until 2008, 12 years after the Framework document was adopted....the principal person involved was Monsignor O'Callaghan. He did not approve of the procedures set out in the *Framework* Document. In particular, he did not approve of the procedures to report to the civil authorities. He was totally familiar with the reporting requirements set out in the document and he implemented them in the Fr Corin case. He did not do so in many other cases (Cloyne Report 2011: par. 1.17).

Implementation was 'stymied' by Monsignor O'Callaghan, who had poor communication lines with his bishop.

The second major finding pertained to the Holy See and the Congregation for the Clergy led by Cardinal Darío Castrillón Hoyos<sup>60</sup> which showed itself to have been entirely unhelpful to any bishop endeavouring to implement the procedures agreed to by the Irish bishops. The Congregation assessed the Framework document as ‘not an official document of the Episcopal Conference but merely a study document’. Further, the Congregation stated that it contained:

...procedures and dispositions which appear contrary to canonical discipline and which, if applied, could invalidate the acts of the same Bishops who are attempting to put a stop to these problems. If such procedures were to be followed by the Bishops and there were cases of eventual hierarchical recourse at the Holy See, the results could be highly embarrassing and detrimental to those same Diocesan authorities. In particular, the situation of ‘mandatory reporting’ gives rise to serious reservations of both a moral and a canonical nature (Cloyne Report 2011: 1.18).

The Roman Curial Congregation was asserting that canon law trumped civil law.

The third major finding, described by the Report as the Diocese’s ‘greatest failure’, was its failure to report all complaints to the police (the Gardai), especially in respect of two cases where the alleged victims were still minors. Monsignor O’Callaghan, in deference to clerical solidarity, always had reservations about reporting to the civil authorities: ‘I am convinced that reporting should have been left to the complainants...why should we take it on ourselves to report when the complainant does not want it done? This commitment on our part also seriously compromises our relationship with the priest against whom allegations have been made’. The Report observes that O’Callaghan ‘failed to understand that the requirement to report was for the protection of other children’ (Cloyne Report 2010: par. 1.23).

The various roles of O’Callaghan, who was personally kind in dealing with complainants, were hopelessly entangled. He later commented to the Commission that: ‘I realise now that in some instances I became emotionally drawn to the plight of the accused priests and in this way compromised my care of some complainants. I now realise that the ministry of pastoral care best operates where roles are distinct in dealing with complainants and accused’ (Cloyne Report 2010: par. 1.27). In a 2008 letter, he wrote that the Irish bishops were:

walking away from the strong positive tradition of Christian Pastoral Care as inspired by the words and actions of Jesus himself. They would surrender all pastoral discretion and would hand over to secular agencies overall responsibility for alleged offending priests who had abused their position of trust and given serious scandal. The Bishops rolled over under pressure from the media. And they expected Rome to endorse the new policy (Cloyne Report 2011: par. 4.71)

The Inquiry also concluded that proper canonical investigations were not carried out. It also noted that no priest against whom allegations had been made had been moved to another parish or outside the diocese, and that the diocese had done a worthwhile job training Church personnel and laity in the area of child protection. It is also of interest to note that Bishop Magee, notwithstanding

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<sup>60</sup> Cardinal Castrillon Hoyos has been well known for his stout defence of the Lefebvrist schismatic movement and of the Tridentine Mass – see John Thavis’ account in *The Vatican Diaries* (Penguin, New York, 2015).

all his Rome experience, said he was unaware of *Crimen Sollicitationis*, although Monsignor O'Callaghan was aware of it.

Pope Benedict's subsequent letter to the bishops and people of the Church in Ireland was problematic because it basically blamed the Irish bishops and accepted no responsibility for the unholy mess on the part of the Holy See. A visitation team commissioned by the Holy See recommended the tightening up of seminary education and a return to Catholic orthodoxy. At a political level, new lows were being reached. The Taoiseach, Enda Kenny, gave expression in the Irish Dail to an anger brewing for generations, and in 2011 he closed Ireland's Embassy to the Holy See, although it was restored in 2014. The Murphy Report into the Dublin Archdiocese had an adversarial mind-set for an inquisitorial task where 'witnesses' became 'defendants' without legal protections, and errors in defendants' testimonies were not corrected for the final report. It failed to mention, let alone analyse, the legal advice bishops had received in handling the abuse disclosures. Other proper legal processes were not observed, and from a social science perspective its sampling technique was flawed. This all led to different versions of the facts.

## The current context in Ireland

The current debate in Ireland relates to children in Catholic day schools, adult boundary violations, abuse in Protestant churches and the introduction of discussion on restorative justice, together with stories concerning women who have given birth to the children of their priest lovers. The issue of these children was raised in the United Nations' negative appraisal of the Holy See's response to violence against children.

The Catholic Church in Ireland serves as an instructive case study highlighting the need for clerical sexual abuse to be seen as part of the continuum of the sexual behaviour, sexual deprivation, and sexual ill-health of Catholic clergy, behaviour that is embedded in a completely inadequate theology of sexuality and the absence of a relational sexual ethics for clergy. Also involved is the Church's theology of scandal, its emphasis on protecting its public reputation, and the interplay with power and powerlessness. Organisational reform of clerical life to address the factors that contribute to the genesis of the problem is urgently needed, and all healing response roads point to restorative solutions.

In summary, the response of the Catholic Church in Ireland to child sexual abuse was initially slow and badly mismanaged, because Church officials did not believe the victims, and because they saw the media's concentration on the issue as exaggerated and driven by journalists' animus towards the Church due to its policies on contraception, abortion and divorce. The bishops, always fearful of the Holy See, received no or very poor direction from Rome. Television programs and investigative journalists gave voice to the adult survivors as well as underscoring the climate of secrecy, denial, and deference to episcopal authority. In 1996, the Irish bishops drafted their *Child Sexual Abuse: Framework for a Church Response* document, which has subsequently undergone various revisions, but gaining universal implementation across all the Irish dioceses was always a problem. At one stage, the document was sent to the Holy See for ratification, only to be returned as 'a study document'. Child protection committees were established in the dioceses and religious orders, but in 2006 these became more centralised with a national office, as we shall see.

## Belgium

In Belgium, the 1997 Dutroux case attracted world attention as well as deeply shocking the Belgian people. Marc Dutroux, born in 1956, was arrested in 1996 for kidnapping, torturing and sexually molesting six girls aged 8 to 19, and murdering four of them. This prompted societal attention to the topic of child abuse, and the government established a Special Parliamentary Commission, which introduced new legislation. The politicians felt no need to define child sexual abuse – their focus was on guilt and accountability, and on financial accountability. Cardinal Godfried Danneels responded by establishing the Belgian Church Commission on Sexual Abuse in 1998, which, however, dealt with only 30 cases in ten years. The watershed moment came in 2010, when a nephew of the Bishop of Bruges stated publicly that his uncle had abused him from age 5 to 19. He had been asking for mediation for 15 years but nothing had happened. The bishop resigned in April 2010 in a blaze of publicity, and within four weeks, 475 notifications of child sexual abuse had been made to the Church Commission – 100 victims asked for their cases to be referred to the police, while others wanted it all to be handled confidentially. The trigger had been pulled.

The Belgian bishops went into a state of shock. They participated in ‘psychoeducation’ sessions. In particular, they were shocked by the neurobiological consequences of trauma, affecting the victims’ intellectual and emotional functioning. As part of their response, the bishops reframed their Church Commission on Sexual Abuse, appointing as its head Professor Peter Adriaenssens, director of the Confidential Child Abuse and Neglect Centre at the Catholic University of Leuven. The Adriaenssens Commission began its work late in April 2010, but this was brought to an abrupt halt on 24 June 2010, with the seizure of Catholic Church documents by the Belgian police, which deeply upset the Church authorities. Eventually the Belgian High Court declared that the seizure was illegal. In the meantime, the Commission finalised its incomplete report<sup>61</sup> (37 pages in length, together with 124 personal accounts), which was published in September 2011.

Following recommendations of the Belgian Parliamentary Special Commission (March 2011), the Catholic Church in Belgium established the Centre for Arbitration to oversee redress, and centres for reporting and support were also established in each of the ten dioceses. By 2012, about 900+ cases had been reported to the Centre for Arbitration and the 10 diocesan centres. Eighty per cent of victims are male, and for some unknown reason, many more are from Flanders than Wallonia. The priest perpetrators are dead in 90 per cent of the cases dealt with by the Centre for Arbitration, and the compensation amount paid to victims on average is about 25,000 euros.

Belgian researchers have been haunted by the question: How is it that the abuse of children and its extent were not picked up sooner in Belgian schools, with their school psychologists and school counsellors?

## Germany

In Germany, the clerical child sexual abuse issue had been festering for several decades, but it was not until July 2011 that a joint research project was announced by the German Bishops’ Conference and the Criminological Research Institute of Lower Saxony. In January 2013, the partnership broke down because of a lack of trust between the bishops and the chief investigator who was most upset

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<sup>61</sup> The Belgium Adriaenssens report is available at [www.documentcloud.org/documents/243734-2-adriaenssens-report-original.html](http://www.documentcloud.org/documents/243734-2-adriaenssens-report-original.html)

that the bishops had allegedly begun to destroy key sensitive documents, particularly the personnel files of offenders in diocesan archives. The research project had aimed to (i) ascertain valid data on sexual abuse by Catholic clerics since 1945, and (ii) analyse the emergence, course and consequences of clerical child sexual abuse from the victims' perspective (Bohm et al. 2014).

The lack of systematic data prevents us from reaching any firm conclusions about the Catholic Church in Germany. An extra sensitivity in Germany in relation to the accessing of diocesan archives by an independent researcher concerned a previous Archbishop of Munich and Freising (1977-1982), Josef Ratzinger who subsequently became Pope Benedict. Connected to this was the famous Regensburg Cathedral Boys' Choir (Domspatzen) conducted for thirty years by his brother, Monsignor Georg Ratzinger although there is no suggestion that the allegations of sexual abuse concerned the monsignor. On July 18 2017, the international Catholic press carried results of a investigative report initiated by the Bishop of Regensburg, Bishop (now Cardinal) Muller, which found that between 1945 and the early 1990s, 547 boys had been physically abused, including 67 who had also been sexually abused.; 49 members of the Church had perpetrated the physical abuse, including nine sexual abusers, most of whom are now dead.

In 2010, the Archdiocese of Munich-Freising completed a review of its files to find that accusations by victims of physical and sexual violence (70% male, 30% female) had been made against 159 priests and 15 deacons, with 26 having been convicted. It was further announced in mid-April 2014 that the German bishops had entered into a new agreement with another research body (Bohm et al. 2014). In 2011, the Federal Government of Germany commissioned a project to assess the prevalence of child sexual abuse, which heard of 451 complaints of child sexual abuse in Catholic Church settings (Fegert et al. 2011, Fegert et al. 2013). In 2012, the Catholic Church in Germany collected reports on 753 sexual and violence offences through a self-report hotline – the alleged offenders were 479 diocesan priests, 122 religious order priests, 79 nuns, 11 brothers, and 69 volunteers (Hotline für Opfer Sexuellen Missbrauchs 2013 – see Bohm et al. 2014). In summary, in 2014 the German bishops announced a new study, which is hoped will allow a more systematic picture to emerge. In the meantime this again suggests that when government or Church authorities begin to focus, a disturbing picture emerges.

## The Netherlands

By 2010, it had become clear to Catholic authorities in the Netherlands<sup>62</sup> that the sexual abuse of minors had been underestimated. The Dutch bishops commissioned the Deetman Committee to examine the issue with ten research questions and it focused on the period from 1945 to 2010. It produced a voluminous report (Deetman 2011) that generated massive publicity. The chair was Willem Deetman, a respected former Dutch Education minister.

The Deetman Report, available to the rest of the world in an extensive English translation and summary, distinguished between 'offenders', who have been found guilty of a criminal offence, and

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<sup>62</sup> In 1947, the Catholic Church in the Netherlands was comprised of 3.7 registered million members, representing 38.6 per cent of the total population, having tripled since 1855, while there was a sixfold increase in the number of priests in the intervening 94 years. By 2009, it was 4.2 million, representing 25.3 per cent of the total population. In actual numbers, the Catholic population peaked between 1980 and 1990 with 5.6 million members, while in percentage terms it peaked earlier, between 1960 and 1970, with 40.5 per cent of the population. In 1967, there were 13,500 priests, with many more religious order priests (9,500) in 34 orders than diocesan priests (4,000).

'perpetrators', whose guilt has not been proved. In 1967, there were 13,500 priests in the Netherlands (4,100 diocesan and 9,400 religious). There were also 40,000 religious brothers and nuns, implying that there was one priest or religious for every one hundred Dutch Catholics. By 1974, as the Holy See's grip tightened over the Catholic Church in the Netherlands with the appointment of several very conservative bishops, approximately 2,400 diocesan and religious priests had resigned (or 'defected', to use the Vatican term still in force).

Prior to World War II and immediately afterwards, there was much concern in Dutch society about moral decline, perceived in an increase in sexual offences, in particular against minors. Dutch Catholics were always over-represented in these statistics. The Deetman Committee examined the diocesan archives and found that they contained much information about inappropriate sexual behaviour by priests and brothers up until the mid-1950s. They also revealed that the issue was much discussed in episcopal meetings during the late 1940s. Church administrators often complained during this immediate post-War period that perpetrators resisted against complying with instructions. The archives contained clear evidence of abuse of young novices and minor seminarians, but 'local and provincial superiors dealt very circumspectly with such cases of abuse of the order's own novices for fear that such inappropriate behaviour would cause a victim to leave (the order)'. The Report goes on, especially with regard to the Salesians of Don Bosco: 'Penance, transfer and possibly treatment were apparently more appealing than expulsion from the order with a view to avoiding the loss of members or preventing a scandal'. The internal discussion among the bishops of the late 1940s and early 1950s about child sexual abuse and its causes, was one reason, never stated publicly, why during the Second Vatican Council the Dutch bishops pushed for the abolition of mandatory celibacy.

Since 1945, child sexual abuse has been a permanent item on the Dutch political agenda and in the 1990s, policy focus shifted to the plight of the survivors. The Deetman research was focused on the general Dutch population, with a monster survey of a sample of 34,234 persons aged over 40. It was found that almost one tenth (9.7%) had experienced unwanted sexual contact with an adult not a family member during childhood and adolescence. Between 0.3 – 0.9 per cent of the total sample had been abused in Catholic settings. However, this may give a somewhat partial impression, because residency in a Catholic institution increased the likelihood by about six times. Eighty-two per cent of victims were male, most aged 6–14 years at the time of the abuse. The large majority of cases took place from the 1950s after World War Two to the 1970s. Another major finding was that when complaints were shared with criminal justice authorities, the situation of victims was not improved.

By July 2013, 1,287 complaints of child sexual abuse had been made against Catholic Church personnel, of which 656 had been finalised – 28 per cent of the complaints were declared to be unsubstantiated. The official process of the Catholic Church in the Netherlands process deals only with sexual abuse, and while there is a ten-year statute of limitations, the bishops and religious superiors have decided not to invoke this. Compensation amounts ranging from 5000 to 100,000 euros are based on five categories of abuse seriousness calculated on a scale of suffering endured. There is also a private initiative, the Triptych Restorative Mediation Approach, which endeavours to avoid legal contestation, using the restorative justice philosophy (Groenhuijsen 2014).

The Deetman Report comments on the somewhat ambivalent nature of so-called late vocations<sup>63</sup> from the 1950s – its data appears to suggest that late vocation priests who came to the priesthood after a first career and no marriage relationship were more prone to commit child sexual abuse than other priests. The Deetman Report also raises the issue of physical violence, especially in boarding schools and reform schools. Even though it was regarded as inappropriate from the late 1940s, corporal punishment continued. In the Committee's view, 'the violence also had a sexual connotation'. In this context, the Report also comments on a Catholic institutional version of the Stockholm syndrome<sup>64</sup>:

Pupils who were afraid of the unpredictable and violent behaviour of brothers took care to become friends with them, as a result of which it was easier for them to become victims of sexual abuse.

This connects with the observation from Ireland that usually the more extreme physical violence used by some nuns in residential institutions had a sado-masochistic overlay (Ryan Report 2009).

## Poland

Poland presents a unique case because of the historical backdrop of Communism and its overthrow, together with the election of Karol Wojtyla as the first Polish Pope in 1978 from a national Church that would be classified as highly clericalist. In an unpublished 2014 paper, the priest psychologist, Jacek Prusak (2014), outlined the situation of clerical sexual abuse in Poland. When Wojtyla became pope, there were 18,500 priests in Poland. Because of the fear of the secret police, bishops never kept records, so the extent of clerical sex abuse in Poland will probably never be known. It is also worthy of note that the Communist State never allowed the Church to run schools or boarding colleges, meaning that there was less opportunity for child sexual abuse to have occurred (Prusak 2014).

A more elaborate account has come from Ekke Overbeek, a Dutch journalist who has lived in Poland for more than a decade. His book was originally published in Dutch before being translated into Polish, and it is the Polish version on which the following synopsis is based. Overbeek's 2001 to 2011 media analysis showed that 27 priests had been convicted of child sexual abuse, but it is felt that there are numerous other cases (Overbeek 2013). He also interviewed 12 victims (9 boys, 3 girls, age range of 6 to 14 when the abuse occurred) – only three had gone to court and none had received a Church apology or compensation. All the males were altar boys with the assaults usually taking place in the priest's home or in the parish rooms. Overbeek (2013) also documents how at a time of great shortages in Poland some priest-perpetrators would offer sweets and chocolates as an enticement, while those who ran religious education classes would deliberately fail a young student who would subsequently be required to see the priest on a one-on-one basis.

To this point, there have been no State- or Church-sponsored inquiries or commissions in Poland. Victims are never referred to the police by the Church. Priest offenders are moved to another area or even another country - e.g. the Ukraine. No compensation laws are in existence, although some victims are being provided with therapy. The Polish bishops have refused to consider mandatory

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<sup>63</sup> 'Late vocations' is an expression used in the Catholic world to refer to individuals who have worked, perhaps for many years, before deciding to become priests or religious.

<sup>64</sup> The Stockholm syndrome is the psychological phenomenon in which hostages express empathy and sympathy and have positive feelings towards their captors, sometimes to the point of defending and identifying with them.

reporting. The number of priests in jail is not known because the Polish Government will not release the figures. In 2011, the Polish bishops produced a protocol document, but it was rightly rejected by the Holy See because it was insufficiently sensitive to victims. A revised version was finally approved in early 2015 ([www.episcopat.pl](http://www.episcopat.pl)). Prusak observed that the highly clericalist nature of the Church in Poland, where the bishop is truly seen as a “father”, engendered an adolescent priesthood immature in most matters, not least sexual (Prusak 2014).

Overbeek addresses the question: why has there been silence in Poland for so long? Among his list of seven reasons, he suggests that such silence existed not only in the Church but across Poland’s Communist society, including in many government institutions, when many subjects were taboo - e.g. prostitution, suicide, bad economic outcomes, drug addiction and homelessness. Secondly, there was a lack of trust in government institutions and a lack of any trust that victims would be supported or given justice. Also, the Catholic Church had very prestigious authority, especially in small towns and villages where the authority of the parish priest was very strong and there was a reluctance to undermine this authority, reinforced by a Polish saying: *‘Nie mów nikomu, co się dzieje w domu’* (‘Do not tell anybody what goes on in your home’). A fourth reason was the deeply enshrined value of sacrificial suffering which was quietly accepted by the Polish people during the Communist period although based in a deeper Polish history and heritage of suffering. Furthermore, political parties have been most reluctant to touch the issue for fear of alienating the Catholic population and the bishops. Another reason concerns Pope John Paul II, who Overbeek (2013) suggests knew about child sexual abuse for over two decades as the Archbishop of Krakow. After his election in 1978, his immense prestige and authority and his role in the overthrow of Communism made it very difficult to have the issue of clerical sexual abuse examined. Lastly, the Church is fearful of the potential financial costs and reputational damage (Overbeek 2013).

## Spain

Like Poland, Spain presents an enigma because, not forgetting the historical legacy and the killing of many priests at the beginning of the Spanish civil war, as set out in the previous chapter (Mitchell 2000), so little is known about the extent of clerical sexual abuse in the post-WWII era. However, a small monograph came to the attention of the RMIT research team on the role of nuns in Catholic orphanages trafficking children, from the Franco era until quite recently. Babies born to unwed mothers and other women who were deemed unworthy, were taken from their birth mothers and given to infertile couples and other more worthy families (De Jena 2014). In another (unpublished) paper, Varona Martinez (2014) from the Basque Institute of Criminology in San Sebastian, has asked whether Spain is different from other countries. Were there actually low levels of child sexual abuse in Catholic institutions in Spain, or is the phenomenon hidden?

Some Spanish Church leaders claim that ‘Spain is different’ and that there is no clerical abuse problem, while other commentators have mentioned the repressive role of the Franco dictatorship as a factor in creating totally enclosed institutions and a culture of silence and cover-up. Nor has there been a triggering event or series of such events to focus public attention on the issue, although in the last three years national attention has been focused on a small village in the Archdiocese of Granada where an accuser, now aged 25, has made allegations. Advocacy on behalf of victims is very weak, with a single group, called Church Without Abuse, founded in 2005. In her survey of media reports, Varona Martinez (2014) found that 36 Catholic priests from 22 dioceses were arraigned before the Spanish courts between 1986 and April 2014, especially in Madrid and Barcelona. The

priests had an average age of 52 (range 29 – 72), with more abuse occurring in regional than urban areas.

The Spanish situation is complicated by the special role of the Spanish Church's 71 canonical courts under the terms of Spain's Concordat with the Holy See. In an uncompleted study, 19 of these canonical courts responded that they had not dealt with any cases of clerical child sexual abuse, several stated that 'Spain has few cases', and one that 'This kind of case is in the bishop's secret archive', while another added that 'The bishop prefers not to refer it to the canonical court to safeguard professional secrecy'. The episcopal response has shifted more recently from one of mainly silence, victim-blaming, and minimising the harm, to zero tolerance (Varona Martinez 2014).

The most systematic evidence comes from a sociological study by Pepe Rodriguez (1994), who found in a 1994 general population study of abuse in childhood that 4.17 per cent of victims had been abused by a priest. He estimated that 6-7 per cent of Spanish priests had abused children. In summary, the situation in Spain is unknown, and the Church and criminal justice response is silence. Child sexual abuse in Spain's Catholic institutions would thus seem to be a hidden phenomenon.

## Child sexual abuse in the Asian and African churches

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The RMIT research team could find few worthwhile sources about child sexual abuse by priests and religious within Catholic settings in Africa or Asia. Some anecdotal evidence of its existence during the 1960s was available to Catholic seminarians studying in Rome from their African student colleagues but it was quite limited. Davies (2013) has recently drawn attention to the issue in the East African context, and the press has given details about several cases, with the focus on European, especially Italian, priests. Another associated problem, which has received occasional publicity over the past two decades, has been the raping of nuns by African priests – young nuns are attractive targets because it is thought there will be no risk of catching AIDS.

With regard to Asia, the anecdotal evidence, especially from Australian missionaries, suggests that there are significant issues in the Philippines, and numerous Filipino priests have been convicted in the United States according to the bishops-accountability website. Also, it is known that the Servants of the Paraclete have had a presence in Vietnam, and in India, cases of child sexual abuse in Catholic institutions have been reported in *The Hindu Times* newspaper.

But the Philippines, Asia's largest Catholic country by a considerable margin, is the lightning rod of clerical sexual abuse in Asia. The USA advocacy group, bishop.accountability, has been researching the issue since early 2015 with a list of 70 accused bishops, priests and brothers. Their preliminary report suggests that the various cases reveal an enduring resistance by Filipino bishops to punishing and exposing offending priests. This attitude is evident in Cardinal Luis Antonio Tagle, the popular Archbishop of Manila, considered a possible successor to Pope Francis. In a 2012 interview with the well-known journalist, John Allen, Tagle said that zero tolerance was a subject of debate in the Philippines. 'We've had cases in the past...in which some priests who had offended were given a second chance and turn out to be very good priests'. And in a little-noticed video with UCANews, he observed of the Asian Church's response to clergy sexual misconduct, 'I think for us...exposing persons, both victims and abusers, to the public, either through media or legal action, that adds to the pain' (bishop.accountability 2015: 1).

However, it is clear that over the past decade the Asian bishops have become increasingly concerned about the formation of their priests. It is known from their website that from 14-19 November 2011,

the Federation of Asian Bishops' Conference (FABC) held a special seminar at Assumption Catholic University in Bangkok on *The Impact of Pedophilia – Crisis for the Church in Asia*, but there were no public outcomes. During the introduction to the seminar, as publicly announced on the FABC website, it was admitted that:

Bishops all over Asia (including nuncios of various Asian countries) receive letters from different quarters of the Church that pedophilia has already become a considerably serious problem in Asia...It is therefore our bounden duty of the Church in Asia to take drastic and immediate measures to contain this issue *within the Church circles*...Let us not be complacent that paedophilia is a problem of the West or the other countries of the world, it is equally prevalent in many countries of Asia (emphasis added) (FABC website 2016).

This seminar was followed up in May 2012 with a seminar on the contemporary challenges in living priestly celibacy in the context of the present day crisis in the Church in Asia, where in the publicity brochure there was reference to a seminar on the *Formation of positive, integral, effective and humanly developed priests for the continent of Asia*, because 'human frailty is sometimes the consequence of some faults during development'<sup>65</sup>.

This is all quite critical for Australia because of the mounting number of priests from Africa and Asia who are coming to Australia to serve in Australian parishes. They are being thoroughly scrutinised but no system can be fail-proof. There is always the danger that offending priests will be offloaded and recycled to an Australian diocese.

## The Italian scenario and the problem of miscommunication and disavowal

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In our worldwide survey of clerical sexual abuse within the Catholic Church, we have deliberately left Italy to last because of the close connection between Italy and the Holy See. A constituent element in the many misunderstandings by the authorities of the Holy See has been the consistent underplaying of the scourge of clerical child abuse by the Catholic Church in Italy even though several books have documented the issue to some extent (Agnoli 2011; Andreoli 2010; Cucci & Zollner 2010; Introvigne 2010, Introvigne & Marchesini 2014), including one by an anonymous author in 2010 titled *Il Peccato Nascosto: Lo Scandalo dei Preti Pedofili e I Silenzi della Chiesa* (The Hidden Sin: The Scandal of Paedophile Priests and the Silences of the Church (Anonimo 2010)). Another feature of the Italian situation has been the poorly informed commentary by respected Catholic commentators in Italy with their profound misreading of the Anglo-Saxon world and their failure to read much of the English and French language documentation from the various inquiries in Australia, Belgium, Canada, the Netherlands, the United Kingdom and the United States.

How serious the issue is in Italy is impossible to say, because there are no reliable sources. Newspaper reports continue to trickle out, as documented on the bishops.accountability website, but there has not yet been a defining set of events to bring Italian public attention to the issue. The Italian Catholic population has always been aware of the sexual peccadilloes of its priests. The

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<sup>65</sup> All this information is available from the website of the Federation of Asian Bishops' Conference (FABC), downloaded on 8 September 2015. The address is [www.fabc.org](http://www.fabc.org)

anonymous author suggests that the clerical sex abuse problem is 'as numerous as it is unknown'. After documenting five Irish case studies of priests, *anonimo* documents five Italian cases: Don Ruggero Conti, a 56 year old priest of the Rome archdiocese; Don Giorgio Carli, a priest of the Diocese of Bolzano; Don Mauro Stefanoni of the Diocese of Como; Don Pierino Gelmini, a well-known priest for having founded a community agency to fight drugs; and Don Luciano Alloisio, the administrator of a Salesian institute in Turin. Regarding residential care, there is no information.

## The Response of the Italian Catholic commentators

The response of the very active Italian Catholic commentariat has been sparse and downplaying. In 2011, the teacher and journalist Francesco Agnoli took a global view<sup>66</sup>. He suggests that the overblown stress on the problem has been driven by the enemies of the Church.

A weightier response has come from the prolific Massimo Introvigne and Roberto Marchesini. Introvigne, trained in law and sociology, heads CESNUR<sup>67</sup>, a Catholic thinktank on new religions, while Marchesini is a psychotherapist. They have written a book *Pedofilia: Una Battaglia che la Chiesa Sta Vincendo* (Pedophilia: A Battle the Church is Winning) (Introvigne & Marchesini 2014). They commence with an obsession of Italian writers that the child love movement is said to have begun in the 1950s with a Dutch psychologist, Frits Bernard (1920–2006), and to have been inspired by a German doctor, Magnus Hirschfeld (1868–1935) – its tenets are that paedophilia is a normal and dignified expression of human sexuality and is not a problem for the paedophile or the child, but only for non-paedophiles and for society. In this section of the book, Introvigne suggests that paedophilia is on the path to normalisation, just like homosexuality, in a world that has forgotten 'Aristotelian logic'. They quote a priest doctor that minor seminaries should be abolished and that seminaries are places that psychologically castrate the priest novice. They further suggest that clerical child sexual abuse is a small problem (less than one per cent of priests are involved) which has been transformed by the media and morals campaigners into a moral panic and has been caused by 'the anthropological revolution in the 1960s which had overturned morality and had penetrated even the Catholic Church' (Introvigne & Marchesini 2014: 9), which they then link to the introduction of the 'anti-conceptual' pill and the legalisation of abortion.

Introvigne and Marchesini's central argument is that the measures taken by Pope Benedict XVI have been efficacious; they are very critical of the advocacy organisation SNAP (Survivors Network of those Abused by Priests) for their attack prior to the 2013 conclave on twelve cardinals whom they claimed had protected offending priests. They then attack the 'ultra-progressive' priest, Thomas Doyle, the 'virulent anti-Vatican journalist', Jason Berry, and the ex-Benedictine and 'hierosarch' (chief heretic), Richard Sipe. Citing the John Jay prevalence figures, they suggest that 'to be accused' does not mean 'to be guilty', and wrongly claim that, because about 80 per cent of the child victims are male, the offending religious are necessarily gay. Introvigne confesses he was wrong in his defence of Fr Marcial Maciel Degollado (1920–2008), the Mexican founder of the Legionaries of Christ, who was revealed to have sexually abused boys and seminarians over many decades, as well

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<sup>66</sup> Agnoli very oddly begins with the suggestion that the Third Secret of Fatima had predicted the sex abuse scandal, and then sees the scandal as 'a gift of 1968', as a result of the social convulsions that rocked Europe in that year, linking it to the general cry of 'abolish taboos', 'liberate sex', and 'destroy all the old traditions and institutions' in the names of Marx, Engels, Marcuse, Reich and Cooper together with the 1969 book, *Le Voci degli Hippies* (The Voices of the Hippies), which he claims called for defending obscenity and applauding orgies.

<sup>67</sup> CESNUR = Centro Studi sulle Nuove Religioni (Centre for the Study of New Religions).

as fathering up to six children, two of whom he allegedly also sexually abused. Introvigne claims, also incorrectly as we shall see, that ‘there are no other cases of the founders of religious orders with their splendid fruits, guilty of behaviours not only immoral but criminal’ (Introvigne & Marchesini 2014: 66). We will return to the subject of corrupted Catholic religious orders and founders who have sexually abused minors and seminarians, in Chapter Six.

Introvigne and Marchesini’s book is a justification of Pope Benedict XVI and defends the Italian bishops for refusing to countenance mandatory reporting of child sexual abuse by religious. They further suggest that the secret weapon of the Catholic Church against paedophilia is Pope John Paul’s theology of the body and the family, and the network of the Pontifical Institutes of John Paul II for the Study of Marriage and the Family, including its branch in Melbourne which is closing down in 2018. Their focus is targeted against the homosexual sub-culture in the priesthood and the ‘drama of sexuality’. They develop the argument that the aversion to sexuality and against women was originally developed within Protestantism which then penetrated into Catholic circles, above all through the historical and complex relationship between French Protestant Puritanism and rigorous French Jansenism, which resulted both in a practical but not theoretical toleration for homosexuality and the circles of homosexual priests. The homosexual sub-culture of the nineteenth and twentieth centuries subsequently penetrated the seminaries:

These sub-cultures together with other distortions regarding sexuality, did not have any necessary connection with celibacy – inasmuch as they also existed amongst married Protestant pastors – but derive from a distorted vision of sexuality that is not, in its turn, ‘traditional’ or ‘medieval’ but a typical fruit of the modern world (Introvigne & Marchesini 2014: 90).

It is important to understand Introvigne’s thinking because it would in general terms reflect the thinking of the senior Italian hierarchy and the Italians and other Latins within the Roman Curia. It illustrates that there has been and remains a serious miscommunication problem within the Church in the understanding of what happened and why it happened. The Australian Bishop Geoffrey Robinson (2007, 2008, 2011) has understood this from the very beginning. He has given an account of the meeting held in the Vatican, on 1–4 April 2000, between senior Roman Curia officials and two episcopal representatives each from the Antilles, Australia, Canada, England and Wales, Ireland, New Zealand, Scotland, South Africa and the United States, and chaired by the Colombian Cardinal Darío Castrillón Hoyos, Prefect of the Congregation of the Clergy from 1996 to 2006. After the different accounts of the situations in each country, the meeting was addressed by senior canon lawyers who argued for the rights of the priest under canon law without reference to the rights of the victims. The Roman Curia officials insisted on the judicial canonical process and its efficacy, and showed how the Code of Canon Law could be applied.

The problem, in the view of Robinson (2007, 2011), was perceived in Rome as a moral one – if a priest offended he should repent, and if he repented he should be forgiven and restored to his position. At the meeting, Robinson was himself accused of not believing in Christian forgiveness. Another Roman Curia blind spot was to show no understanding that child sexual abuse involved the abuse of power, nor did the Curial officials have much knowledge of the recidivism involved or of the repeated denials and rationalisations of the offenders. The concern of the Roman Curia officials present at the meeting was to protect the innocent priest because of their belief that many accusations were false. According to Bishop Robinson’s later account, they were ‘downright patronising’ in regarding their Latin Law as superior to Anglo-Saxon Law, had no understanding of the serious problems created by trying to impose Latin Law and canon law over and above the civil

law of a nation state, blaming the problem of clerical child sexual abuse on the secular nature of Anglo-Saxon societies, on moral laxity, and on the media. Nor could they appreciate the notion that returning perpetrator priests to ministry involved 'unacceptable risk' to children. Because of their wholly legalistic approach, they did not consider the obligations of the Church towards victims. They were also handcuffed by their cognitive schema – the Congregation for the Doctrine of the Faith, for example, classified child sexual abuse under the label of 'the more serious offences', which included offences such as desecrating a host, celebrating Mass with only bread or only wine, and concelebrating Mass with non-Catholic priests. The priest was a privileged person under canon law; the victim was not.

## Chapter summary

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Our meta-analysis of the cross-national data, limited though it has to be because of the fragmented character of the evidence in many countries, shows very clearly that child sexual abuse by clergy and religious has been a global phenomenon within the Catholic Church, not least in Italy where an anonymous author suggests that 'it is as numerous as it is unknown' (Anonimo 2010). As many of the international and Australian reports suggested, sexual abuse by clergy and religious is a systemic phenomenon within the Latin-rite of the Church. There is also sufficient evidence to suggest that it was a serious problem in the first half of the twentieth century. The evidence is also very clear that it is a male problem in a totally male-dominated institution where women are not hierarchically the equals of men, although a few women religious have committed sexual abuse against children. However, a significant number of women religious did commit emotional and physical abuse against children in residential care (see Chapter Six).

For much of the twentieth century, Catholic official and popular culture framed sexual violence against children in terms of sexual purity, honour, and the exaltation of virginity. This reflected a deep pathology embedded within Catholic culture. It was well known to Church officials, even before World War II and afterwards, that clerical child sexual abuse was widespread, as evidenced by the foundation in 1947 of a new religious order in the United States (the Servants of the Paraclete) to deal with priestly dysfunctionality, including sexual and substance abuse problems. Fr Fitzgerald was a rare and an unusual whistle blower within the Catholic priesthood. Although his initial treatment efforts were amateurish, and some of his ideas were rather loopy, he was generally on the right track in relation to the recidivism of child sex offenders and the dangers they pose.

Another whistle blower, the American Dominican Thomas Doyle, was disappointed with the Holy See's lack of response to his report in 1984, but it seems highly likely that the Holy See was already quite aware of the problem, even if it did not know its full extent. It is equally probable that the Holy See did not want to know. Otherwise it is difficult to understand the flurry of papal and curial statements since the 1920s, but especially in the 1970s and 1980s. Successive popes and the Roman curia were concerned about priestly misconduct right throughout the twentieth century, and this concern became shriller after the Second Vatican Council (1962–1965), although the problems existed well before the 1960s. The Holy See's response was to focus on the seminaries and the screening of candidates.

From the 1960s, there were the additional overlays for Rome of the very numerous claims for laicisation by resigned priests, the implementation of the conciliar reforms in seminaries and, later on, the ideological tightening-up during the period of Catholic Restorationism in the 1980s, 90s and 2000s, with the demise of the Catholic Spring engendered by the Second Vatican Council. There was

serious miscommunication between Roman Curial authorities with their canon law armoury in defence of accused priests, together with the bizarre explanations of the Italian Catholic commentariat who had not read most of the Government- and Church-sponsored reports from other countries, except for the John Jay reports. The Holy See followed a policy of disavowal, always seeing child sexual abuse as a sin, rather than as a crime against the civil law of democratic nation states.

In the 1980s, as the issue of child sexual abuse became increasingly visible, the pattern of Catholic Church responding seems to have begun with an initial triggering event (Gauthe in the USA, Smyth in Ireland, the bishop's nephew in Belgium), followed by other more serious triggering events which led to half-hearted episcopal action, usually behind the scenes, and eventually a huge flurry of more and more allegations, public agitation by the media and support groups, and eventually to Government or Church inquiries. Throughout this period, advocacy groups such as SNAP, and in Australia, Broken Rites, were established. In this process, journalists played a key and necessary role in uncovering the sexual corruption deep inside the Church.

## The learnings from our guiding question

The answer to our guiding question for this chapter and the learnings to be gained from the 16 international reports from Belgium, Canada, Ireland, The Netherlands, the UK and the USA, as well as information from other parts of the world, suggest the following:

- The Catholic episcopal response in the various countries across the world has been remarkably uniform. The bishops worked strenuously to keep the problem of clerical child sexual abuse in-house in order to protect the Church's reputation and its financial assets, hoping that the problem would eventually go away. The problem was further exacerbated by an almost incomprehensible refusal to see that it was a systemic issue, not a collection of individual failures.
- There was also a similarity in response in relation to the lack of concern and care for the victims – most episcopal conferences have yet to implement sophisticated and wide-ranging healing and child protection strategies that reach down to every parish – the UK and USA are exceptions.
- Another similarity in the response was the well-documented failure to regard child sex abuse as a crime (as well as a sin) and to refer matters to the police. This failure was driven by the need to protect the reputation of the Church and avoid scandal. The failure was particularly acute in papal and Roman Curial circles where canon law seems to have been weighted towards protecting the rights of the offender and to have been seen as above the civil and criminal law of nation states.
- The failure to identify the issue of child sexual abuse by clergy and religious as deeply serious at the global, national and diocesan levels, and within religious congregations, was hampered by a Church and an episcopacy that was badly divided after the Second Vatican Council and the *Humanae Vitae* saga. It was exacerbated by Pope John Paul II during his 27 year pontificate. He failed to act or to understand the seriousness of what had been happening and was blinded by his deeply felt commitment to celibacy as intrinsic to the priesthood.

- The problem might have been mitigated in the post-World War II era if the Church at all levels had held synods and pastoral councils where the issue of child sexual abuse might have been identified and comprehensively addressed in an open and collaborative manner with all the Christian faithful. The bishops did not create a climate where the real dimensions of the problem could emerge, nor did they work in cooperation with their Catholic communities with synods and pastoral councils – bringing the issue into public visibility was left to media journalists and advocacy groups.
- The best and most searching reports on child sexual abuse in the Catholic Church were those conducted by government bodies (e.g. the Massachusetts Attorney General’s Report on abuse in the Archdiocese of Boston, the four Irish reports) and by truly independent Catholic commissions (e.g. the Dutch Deetman report) while the least successful (though not unsuccessful) were those where the investigating committees were over-clericalised (e.g. the Canadian Bishops’ Conference Report, the Chicago Bernardin Report).
- Except for the US bishops and perhaps the Dutch bishops, no other episcopal conference has commissioned serious, methodologically sound research projects to scope the dimensions of the problem and to identify the underlying factors.
- Some reports have led to the resignation or early retirements of bishops but only in response to government, not Church, inquiries. The resignation of Archbishop Penney of St John’s, Newfoundland, is an exception, although his archdiocesan inquiry acted in a quite independent way and was headed by a layperson.
- After the refusal of many members of the Catholic community to ‘receive’ the contraception message of the 1968 papal encyclical *Humanae Vitae*, the Catholic Church was left without a community-accepted sexual morality at a time of rapidly changing sexual mores because the Church was no longer credible in matters concerning sexuality and human relationships.
- Initially the bishops wanted their offending priests to be returned to active ministry after appropriate treatment and a time-out period in order to be in accord with canon law requirements and their commitment on oath to priestly support and solidarity. But canon law provisions, enforced by officials of the Holy See who had very little understanding of the impact on victims and seemingly no understanding of the primacy of State law over Church law, were very inadequate for achieving the dismissal of a known offender from the priesthood or religious life.
- The failure of the Curial Congregations in Rome and all episcopal conferences to conduct thorough, well-designed and empirically valid research projects guaranteed that the extent of the problem remained unknown until the John Jay studies commissioned by the US bishops.
- Lastly and importantly, the diocesan case studies (St John’s in Canada, Boston and Chicago in the USA, Cloyne, Dublin and Ferns in the Republic of Ireland) brought into very strong focus the organisational inadequacies of the individual diocesan structure with complete, monarchical-like power in the hands of the bishop, not unlike a personal fiefdom, with auxiliary bishops and vicar-generals either colluding or remaining silent in a cover-up that protected the priest offender and mostly neglected the victim. A distinct lack of episcopal courage was often displayed in investigating the abuse circumstances and confronting the

offender, or in confronting a bishop who was displaying typical avoidance behaviour in addressing the issues whether with the individual offender or systemically.

## 4. CHILD SEXUAL ABUSE IN CATHOLIC SETTINGS IN AUSTRALIA SINCE WORLD WAR II

Following on the worldwide review in the previous chapter, the focus of this chapter is post-World War II Australia. The chapter will be structured around the three major reports that focused on diocesan priests. The guiding question for this chapter was: **What findings have been made in the government and Church inquiries and other relevant literature regarding child sexual abuse perpetrated in Australian Catholic settings, and the responses by Australian Catholic leaders, and other Church officials and Church members, to allegations and concerns about child sexual abuse?** Although not publicly visible, by the 1970s, if not before, the sexual abuse of minors by Catholic priests and religious was firmly on the agenda of many Australian Catholic dioceses and their bishops (Whitlam Report 2012, Betrayal of Trust Report 2013, Cunneen Report 2014). The major public indication of this was the jailing in 1978 of the Melbourne diocesan priest, Michael Glennon, and the subsequent publicity by the Melbourne radio host, Derryn Hinch concerning Glennon's activities.

In 1988, the Australian Catholic Bishops' Conference (ACBC) began to formally address the issue of child sexual abuse, perhaps with the situations in Canada and the United States firmly in their minds. A euphemistically named 'Special Issues Committee' was established and chaired by Bishop Ronald Mulkearns, a trained canonist from the Archdiocese of Melbourne who had been appointed Bishop of Ballarat in 1971. The aim of the Committee was to develop a protocol to guide the responses by bishops and religious superiors to accusations against a priest or religious, identify treatment options, and monitor any legal proceedings. In May 1990, the first protocol was approved by the ACBC, with further amendments resulting in the 1992 Protocol. In the view of Bishop Geoffrey Robinson, who in May 1994 became the co-chair of the National Committee for Professional Standards for a period of six years, the 1992 Protocol was not able to address the many sex abuse cases beginning to emerge (Robinson 2007). This led in 1996 to the publication of the *Towards Healing* protocol of the Australian Catholic Bishops Conference. In the meantime, Archbishop George Pell, appointed in 1996 as Archbishop of Melbourne, developed his own separate abuse protocol, known as the *Melbourne Response*. By this time, the Wood Royal Commission into the New South Wales Police Force had also begun its work. The Wood Royal Commission would be followed by nine other inquiries and reports.

### The 1997 Wood Royal Commission into the NSW Police Force

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The Wood Royal Commission was initiated in 1995 by the NSW Carr Labor Government over heightened and longstanding public concern about the operations of and corruption within the NSW police force. The Commission was headed by Justice James Wood and delivered its final report in August 1997. In addition to its main task, the remit of the Commission was extended to child sexual abuse in religious organisations. Although the main focus was the Catholic Church, the Wood Royal Commission also looked at child sexual abuse in the Anglican Church, the Uniting Church of Australia, the Presbyterian Church, and the Salvation Army. The Commission did not detail a methodology for

its approach to the churches but took evidence from Fr Brian Lucas and Fr John Usher, both senior priests of the Sydney archdiocese as well as a senior Christian Brother, Julian McDonald.

The Wood Royal Commission documented in a general way: the emergence of abuse within the churches, their response including denial, minimisation and avoidance, their perception of child sexual abuse as sin or moral failure, 'Christian isolationism', confidentiality and celibacy. The Royal Commission found that 'it is virtually impossible to make any firm estimate of the incidence' of abuse involving members of Churches and religious organisations, before concluding that there was 'no firm basis to argue that the figure (of approximately 10 per cent) was disproportionately higher than that found in the population of other professional groups.' (Wood Royal Commission Report, Vol. V: 1001).

The Wood Report has a section on Church protocols for dealing with allegations of sexual abuse, with the Catholic Church, Anglican Church, Uniting Church of Australia, Presbyterian Church, and Salvation Army all receiving attention. In a subsequent section, the Wood Report looks at treatment for offenders which is mostly about the Catholic Church's process including reference to the Southdown Centre in Toronto, St Luke Institute in Maryland, and 'the therapy options'. This is followed by a section on support for victims. In its conclusion on the churches, the Wood Royal Commission states: 'Beyond.....encouraging the churches to adopt procedures which promote and facilitate investigation of child sexual abuse, it is inappropriate for any formal recommendations to accompany this chapter' (Wood Royal Commission Report Vol. V: 1027).

The Report is complimentary of all churches for their cooperation, praising especially the Catholic Church as 'a model for other churches and religious organisations to follow'. It provides a short history of clerical sexual abuse that is not well-informed. The Report notes of all churches that their tardiness in addressing the issue of child sexual abuse was motivated by institutional inertia or fear of public scandal and civil liability. Additional reasons for the tardiness of the churches included:

- ignorance of matters of sexuality, and lack of any ability, particularly by older members of the clergy, to comprehend or accept the fact of sexual indiscretion by their brethren
- ignorance of the fact that paedophile activity is strongly compulsive and recidivist in nature, and that it is impossible to dismiss an apparent indiscretion as a one-off event
- confusion over loyalty to the Church and its community
- confusion between forgiveness and trust towards offenders, and in relation to the duties of protection owed to the wider community, and ignorance concerning the limits of counselling
- concern to avoid or limit legal liability in order to protect the Church as a viable institution, which has led to an adversarial approach rather than a response based on pastoral concern
- confusion in relation to the limits of confidentiality concerning matters disclosed in, or learned outside the confessional
- uncertainty as to the appropriate response where the complainant does not wish the matter to proceed to police action (Wood Royal Commission Report Vol. V: 993–994).

The Report notes that as well as fellow clergy, 'investigating police may also find it difficult to believe the allegations, and even more difficult to penetrate the protective cloak of the Church.' It also warns against 'Christian isolationism' in the form of in-house investigations. Internal investigations

by the Church of its own members presented obvious problems such as: limited accountability, the risk of the Church losing credibility, a perception that the Church is interfering with the role of police, the danger that evidence will be contaminated and the possible perception that members of a religious order have placed themselves in a somewhat privileged position above the rest of the community. It was a genuinely prescient document which in retrospect the Church in Australia ignored, not unlike the situations much earlier in Canada and the United States.

Both Brother Julian McDonald, then head of the Christian Brothers in NSW, and Fr Brian Lucas gave evidence about the dilemma faced by the Church in relation to reporting to police, especially when the victim expressed a desire that the police not be notified. In explaining the problem, they noted that:

- there was a general community expectation, particularly on the Church community, that if people confide in a priest or minister the confidence should be kept
- there was a public interest in persons feeling able to discuss freely and in confidence personal matters with a minister of religion or a member of a religious order
- in the absence of confidentiality, some victims may prefer not to bring allegations of this kind to light, thereby risking further abuse
- there was public interest in the Church being able to help a truly penitent offender who wished to secure assistance with his problem – again, he may not approach a superior, or disclose any past pattern of misbehaviour, if he knew the disclosure would be reported, risking further abuse.

The Wood Report devotes a single paragraph to celibacy, quoting Fr John Usher, who acknowledged that there was a widely held 'belief' among clergy that the vow of celibacy is confined to heterosexual relations involving penetration and did not extend, for example, to sexual encounters with male children. The Wood Royal Commission concludes that such rationalisation 'has the traditional overtone of paedophile minimisation and distortion in cognitive thinking', and notes the power differential in pastoral relationships.

The Report goes into some detail about the *Towards Healing* Protocol released in December 1996. In its final conclusion, it reminds the churches of the serious criminality involved in child sexual abuse. 'It is simply impermissible for the Churches to deal with offending priests or members of the clergy privately, or in a way that may allow them to continue to offend.' (Wood Royal Commission Report, Vol. V: 1020). The Report also gives a detailed explanation of the Encompass centre in Sydney for treating offenders, its governance, and its four therapy strategies. Lastly, it outlines six principles that need to be incorporated into any protocol adopted by a Church in dealing with allegations of sexual abuse:

- Clergy are in a position of trust and authority within the pastoral environment and any sexualisation of the pastoral relationship is professional misconduct and an abuse of trust and authority.
- A failure to reject sexual approaches does not imply consent and clergy should at all times take responsibility to guard against sexual contact (even if initiated by a parishioner).
- Any sexual behaviour with a minor is immoral and criminal, and sexual approaches towards adults may also be subject to provisions of civil or criminal law.

- The Church makes a firm commitment to principles of trust, humility, healing for victims, assistance to other persons affected, an effective response to those who are accused and those who are guilty of abuse and prevention of abuse.
- Procedures apply to all Church personnel (clerics, religious personnel, lay employees and volunteers).
- The Church will not interfere with or jeopardise a police or other investigation (Wood Report Vol. V: 1008).

The Wood Royal Commission Report recommends ‘Monitoring of the national program established by the Catholic Church, to determine its efficacy, cost effectiveness and suitability for extension of community-based resources’ (Recommendation 125: p 1267). The Report is generally complimentary to the Churches, thanking them for their cooperation. The impact of the Report upon the Australian Catholic Church, certainly outside New South Wales, was considerable. It was perhaps a key factor in generating the nine-point plan of action of the bishops’ conference in 1996. Certainly the 1997 *Towards Understanding* report was very aware of the Wood Royal Commission findings.

## The 1997 *Towards Understanding* Report

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Nineteen years after the first Australian priest was convicted, jailed, and released from Pentridge jail after serving three months, the Australian study *Towards Understanding* was published. It asserted that child sexual abuse by priests and religious ‘is a recent occurrence’. Nothing was further from the truth.

The authors of the Report are noted as the Australian Catholic Social Welfare Commission and the Centacare Catholic Community Services, yet there is constant reference to ‘the Research Team’, seemingly led by the National Director of the Australian Catholic Social Welfare Commission and by the Manager of the Social Policy Research Unit of Centacare, both men seemingly without strong research backgrounds. The research team (no other details are given except for reference to one research assistant) was supervised by Fr John Usher, Director of Centacare Catholic Community Services, Sydney, and Chairperson of the Australian Catholic Social Welfare Commission. The Report notes that its researchers had met seven times with members of the National Committee for Professional Standards. It is clearly stated that: ‘The Researchers received direction in refining the structural framework of the Final Report and were helped to clarify the theoretical foundations underpinning some of the more complex issues which were addressed during the course of the research.’ (*Towards Understanding* Report 1997: 29). In other words, it was not a totally independent report.

As part of a broader strategy, the study had been commissioned by the Australian Catholic Bishops Conference at its April 1996 meeting, which had approved a nine-point plan of action accompanied by a Pastoral Letter to the Catholic People of Australia released on 26 April 1996.

The nine-point plan of action included:

1. Establishment of a National Committee for Professional Standards to continue to review and update the principles and procedures used by the Bishops to deal with allegations of sexual abuse

2. The National Committee for Professional Standards to make a submission to the New South Wales Police Royal Commission
3. Conducting of professional and independent studies to investigate how incidents of sexual abuse have been handled by dioceses and religious orders, how well the needs of victims have been met, and what might be done to assist victims
4. Conducting studies to investigate how incidents of sexual abuse have been handled in those communities in which it has occurred
5. Convening meetings involving the counselling services of the Church in which Bishops and religious leaders might meet with victims who have suffered sexual abuse by a priest or religious
6. Development of a code of conduct for priests and religious
7. Undertaking of a study of any factors specific to the Catholic Church which might lead to sexual abuse by priests, religious or church workers
8. Establishment of a national program to treat those clergy and religious who suffer from psycho-sexual disorders
9. Employment of a full-time Executive Officer to coordinate the above initiatives and to assist the National Committee for Professional Standards (*Towards Understanding* Report 1997:25).

Actions 1, 2, 6, 7, 8 and 9 were subsequently implemented, while the two research studies (actions 3 and 4) were never conducted, although the Church was associated with the very good thesis of Georja Power (2002). Action 5 seems never to have been implemented on a systematic basis, and certainly not with victims' advocacy groups.

While there are valuable insights in this first Australian research study of sexual abuse by Catholic priests and religious and its contributing factors (action 7), it is nonetheless an odd and defective report. It describes itself as a 'final report to the National Committee for Professional Standards', which is a National Committee of the Australian Catholic Bishops Conference and the Australian Conference of Leaders of Religious Leaders (now called Catholic Religious Australia). Publication of *Towards Understanding* by the National Committee for Professional Standards took place in October 1997, several months after the Report of the Wood Royal Commission. *Towards Understanding* also came after an earlier research scoping report, which would lead to the establishment of a national treatment program and centre for troubled priests and religious, known as Encompass Australasia (Winship, Straker & Robinson 2011). *Towards Understanding* notes that Encompass Australasia 'was premised on the recognition that there were sufficient numbers of priests and religious suffering from psycho-sexual disorders in Australia to warrant a coordinated Australia-wide approach to clinical intervention' (*Towards Understanding* Report 1997: 27).

The first chapter documents how some bishops in North America had described the clerical sex abuse saga as 'a so-called crisis' due to 'sensationalised over-reporting', but a minority of bishops began to face the reality that clerical sexual abuse was 'more than a passing aberration', and how the experience in the Australian Church had been 'no different'. It articulates that the research project was driven by three considerations: (1) the Wood Royal Commission established in 1995, which was looking at several high profile Catholic abuse cases, and was of concern to the Australian Catholic leaders, (2) the tabling of the report recommending the establishment of Encompass

Australasia, and (3) the overall issue of child sexual abuse, which raised 'some important questions about Church life'.

From the start, this 1997 research report was focused on sexual abuse against adults as well as child sexual abuse, and this conflation had some unfortunate consequences. In particular, child sexual abuse was never defined or described, and sexual abuse was vaguely defined as 'a general term applied to any situation where an individual exploits another for the individual's sexual advantage'. This is symptomatic of the report in its partial failure to clearly operationalise its key terminology with clarity and precision. However, the report does manage to reinforce the comprehensive addressing of organisational and institutional issues within the Church. The report also concludes that the genital sexual relationships of priests and religious with lay adults represented a serious issue that needed to be addressed by the Australian bishops, although it accepted that this conclusion is based mainly on anecdotal evidence rather than strong data.

The RMIT reviewers found that the research methodology for this study, especially its use of a framework of 27 hypotheses, was manifestly flawed. The Report endeavoured to give itself a veneer of research competence and clinical professionalism when it used a wrong framing mechanism. The instrumentation was poorly designed. The 110 usable written responses represented a relatively poor response rate (27.2%). In fact, the response was lower than that because only 66 participants within five categories returned the child abuse section of the questionnaire (response rate 16.3%): bishop (N=14), religious leader (N=21), therapists (N=26), and victims (N=5). There were an additional 30 face-to-face consultees: bishops (5), religious leaders (10), therapists (6) and victims (9). On adult sexual abuse, 44 responses were returned (response rate 10.9%) within five categories: bishops (12), leaders (12), therapists (13), victims (5) and 2 'others'. There were an additional 32 face-to-face consultees: bishops (6), religious leaders (12), therapists (8) and victims (6).

The survey was circulated to: (i) the Catholic Bishops of Australia (ii) members of the Australian Conference of Leaders of Religious Institutes (iii) members of all the religious orders and congregations operating in Australia (iv) members of the National Professional Standards Committee (v) clinicians and therapists (vi) all Centacare agencies (vii) Catholic education authorities (viii) victim support and advocacy agencies (ix) other people/groups who had expressed an interest in the project. It is not clarified whether it was sent to all members of the groups or a selection, or whether members were chosen randomly or not. Many heads of female religious orders did not respond, as they did not see its relevance to their order.

The first part of the poorly designed instrument asked for open-ended written responses to questions requesting information about child sexual abuse including: (i) personal background of perpetrator priests and religious relating to family details, experience of abuse in childhood, emotional and intellectual maturity, sexual orientation and psycho-sexual development, and physical and mental health (ii) adult personal life relating to personality and behaviour, social integration and personal adult networks, celibacy, age in relation to the offence, and any addictive behaviours (iii) priesthood and religious life in relation to lifestyle context, workload and sense of private life, stress and frustration, morale amongst peer religious group, professional supervision in ministry, and the issue of religious power and authority (iv) offence and readmission to ministry. The second part of the survey concerned adult sexual abuse and professional and pastoral boundary violations using exactly the same headings and sub-headings, without differentiation to the first part.

The substance of the report revealed three other flaws: Firstly, in the detailed content analysis of the data from the written responses and the consultations, all four/five groups were aggregated into

one totality. A proper methodology would have allowed for each group's data to have been analysed separately and triangulated against each other. It is true that on many occasions paragraphs are dedicated to a particular group, but this is not done in a methodologically systematic way. This implied that the study did not allow for a comparison and contrast on particular issues between the bishops and the religious leaders, and the bishops and the therapists etc. Nor did it allow for a comparison and contrast between the survey data and the consultation data in a process known in research literature as 'data triangulation'.

Secondly, in the standard methodology chapter, there is no mention whatsoever of hypotheses, yet the data write-up is structured around 27 hypotheses. The reader is not told how these were developed except that they somehow came from the literature review. In addition, sixteen are framed in the negative. The reader could be forgiven for thinking that they were superimposed during the write-up. Thirdly, throughout the report, the phrase 'situational factors' is constantly used. However, it confuses situational access and opportunity factors (e.g. access to children in a boarding school) with institutional factors, which the Report, perhaps bravely, addresses in the fourth section in Chapter Twelve.

The *Towards Understanding* researchers found that there was no significant difference in the offending rate of the general professional population and that of priests and religious, which is manifestly not the case, as we shall see. However, they do make the observation that:

The climate within the hierarchical Church and religious congregations is in many respects not open and liberal in discussing matters sexual in general and specifically naïve in relation to aberrant sexual behaviours. It is not a climate conducive to the communication and expression of distressing internal personal sexual conflicts and anguish. (*Towards Understanding* Report 1997: 90)

The final chapter is quite different. It leaves the 27 hypotheses completely aside and details 11 'findings of the study', which the research team claims have emerged from the study. Surprisingly and very abnormally, these 11 factors specific to the Catholic Church are not included in the executive summary. They are:

1. the almost exclusive committing of sexual offences by priests and male religious
2. the views about the meaning of celibacy held by priests and religious child and adult sex offenders play a significant role in the abuse
3. the views about the meaning of celibacy held by some of those priests and religious, who are actively involved in adult homosexual relationships, play a significant role in some of these relationships
4. the absence of an integrated theology of celibate sexuality is a factor, which contributes to the development of views about the meaning of celibacy, which do not adhere to the moral teachings of the Church or the spirit of the promise or a vow to live a celibate lifestyle
5. the lack of decisive action taken by Church authorities in the past to address instances of child and adult sexual offences committed by priests and religious is a factor in the continuation of such offences

6. the Church's teachings on forgiveness and on the permanency of priesthood is a contributing factor to decisions taken by Church authorities, which can result in further instances of child or adult sexual offences being committed by known offenders who are returned to ministry
7. the environment in which ministry is performed can be a significant factor that contributes to the committing of some instances of child sexual offences by priests and male religious
8. the inadequate and incompetent manner in which both allegations and proven instances of sexual offences have been handled by dioceses and religious orders
9. the poor pastoral responses made by dioceses and religious orders in responding to the pastoral needs of victims
10. the attempts by dioceses and religious orders to deal with allegations and proven instances of sexual offences 'in-house'
11. the lack of decisive and/or acceptable action taken by dioceses and religious orders against accused or proven offending priests and religious (p 296–297).

In the very final section of the last chapter, the research team takes a sociological approach in asking Australian Church leaders to address the following three contextual perspectives:

- the context of power and patriarchy
- the context of celibacy and psycho-sexual development
- the context of the institutional Church and ecclesiological structure.

The *Towards Understanding* report ends by more clearly articulating that the occurrence of sexual abuse in the Catholic Church 'can be influenced by factors which have their origin in the ecclesiological structures of the Church', and suggests that the following salient issues require further research:

- the inadequacies of responses from the Church institution to allegations of sexual abuse and misconduct, protecting offenders and Church reputation and causing further harm to victims, which perpetuates the incidence and patterns of abuse
- the authority of the Church institution to arbitrate, legitimate and control issues concerning sexual abuse by priests and religious in a hegemonic manner
- the presence of aspects in the operation of the institutional Church that contribute to the defining of social relationships differently from the accepted definitions of the broader, contemporary society
- the seemingly counter-cultural position of the Church institution to the contemporary sexual norms of society which can conceal, and unwittingly influence, the committing of anti-social and dysfunctional behaviours by priests and religious and inadequate action on behalf of Church authorities with regard to the screening and the formation of candidates
- the inadequate pastoral accountability and supervision of ministers
- the inadequate monitoring of particular ministries within the Church that have a heightened exposure to the risk of abuse

- the preoccupation of Church authorities with focussing on individual offenders to the detriment of the processes of proper and appropriate institutional review, which in turn has contributed to a lack of a comprehensive response from the Catholic Church in Australia
- a possible remaining predisposition of the Church to resist processes of institutional review in order to evade the public scandal resulting from the institution's transgression of its own moral code.

Despite all the methodological and interpretive flaws in this study, the research team clearly identified most of the major issues. However, there are only a few references to screening of applicants for the priesthood and seminary formation, a focus on canon law was also lacking, and there was no mention of the Magisterium of the Church. Any sustained focus on victims was also missing. In fact, at the very core of the report was an inner tension as to whether child sexual abuse by priests and religious was deeply systemic, or simply a failure in certain processes and mechanisms. In comparison with many reports from other countries, *Towards Understanding* does not measure up, although it endeavours to point the way forward in the last chapter. It could have and should have made many more recommendations, given that it was aware of earlier reports from Canada and the United States.

In terms of government inquiries, attention switched to residential care with the 1999 Forde Commission of Inquiry into Abuse of Children in Queensland Institutions. This was followed by two Senate inquiries: the 2001 Senate Report into child migration, *Lost Innocents: Righting the Record*, and the 2004 Senate Report on Australians who experienced institutional or out-of-home care as children, *Forgotten Australians*. We shall return to these reports in Chapter Six.

Constant pressure from advocacy groups and journalists, and investigative newspaper, radio, and television reports, would prompt two further inquiries in New South Wales, and one in Victoria. Three reports would follow:

- the report commissioned by the Catholic bishops of Armidale (Bishop Michael Kennedy) and Parramatta (Bishop Anthony Fisher, now the Archbishop of Sydney), regarding the “Father F” case, following an ABC Four Corners TV report on the Armidale priest, and conducted by Antony Whitlam QC.
- the 2013 report of the Victoria Parliamentary Inquiry into the handling of child abuse by religious and other non-government organisations
- the 2014 Cunneen report to the NSW government concerning the sexual abuse crimes of two priests, one Irish and one Australian, in the Diocese of Maitland-Newcastle.

## Dioceses of Armidale and Parramatta – the case of Father “F”

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The Whitlam report is essentially a case study of the serial offending priest, John Farrell, referred to at the time for legal reasons as “Father F”. He was born in 1953 in Armidale, the youngest of seven

children, and was ordained in 1981 by Bishop Henry (Harry) Kennedy,<sup>68</sup> against the advice of the seminary rector and senior priests of the diocese, after attending the Springwood and Manly seminaries. Father F was appointed to the outback town of Moree in western New South Wales. The Moree parish priest and diocesan vicar-general was Monsignor Frank Ryan, who first confronted Father F in March, 1984. Monsignor Ryan told the other assistant priest that ‘he’s been mucking around with kids’ in reference to Father F. Other rumours suggested Father F had been providing sex lessons for the altar boys. With Monsignor Ryan pressuring parents not to report matters to the police, Father F was shifted to the parish at East Tamworth where Fr Hanna, later Bishop of Wagga Wagga, was in charge. Fr Hanna was not told by Armidale Bishop Harry Kennedy of the circumstances of Father F’s appointment.

Father F was arrested in Tamworth on 12 August 1987 and charged in relation to offences in Moree relating to a young boy, Damian Jurd. A topline barrister was hired to represent Father F at the Narrabri court hearing on 18 February 1988. According to a parish priest who was present in court, the ‘prosecution was a disgrace’ and the barrister made ‘mincemeat of the boy’. Bishop Kennedy did nothing in respect of information he was receiving from in and around Moree. Father F was moved from parish to parish by Bishop Kennedy and eventually to the Diocese of Parramatta. Bishop Kennedy was not fully open and honest about Father F’s offending history with Bishop Bede Heather, who eventually took away his priestly faculties in June 1992.

This detailed study of Father F, driven by serious national press attention, is a scathing indictment of the actions and lack of actions of Bishop Henry Kennedy. Whitlam unfortunately keeps himself tied to a legal framework, even though the terms of reference would have allowed him to move well beyond that framework in his investigation. Also unfortunately, Whitlam is not a canon lawyer, and does not comment on Bishop Kennedy’s failure to make use of the disciplinary procedures that were available to him under the recently introduced 1983 Code of Canon Law, which included the power to conduct investigations. Nor does Whitlam make any recommendations even though the seventh term of reference was sufficiently broad for him to have done so.

Except for the behaviour of Bishop Kennedy and possibly also the Vicar-General of the Armidale diocese, Monsignor Frank Ryan, other Church officials acted more or less properly in light of the knowledge that they possessed at the time. Bishop Heather, however, should have been more questioning. As we have interpreted the Report, there are many lessons to be learned from the case study of Father F:

1. It is a case study of **clericalist solidarity**, illustrated by the extraordinary protection of an offending priest by his bishop from his time in the seminary until relinquishing his office in 1991, and by the pressure applied to family and parishioners by the parish priest of Moree to protect his brother priest.
2. It is a case study of **the damaging impact of diocesan autonomy**, including the underlying issue of the lack of transparent and open communication between senior Church officials across dioceses. The autonomy of the diocesan bishop was paramount, and miscommunication was always possible, especially when mental reservations and veiled speech were used to mask the reality of Father “F”’s situation.

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<sup>68</sup> The bishop in question, Bishop Harry Kennedy, is not to be confused with the current bishop, Bishop Michael Kennedy.

3. It is a case study of **episcopal failure to protect and care for young victims**, best illustrated by Bishop Harry Kennedy's refusal to have an official investigation of the original Moree offending and to pay the legal fees of their altar boy.
4. It is a case study of **ecclesiastical secrecy**, relating to the requirement for bishops to maintain a secret archive separate to the diocesan personnel file for sensitive matters of priestly conduct (canons 489 and 490), and the apparent failure of the inquiry's two commissioning bishops, Bishop Michael Kennedy and Bishop (now Archbishop) Anthony Fisher, to alert Whitlam to such canonical practice and the existence of such secret files.
5. It may be a case study in **the shadowy collusion seemingly between ecclesiastical, police and court officials** regarding the Narrabri court case, which Whitlam should have investigated more thoroughly.
6. It is a case study of **the failure of canon law and of Vatican obstructionism**, demonstrated by the very real difficulties that Australian bishops had in endeavouring to enforce the laicisation of Father F, which did not happen until 15 years after Father F's removal from ministry.
7. It is a case study of **the failure of an appropriate seminary screening process** for entry into the Catholic priestly ministry. Father F was without doubt a clearly psychosexual misfit with a very troubled sexual identity, and would probably have been identified as such if he had been properly screened. Whitlam ought to have looked at this issue with greater acuity, noting only that Bishop Harry Kennedy acted against the preponderance of advice of seminary authorities and his own senior clergy.
8. It is a case study in **the problematic nature of psychiatric advice**, illustrated in the very different assessments of the two clinicians. Fr Usher's assessment was equally condemnatory of Father F.
9. Lastly, it is a case study of episcopal failure to recognise **the criminality of child sexual abuse** and to treat **secondary victims** fairly and with compassion.<sup>69</sup>

The ultimate tragedy of this very instructive case study is that the Father F saga led to the suicide of two young men and much psychological damage to other unknown victims. Father F could have been completely stopped during his seminary training, well before he had access to altar boys and other minors.

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<sup>69</sup> In the conclusion of the metanalysis of the Father F case done by the RMIT research team, we found that: 'In a postscript, Anthony Whitlam QC begins that 'I have no doubt that "F" was guilty of the most vile abuse of Damien Jurd and Daniel Powell. Both of these young men committed suicide when they were 28 years old' (Report, par. 178). He admires their parents who he says all exhibited a quiet dignity during the inquiry. In the last two paragraphs, he recounts the interview of the Jurd parents with Bishop Harry Kennedy to try and get the troublesome teenager into Boystown. The bishop bluntly refused: 'There's nothing I can do for you'. The report adds: 'When Mrs Jurd remonstrated that her son had been sexually abused by a priest, the bishop "threw his head in the air and went", according to Mr Jurd....In my view, Bishop HJ Kennedy's treatment of Mr and Mrs Jurd was a disgrace' (Whitlam Report, par. 181-182).

## The 2012 Victorian Parliamentary Inquiry – *Betrayal of Trust*

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In 2012, the Victorian parliamentary inquiry into the handling of child abuse by religious and other non-government institutions (Victorian Parliamentary Inquiry) shifted focus to Victoria, in particular, the Archdiocese of Melbourne and the regional dioceses of Ballarat, Sandhurst and Sale. The Archdiocese of Melbourne had become an epicentre of clerical sex abuse since the 1960s. It had been headed by the formidable and controversial Irish-born patriot, Archbishop Daniel Mannix (1917–1963), who was succeeded by his long-suffering and quite ill coadjutor, Justin Simonds (1963–1967), the first Australian-born Archbishop. Simonds was followed by the Vatican diplomat, Cardinal James Knox (1967–1973), and then by Archbishop Frank Little (1974–1996), who would have been dealing with clerical sex abuse throughout the whole of his episcopacy. In 1996 George Pell (1996–2001) became Archbishop in an appointment that was strongly resisted by the Melbourne clergy, before his appointment to Sydney (2001–2014). Pell is the only man ever to have headed both major archdioceses, and he instituted the so-called *Melbourne Response*, which differed from the Australia-wide *Towards Healing* response of the Australian Catholic bishops. He was succeeded by his close friend, Denis Hart (2001–). In 2014, Cardinal Pell was transferred to Rome to become Prefect of the Secretariat for the Economy.

By the time the Victorian Parliamentary Inquiry was announced on 17 April 2012 by the conservative Baillieu Liberal state government, child sexual abuse by priests and male religious had smouldered as a public issue for over three decades. Throughout the 1980s, other cases gradually came to light, but it was in the early 1990s that the issue received significant public attention, especially with the formation of the Broken Rites organisation of semi-retired professionals, who have since then been researching and documenting most publicly known cases. Their online listing is still the only publicly available list of religious child sex abusers in Australia. The Victorian Inquiry was also galvanised by the public advocacy of Anthony<sup>70</sup> and Chrissie Foster.

The public testimony of the Fosters during the Victorian Inquiry and its full acceptance by the Parliamentary Committee became very important. The Fosters have been the most publicly visible of all the primary and secondary victim survivors. Their two daughters had been violated over many years in their home and at school by their parish priest. The elder daughter eventually committed suicide and the younger daughter is a quadriplegic requiring 24-hour care as a result of a car accident, which was precipitated by her drug-taking behaviour as a result of her abuse. Chrissie Foster would document her family's tragedy in a widely read book, *Hell on the Way to Heaven* in 2010. The Committee also relied partly on the evidence of Fr Kevin Dillon, parish priest of Geelong, who knew many victims and who has established a support organisation called LifeBoat.

While the *Betrayal of Trust* Report was also concerned about the Anglican Church, the Salvation Army, and some non-Christian religions, it was largely focused on the Catholic Church. The report draws together its key findings about the Catholic Church in the executive summary:

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<sup>70</sup> Anthony Foster died unexpectedly in June 2017.

In regard to the Catholic Church specifically, the Committee found that rather than being instrumental in exposing the criminal abuse of children and the extent of the problem, senior leaders of the Church had:

- **“Trivialised the problem**
- **Contributed to abuse not being disclosed or not being responded to at all prior to the 1990s**
- **Ensured that the Victorian community remained uninformed of the abuse**
- **Ensured that perpetrators were not held accountable, with the tragic result being children continued to be abused by some religious personnel when it could have been avoided.**

**Analysis of the Catholic Church’s past handling of this problem shows that as an organisation it had many of the internal features of an organisation at high risk of its personnel perpetrating criminal child abuse. These features include its:**

- **Trusted role in caring for children**
- **Culture and power**
- **Complex hierarchy and structure**
- **Teachings and beliefs**
- **Processes for responding to allegations – including the failure to report abuse to the police**
- **Response to alleged offenders – including the relocation and movement of offenders and failure to suspend them from their duties”** (*Betrayal of Trust* 2013: p. xxxi; bold in the original)

In deference to Australia’s longstanding reluctance to interfere in the affairs of religious organisations because of the separation of religion and state, the Inquiry did not make any formal recommendations with direct relevance to the Catholic Church.<sup>71</sup> Below is an analysis by the RMIT research team of comments made by the *Betrayal of Trust* Report on the Catholic Church:

### **1. The Australian and international pattern of criminal sexual abuse of children and teenagers within the Catholic Church by its religious personnel:**

The Committee observed that ‘the incidence of criminal child abuse within our largest religious denomination, the Catholic Church, has emerged as a significant issue, not only in the context of this Victorian Inquiry but across Australia and internationally’, noting across the world ‘a striking similarity between the patterns of offending behaviour, the responses of Church authorities and the expressions of victims’ anger’ (*Betrayal of Trust* 2013: 6). Australian Church leaders have never admitted that clerical sex abuse has a long history, nor that it is systemic and world-wide. However, in his testimony, Cardinal Pell was very critical of the Holy See for its failure to recognise the extent and seriousness of the problem. He was also critical of the Holy See’s refusal to laicise offending priests during the late 1990s and the early 2000s, hiding behind canon law, which had nothing to say about the rights of the victim.

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<sup>71</sup> The lead researcher was called on Day Two of the public hearings by the Parliamentary Committee to give expert evidence, especially in child sex abuse in non-Christian religions though his submission had focused on the Catholic Church. The following analysis on *Betrayal of Trust* was presented at a workshop of clerical sex abuse held at Onati in Northern Spain early in 2014.

## **2. The failures of the Catholic Church and other Churches in their duty of care towards children, in the destruction of trust in important institutions, and in the tardy response:**

The initial sections of the *Betrayal of Trust* Report emphasise the importance of trust and how child sexual abuse has damaged the social fabric by creating ‘a distrust that reduces our confidence in important institutions’ (*Betrayal of Trust* 2013: 6). The report further notes that ‘senior members of the Catholic Church hierarchy knew there were reports extending over many decades of conduct that constituted gross departures from normal standards of human decency, let alone the standards that might reasonably be expected of a religious institution’ (*Betrayal of Trust* 2013: 13). The Committee refused to accept the Church’s argument that the institutional failures were ‘caused by a lack of knowledge about this type of offending and a limited understanding of the difficulty of that task’ (*Betrayal of Trust* 2013: 13).

## **3. The sexual abuse of children in Catholic institutions represents a violation of their human rights and dignity of victims and secondary victims, which was exacerbated by their cavalier response to victims and their families:**

At the very beginning of the Report, the Committee observes that ‘perhaps the most disturbing features....are the periods of time involved and the disregard of the rights and human dignity of victims’ (*Betrayal of Trust* 2013: 3). ‘The Church at times exerted pressure on its members to silence, denigrate or disbelieve victims’ (*Betrayal of Trust* 2013: 11). In fact, the Church’s strategy was to quarantine any knowledge of what had occurred. ‘Contrary to the repeated assertions of a number of (Church) leaders, there has been demonstrated a deliberate adoption of policies that involved a disregard of the basic human rights and dignity of victims and those associated with them.’

## **4. The longstanding concealment of criminal wrongdoing by the episcopal and religious order leaders of the Catholic Church, including the prioritising of canon law over the requirements of criminal law:**

The report found that: ‘No representatives of the Church directly reported the criminal conduct of its members to the police. The Committee found that there is simply no justification for this position’ (*Betrayal of Trust* 2013: 170).

The Committee refused to accept that Church leaders did not appreciate that child sexual abuse was a serious and criminal offence, noting that ‘until 1946, buggery of a child under 14 carried the death penalty and until 1980 it carried 20 years’ imprisonment’ in Victoria’. The Report makes much of the 1962 Holy Office Instruction, *Crimen Sollicitationis*, marked as ‘confidential and not to be copied.’ *Crimen Sollicitationis* required ‘Church members to maintain confidentiality concerning any such incidents of criminal child abuse and to notify the Vatican.’ (*Betrayal of Trust* 2012: 11) The Report adds: ‘We do not know to what extent this instruction directed responses of the Catholic Church in Australia.....It is reasonable to think that Church members followed the instruction’, noting that this led to ‘an apparent policy of concealment for the next 30 years’ (*Betrayal of Trust* 2013: 11). *Crimen Sollicitationis* led to ‘the obligation to choose between complying with the civil law on the one hand and the edicts, beliefs and principles of their religion on the other’ (*Betrayal of Trust* 2013: 11).

The Committee concluded that:

There is more than sufficient reliable information upon which to base the inference that Catholic Church leaders knew a problem existed, that the absence of files was deliberate and that Church leaders sought to protect the organisation and the perpetrators. Indeed, Cardinal

Pell, Archbishop Hart and Bishops Peter Connor and Paul Bird have effectively conceded that this was the overall situation. This inference is also consistent with the conclusions of inquiries conducted in other countries and with the approach directed by the Vatican in its 1962 Instruction *Crimen Sollicitationis* (Betrayal of Trust 2013: 42).

The Victorian Committee was apparently unaware that the secrecy provisions contained in *Crimen Sollicitationis* had been superseded in 1974 by even broader secrecy provisions contained in the papal instruction *Secreta Continere* (see Tapsell 2014: 127 – 140). But the Report makes mention of the Church's self-perception as a *societas perfecta*, which makes self-criticism very difficult, and caused dissenters and victim advocates to be treated with ostracisation. In relation to canon law, the report found that:

Within the Church (Canon law) is given a higher status than civil law...this leads to a risk that the Church might regard itself as distinct and separate from a country's civil legal system (Betrayal of Trust 2013: 169).

#### **5. The organisational and administrative dysfunctionality within the Catholic Church:**

The Inquiry expressed concern about diocesan autonomy with each bishop the 'king of his own castle', best exemplified in the existence of two separate protocols. The Inquiry members expressed bewilderment at the complexity of the organisational structure of the Church, particularly with the fact that each diocesan bishop retains *de iure* independence from every other bishop, and that religious orders have a great amount of independence once the order has been accepted into a diocese. Given that the first Australian priest was jailed in 1978, it took Australian Church leaders a long time before they developed a joint protocol.

From the late 1980s, it took some considerable time for the bishops to agree on a joint protocol, which was achieved in 1996. The newly appointed Archbishop of Melbourne, George Pell, had just established his own protocol, which he argued was superior to the Australia-wide *Towards Healing* protocol, because the compensatory mechanism was separate.

#### **6. A critique of both *The Melbourne Response* and *Towards Healing* protocols as conceptually flawed with no right of appeal (in the case of *Towards Healing*), with a false veneer of independence, and leading to deep levels of victim dissatisfaction:**

The Committee firstly noted that neither of the abuse protocols of Victoria's four dioceses – *The Melbourne Response* or *Towards Healing* – 'provide for clear public acknowledgement of any wrongdoing by the alleged perpetrator, regardless of circumstances' (Betrayal of Trust 2013: 25), suggesting that 'only in recent months have senior Catholic Church leaders accepted their responsibilities'. The Report was also critical of *Facing the Truth*, a 2012 document released by the Catholic bishops of Victoria to prepare the Catholic faithful for the shock of the revelations to come during the inquiry. 'The Catholic Church failed to recognise its own contribution to the concealment as opposed to the growing awareness of the problem in broader society' (Betrayal of Trust 2013: 157).

One of the major findings of the Report is that 'the Melbourne Response was conceptually flawed at a number of levels'. Indeed, both protocols – *The Melbourne Response* and *Towards Healing* - led to a process that was quasi-judicial, quasi-investigatory, quasi-counselling and quasi-compensatory with all these functions hopelessly entangled. The *Melbourne Response* had been approved by Victoria Police at the time it was formulated in 1996, and the Committee was critical of Victoria

Police for paying 'inadequate attention to the fundamental problems of the *Melbourne Response* arrangements' (*Betrayal of Trust* 2013: 25). The *Melbourne Response* essentially revolved around the appointment of a so-called "Independent Commissioner", a senior and highly respected legal figure. Cardinal Pell refused to accept that this appointment was 'an in-house arrangement', but the Committee rejected this, even though they acknowledged there was no evidence Catholic Church leadership influenced the findings of the Independent Commissioner: 'The Committee considers that in order to meet the needs of victims, perceived independence is as critical as actual independence' (*Betrayal of Trust*, 2013: 401).

Cardinal Pell was assessed as having failed to understand the criticism of *The Melbourne Response* protocol:

Even if it is accepted that victims are the number one priority, that does not change the essentially problematic character of the system that benefitted its creators by limiting its financial exposure and protecting its reputation (*Betrayal of Trust* 2013: 403).

The Committee found deep reservoirs of victim dissatisfaction: 'Some victims felt intimidated by meeting a senior legal counsel' (*Betrayal of Trust* 2013: 405). It noted that *The Melbourne Response* 'does not recognise the claims of secondary victims' (*Betrayal of Trust* 2013: 413). The Response includes a 'Parish pastoral response, aimed at supporting parish communities and parish priests at times of crisis following disclosure', but 'the Committee received little information about this aspect'. There were several acrimonious parish forums and these were discontinued. However, *The Melbourne Response* also contained a counselling component with CareLink and this worked quite successfully in the view of the Committee.

#### **7. The failure to conduct research into the causes of the phenomenon of clerical sexual abuse of children and to consult with victims' advocacy groups at any stage:**

During his testimony, Cardinal Pell was asked why research had not been conducted into the problem once it had become obvious the issue was systemic, as this would be normal practice in government and large non-government organisations: 'In particular, the Committee noted that the Catholic Church did not choose to inform itself by commissioning research into the problem; it did not report allegations into the extent of criminal child abuse relevant to parts of the Catholic Church' (*Betrayal of Trust* 2013: 175). Later on, the government report extends this point more broadly: 'When the Catholic Church became aware of allegations, even when there were criminal acts admitted by the perpetrators, it did not take steps to investigate whether there were any other victims or to refer the matter to the police. Nor did it make any attempt to find out the extent of the problem in the Catholic Church.' (*Betrayal of Trust* 2013: 187). Associated with this, according to the Report, was the Church's longstanding approach of denial and concealment where there was 'an observable tendency to avoid investigating the problem or adopting adequate measures to reduce the risk of further offending by identified or suspected perpetrators' (*Betrayal of Trust* 2013: 12).

#### **8. The lack of proper accountability and monitoring of religious personnel:**

The lack of accountability and monitoring of religious personnel, especially diocesan priests in parishes, was also raised by the members of the Parliamentary Inquiry. Cardinal Pell was asked about this, and his response was that priests in parishes were sufficiently monitored by the regional bishops of the archdiocese.

#### **9. The deep problems within the Church's internal culture and its high risk environment:**

The Report mentioned the dispositional traits of the religious perpetrators, before zeroing in on clericalism: 'The combination of unquestioning trust, absolute authority and lack of supervision created a high-risk environment'. In drawing attention to this high-risk environment, the Report speaks of 'noble cause corruption', whereby public exposure through the actions of a relatively small percentage of the Church's members, was perceived as a threat to its mission, standing and reputation: 'Embarrassing matters are concealed in order to perform a "higher duty"'. One motivation behind this aspect of the Church's culture was financial, in that the Church's financial holdings could be severely jeopardised through compensation and victim support. Another core part of the culture of a 'relatively closed community' was 'a misguided sense of group loyalty and personal empathy' which has led to 'the Church's self-created damage to its own reputation' (p. 15). The Committee wondered about celibacy and sexuality in general. It put the rhetorical question: 'Is there an inconsistency between the Catholic Church's public stance on sex-related questions and the reality (known within the Catholic Church) of the lives of significant numbers of its clergy and orders?' (*Betrayal of Trust* 2013: 15).

The Report goes on:

'An important feature of this culture is that criminal child sexual abuse has been treated primarily as a sin committed by the perpetrator, who then needs to be reconciled with God and the Church. A sliding morality has developed, which emphasises the interests of the perpetrator and the Church over those of victims. The criminal and destructive character of the conduct has been diminished in significance. The Catholic Church appears to have compartmentalised the issues, in order to avoid the obvious moral conflicts' (*Betrayal of Trust* 2013: 15).

In general, as already suggested, the Parliamentary Committee did not find the episcopal leaders untruthful, uncooperative, or insincere, but they were critical of the half-truths and the deceptive failures. Nor was the Committee especially appreciative of attempts by the current episcopal leaders to blame deceased or very ill retired bishops.

## The 2013 NSW Special Commission of Inquiry (Cunneen Report)

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In the following year, focus switched to one of Australia's oldest Catholic dioceses, namely, Maitland-Newcastle which has been rightly described as another epicentre of clerical sex abuse with at least five serious offenders. The misdeeds of these offenders were widely known through the local and national press, especially through the work of Joanne McCarthy, a journalist with the *Newcastle Herald*. Within the context of this very troubled history, the Cunneen Special Commission of Inquiry was triggered by an interview with an experienced police officer on the ABC's Lateline public affairs program on 8 November 2012. Detective Chief Inspector Peter Fox stated:

I can testify from my own experience the Church covers up, silences victims, hinders police investigations, alerts offenders and moves priests to protect the good name of the Church (Cunneen Report 2014: par. 1.12).

More than that, there were suggestions that senior police had stood him down from his investigation and that there existed a 'Catholic mafia' in the NSW Police that was in cahoots with Church authorities. In spite of what was already known about the scale of the abuse in the Maitland-

Newcastle diocese, the focus of the inquiry was restricted to consideration of abuse by just two priests, Fr Denis McAlinden (1923–2005) and Fr James Fletcher (1941–2006) (Cunneen Report 2014: par. 1.2 & 1.3).

The report<sup>72</sup> is necessarily also focused on two diocesan bishops, Bishop Leo Clarke (1976–1995) and Bishop Michael Malone (1995–2011), both of whom were appointed as outsiders. Bishop Clarke had been vicar-general in the Archdiocese of Melbourne and was also a close personal friend of the Melbourne Archbishop Frank Little (1974–1996). He resigned as Bishop of Maitland-Newcastle in November 1995 from ill-health, just as one of his priests, Fr Vincent Ryan, was being charged with multiple child sex offences. He died in 2006. Bishop Clarke was succeeded by Bishop Malone, ordained in 1964, who had previously been a priest in the Archdiocese of Sydney. Both bishops were home grown products of the Australian seminary system with neither having studied overseas nor holding a degree from an Australian secular university.

The Cunneen Report gives very little attention to two earlier Bishops of Maitland, Bishop John Toohey (1956–1975) and his predecessor, Bishop Edmund Gleeson, CSsR (1931–1956), a member of the Redemptorist<sup>73</sup> order, which had a long association with the Maitland diocese. Denis McAlinden, one of Australia's most prolific paedophile priests, trained as a Redemptorist seminarian in Ireland. In 1949, the Redemptorist provincial in Limerick, Fr John Treacy, using the Redemptorist network, wrote to Bishop Gleeson asking him to incardinate McAlinden into the Maitland diocese because he was having serious personal difficulties living in community. Fr Treacy subsequently wrote: 'Poor fellow, he has wonderful qualities in many ways, but living in close community is not one of them.' Clearly Treacy wanted McAlinden out of Ireland, and far-away Australia seemed a good bet. Always an outsider in his diocese, McAlinden began offending almost immediately upon arrival in 1949 and for 47 years up until 1996, being particularly attracted to young girls. His offending was known to senior Church officials as early as 1954, and in 1976 the Maitland vicar-general sent to Bishop Clarke a detailed memorandum about McAlinden's offending in the Foster-Tuncurry area (Cunneen Report 2014).

During his priestly career, McAlinden was recycled to Papua-New Guinea, New Zealand, and Western Australia where he was acquitted of child sex offences in 1991. After his faculties were withdrawn, concerted attempts were made to get him to accept voluntary laicisation, but McAlinden refused to cooperate. He died in 2005 in a nursing home in Western Australia without ever having been convicted. He was not on the NSW police system until 1999. Also clear from this case study, is that Bishop Clarke lied to Fox about his knowledge of the extent of McAlinden's offending (Cunneen Report 2014).

James Fletcher was an Australian priest born in the small town of Scone and ordained on 7 December, 1968. He began abusing young males, especially altar boys, from the 1970s, often on trips in cars. In 2004, despite always denying the charges, he was convicted on nine offences, with

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<sup>72</sup> The report is available at [www.dpc.nsw.gov.au/announcements/scoi\\_child\\_sexual\\_abuse\\_allegations\\_in\\_the\\_hunter\\_region/release\\_of\\_report\\_of\\_special\\_commission\\_of\\_inquiry\\_into\\_matters\\_relating\\_to\\_the\\_investigation\\_of\\_certain\\_child\\_sexual\\_abuse\\_allegations\\_in\\_the\\_catholic\\_diocese\\_of\\_maitland-newcastle](http://www.dpc.nsw.gov.au/announcements/scoi_child_sexual_abuse_allegations_in_the_hunter_region/release_of_report_of_special_commission_of_inquiry_into_matters_relating_to_the_investigation_of_certain_child_sexual_abuse_allegations_in_the_catholic_diocese_of_maitland-newcastle) Volume Four is currently restricted..

<sup>73</sup> The Congregation of the Most Holy Redeemer (Congregatio Sanctissimi Redemptoris, or CSsR) was founded in 1732 near Naples as a missionary order by Saint Alphonsus Ligouri, a famous moral theologian. The Redemptorists are now working in 77 countries. In Australia, as well as parish work, their somewhat fierce reputation during the 1950s was based on the preaching of hellfire sermons during special parish missions. They still have a presence in the Maitland-Newcastle diocese.

one witness giving evidence for three days. Fletcher died in jail from a stroke in January 2006 and is buried in the priests' section in Sandgate Cemetery. This case study shows that Bishop Malone failed to stand Fletcher down until just before he was charged, despite a police request that he do so. At one stage Malone prevaricated in a pastoral letter, and it was also clear that he withheld evidence from the police. However, the Fletcher case did lead Malone to take a more systematic, professional approach by establishing a professional standards office (Cunneen Report 2014).

The Cunneen Report is not focussed on causal factors but contains much valuable material. Essentially it is a case study of two serial priest offenders in a regional Australian diocese and the responses of two bishops. It is a study of episcopal clericalism where secrecy, protection of the priest abuser, protection of the Church's reputation and self-protection took precedence over protecting the vulnerable. Despite its undoubted achievements, it is unfortunate that the Inquiry, as happened with the Irish inquiry into the diocese of Ferns, did not examine all cases of priest offending in the Diocese of Maitland–Newcastle in the post-World War II period. It is also unfortunate that, because of its technical and narrow legal focus, it did not examine the personal, family and seminary circumstances of either offender, or the structural and systemic factors that permitted McAlinden and Fletcher to offend for so long without being held accountable. Probably, McAlinden should never have been ordained; there is not enough evidence regarding Fletcher.

Bishop Malone retired early at the age of 72. On June 3 2014, a few days after the release of the Cunneen Report, he issued on the diocesan website a statement in which he stated:

From the outset I was an inexperienced bishop who revealed his lack of experience in sometimes hesitant and indecisive ways. I felt torn between wanting to support the unfortunate victims of abuse and protecting the reputation of the Catholic Church. I eventually learned that it was not possible to do both....the Report sheds light on a toxic period in the Diocese of Maitland-Newcastle where, for some, secrecy and self-protection took precedence over protecting the vulnerable.

## Chapter summary

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What learnings have been made? The *Towards Understanding* Report was to be the only major research study to be commissioned by the Church in Australia, although the Australia Catholic Bishops Conference was associated with the very good thesis by Georja Power (2003). It is sometimes claimed that the Catholic Church in Australia and its bishops were world leaders in their institutional response. This is a highly debatable and questionable proposition. To its credit, the Australian Catholic Bishops' Conference does have a research arm, the Pastoral Project Office, which has been headed by Dr Robert Dixon since its establishment in 1993. But it had never been called upon to research the child sexual abuse issue, or the well-being of the Catholic priesthood, or the impact of clerical child sexual abuse on victims and their families, until it was commissioned by the Truth, Justice and Healing Council in 2014 to compile a definitive list of the number of priests who worked in ministry in Australia from 1950 to 2010.

In comparison with Catholic authorities overseas, the various efforts of the Australian bishops were not sufficiently independent or distanced from the official policies of the Holy See prior to 2012, when the State of Victoria began its Inquiry. Comparable Church-commissioned inquiries in Canada, the United States, the United Kingdom and the Netherlands were truly independent and worthwhile achievements in terms of their aims, methodologies, findings and recommendations. This is an issue

beyond labels of “progressive” and “conservative”. But the Australian bishops were unable to conduct a series of proper research studies, even though *Towards Understanding* provided them with the outlines of one.

One reason why the Australian Church was never able to develop a national strategy accepted by all bishops was that the largest archdiocese of Melbourne, headed by Archbishop (as he then was) George Pell, was determined to develop its own strategy and policies. Of course, this was not the only time Melbourne had done this, as the Australian Catholic Bishops Conference had been badly divided on very substantive issues since the 1950s. Nor does the Australian Bishops Conference seem ever to have made overtures to the victim advocacy and support groups to work in collaboration with those who have done so much to support the victims and their families. Another facet illustrative of the lack of Australian episcopal response was that the bishops never developed a restorative justice approach, as in Belgium and the Netherlands. Nor was a hotline set up, as in Germany and the Netherlands. Nor has the Australian hierarchy ever developed a comprehensive healing and monitoring strategy across every parish to address the continuing needs of the victims and their families, as has happened in England and Wales.

The victims and their families have paid a high price for the divided dysfunctionality of the Australian Catholic Bishops’ Conference, but much blame for that must also be placed at the door of the Vatican, in its adamant refusal to identify the clerical sexual abuse scandal as a most serious issue needing to be addressed, and in its choice of bishops. Bishop Geoffrey Robinson, a victim of child sexual abuse himself, tried hard to convince his fellow Australian bishops and the high-level officials in the Holy See, but in the end, he resigned in disgust. The contents of his subsequent book, *Confronting Power and Sex in the Catholic Church: Reclaiming the Spirit of Jesus* (2007), seems to have been mocked and derided by some, but not all, of his fellow bishops according to the anecdotal evidence.

While Australian government authorities did focus on child sexual abuse in Catholic-operated residential care institutions (as we shall see in Chapter Six), they were much slower in addressing the abuse by priests than governments in Canada and the US, until the Victorian Parliamentary inquiry. This inquiry’s report, more than any other report, was focused on systemic issues within the Church, and it rejected much of the Church evidence that was presented. However, aside from its findings, its recommendations addressed none of the systemic issues in the Church’s culture and organisation. After the publication of the *Betrayal of Trust* report, the four Victorian dioceses (Melbourne together with Ballarat, Sale and Sandhurst) addressed the recommendations, but seemingly not the findings.

# 5. PRIESTHOOD, PRIESTLY TRAINING AND RELIGIOUS FORMATION IN THE GLOBAL AND AUSTRALIAN CATHOLIC CHURCH IN THE CONTEXT OF CHILD SEXUAL ABUSE

## The positive power of the priesthood and its origins

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According to the latest 2017 *Annuario Statisticum Ecclesiae* of the Vatican, as we have seen in Chapter One, the total number of priests, diocesan and religious, in 2015 was 415,656. The 2014 figures show decreases in North America (-1.4%) and Asia (-1.2%). It represented a rise of 2.3 per cent since 2005, with increases in Africa (32.6%) and Asia (27.1%), and decreases in Europe (-8.0%) and Oceania (-1.7%). After a period of a sustained rise that peaked in 2011 with 120,616, the number of candidates for the priesthood declined three per cent in the 2011-2014 period. The number of professed women religious dropped 10.2 per cent from 760,529 with very significant declines in Europe (-18.3%), the Americas (-15.5%) and Oceania (-15.5%), against rises in Africa (+18.0%) and Asia (+10%), since 2015.

Priests are the cadres of the Catholic Church, endeavouring to live out their pastoral ministry in imitation of Jesus of Nazareth, as instruments in the task of evangelisation. The Italian psychiatrist, Vittorino Andreoli, who is very aware of clerical sexual abuse in Italy, devoted a whole chapter to it in his appreciative book on *Preti* (Priests). He admires 'the courage of an extreme choice', thinking of the thousands of priests, brothers and nuns who work without public fanfare on the peripheries of great cities, in the hot jungles of the tropics, in the slums of the megacities and in mountainous areas of the countryside (Andreoli 2010). He suggests that the Catholic priesthood cannot be seen in conventional professional terms. It is more than a profession; it is a vocation, and in theological terms it is perceived as a personal direct calling from God.

### Great priests in history

Down the centuries there have been many priests<sup>74</sup> who have contributed much to humanity in addition to their pastoral work: the Greek-Latin translator and scriptural interpreter, St. Jerome (c. 347–420), the philosopher and Bishop of Hippo, Augustine (354–430), the philosopher, Albertus Magnus (c.1193/1206–1280), the Scholastic philosopher and theologian, Thomas Aquinas (1225–1274), the founder of the Jesuits, Ignatius of Loyola (1491–1556), and the great missionary to Asia, Francis Xavier (1506–1556). In the nineteenth century there was Gregor Mendel (1822–1844), the

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<sup>74</sup> Lists of famous priests often include the Polish astronomer, Copernicus (1473–1543), the Italian composer, Antonio Vivaldi (1678–1741) and the Austrian composer, Franz Liszt (1811–1886). Copernicus who never married took minor orders but was never ordained so technically he is a cleric but not a priest. Liszt certainly thought very seriously about the priesthood but seems to have become a Franciscan tertiary. There is a dispute about Vivaldi's priesthood - he seems perhaps to have been ordained but celebrated Mass only several times and because of bad health he withdrew from any obligations as a priest.

founding father of genetics, the English Jesuit poet, George Manly Hopkins (1844–1889) and John Henry Newman (1801–1890), the English theologian and educationalist.

The twentieth century has seen the Belgian astronomer-priest, George Lemaitre (1894–1966), who first proposed what has become the Big Bang theory, the French Jesuit mystic, Teilhard de Chardin (1881–1955), who worked on understanding evolution with his palaeontology work in China over many years<sup>75</sup> and, lastly, the great Canadian Jesuit philosopher and theologian, Bernard Lonergan (1904–1984) with his work, *Insight: A Guide to Human Understanding*. Tragically there were the modern martyrs, Maximillian Kolbe (1894–1941), who in Auschwitz volunteered in a reprisal execution to take the place of a father of a family who would subsequently live until 1995, Archbishop Oscar Romero (1917–1980), who was assassinated in San Salvador in a small hospital chapel soon after he had finished his sermon during Mass, because of his opposition to the right-wing government and, lastly, the gay Franciscan priest, Mychal Judge (1933–2001), chaplain to the New York fire brigade who was the first victim of the 9/11 attack to be officially declared dead. Judge died from falling debris while giving the last rites to a dying fireman. More recently has been the murder of the parish priest of Saint-Etienne du Rouvray in Normandy, Father Jacques Hamel shot on 26 July 2016 by Islamic terrorists whilst celebrating Mass. All these men had responded to their official calling or vocation to serve in the priestly ministry.

Tragically the sexual abuse of children has sullied and besmirched the reputation of all Catholic priests and religious brothers across the global Church. *Calvary*, the 2014 Irish film on the topic, has made this point strongly in its depiction of a good hearted parish priest, a widower with an adult daughter, who becomes a late vocation priest after the death of his wife. He works in an isolated Irish village suffering rejection, setbacks and raw hatred. ‘It shows with extraordinary vividness what authentic spiritual shepherding looks like and how it feels for a priest to have a shepherd’s heart’ (Barron 2014: 1). He is crucified as an innocent scapegoat for past clerical child abuse of which he was not a part.

Our review of the 26 international and Australian reports in child sexual abuse in Catholic settings found that only five did not make references to seminaries and seminary formation. Over half (15) referred to seminary formation, the curriculum and its content, while half (13) made references to the importance of screening of candidates. Ten reports expressed concern about formation for chastity and celibacy, while nine were concerned about the formation of seminary staff and their qualifications. Seven reports mentioned the early in-service phase after ordination, recommending professional education together with careful monitoring and evaluation.

Endeavouring to answer the two questions of why clerical abuse of children happened, and why the bishops responded so poorly, it is now time to turn to the selection and screening process for entry into a seminary or house of formation, and to the education and training of priests and religious. In this chapter, the historical perspective will still be retained. The guiding question was: **How have the selection processes, the educational curriculum, and spiritual and pastoral formation of priests and religious within Catholic seminaries and religious houses of formation, been a relevant factor**

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<sup>75</sup> Regarding sexuality and celibacy, Teilhard de Chardin in *The Evolution of Chastity* argued for a ‘third way’, by which he meant a spiritual bond between a man and a woman that would consist of deep intimacy without sexual genital involvement. He had many and open friendships, but especially his 28-year platonic friendship with Lucille Swan. The superior-general of the Jesuits, pressured by the Vatican, condemned the third way (Sipe 1995).

**in child sexual abuse, especially since the Council of Trent, in relation to the realities of life in the ministry, the living of a celibate life, and the protection of children in Catholic institutions.**

The RMIT research team gathered a copious amount of material for this aspect of the desk study, far too much to be included, even with the use of appendixes. Much of the historical material, necessarily and heavily abbreviated, is placed in appendixes. Appendix Three contains an introduction to discipleship in the following of Jesus together with a brief history of seminary training. The chapter will be structured around an overview of the beginnings of the priesthood and priestly education, followed by a description of the Trent reforms, leading up to the twentieth century, where papal concern was always apparent, before focusing on Australia.

## Priestly education in the first 1,500 years

Jesus of Nazareth, during his short public ministry of three years until his death on Good Friday, and his resurrection on Easter Sunday, attracted many listeners, many becoming his followers and disciples. From among these, according to the Catholic tradition, he chose twelve men of diverse backgrounds and personal qualities whom he took great care to form and train, even though there would subsequently be many failures such as his betrayer, Judas Iscariot. These men formed the College of Apostles, which today is succeeded by the College of Bishops (see *Lumen Gentium* (Vatican II Constitution on the Church) par. 22; *Catechism of the Catholic Church* 1994 par. 880). Jesus of Nazareth appointed Peter as leader of the apostles when he said: 'I tell you, you are Peter ('Cephas' meaning rock), and on this rock I will build my church, and the gates of hell shall not prevail against it' (Mt 16:18). In both his personal life and teachings, Jesus set the standards for discipleship. They were particularly high. He strongly condemned hypocrisy: 'Woe to you, scribes and Pharisees, hypocrites! For you shut the door of the kingdom of heaven in people's faces. You yourselves do not enter, nor will you let those enter who are trying to' (Mt 23:13).

In the early years of the Christian communities, guidance was provided by the Twelve and others such as Paul and Barnabas. A variety of ministries emerged to serve the needs of the community, but two became especially important: that of *episcopus* (bishop or overseer) and *presbyteros* (elder or presbyter or priest). The organisational concept of a particular or local church or diocese headed by a single bishop over a geographical zone came later in the mid-second century (O'Callaghan 2007). Like other aspects of the Church's institutional structure, that of bishop could be altered to suit new needs. In the following century, the Church also became more 'conciliar' or 'synodical', holding frequent local and provincial councils to deal with pressing issues. Pell (1969) has studied the evolution of the exercise of authority from about 170 to 270 in the patristic period. As we have seen, the first for which we have substantial documentation was the provincial Synod of Elvira (Laeuchli 1972).

Education for the priestly ministry was always and understandably of key importance to every generation of Catholic bishops. Training institutions emerged out of the early Christian schools (*Didascalía*) and the various ministries became sacralised as 'minor' orders leading up to priestly ordination. During the sixth and seventh centuries in Spain, the Second Synod of Toledo (531) decreed that clerics should be trained by a superior in the *domus ecclesiae* under the eye of the bishop, while the Fourth Council of Toledo in 633 insisted that the training of clerics should begin at a young age, so that they would not spend their youth in unlawful pleasures but under ecclesiastical

discipline.<sup>76</sup> The same decree required all the bishops of Spain to establish 'seminaries' in their cathedral cities along the lines of the cathedral-school in Seville, which taught Greek, Hebrew, and the liberal arts, and encouraged the study of law and medicine.

Bishops, and even emperors such as Charlemagne (742–814), recognised the importance of an educated clergy, and out of the cathedral and monastery schools emerged the medieval universities – the forerunners of today's universities - where theology, philosophy and canon law held the highest ranking. The universities attracted large numbers of students, including the elite of the cathedral and monastery schools, but with the unintended consequence of the demise of the schools, for deprived of their ablest teachers and students the schools were soon unable to function. This left the overwhelming majority of aspiring clerics with a reduced education, and little or no spiritual training.

To correct this situation, the Gregorian Reforms, initiated by Pope Gregory VII (c. 1025–1085) and his papal curia around 1050–1080, attempted to deal with the moral integrity and unsupervised independence of the clergy. The great challenges were simony (the selling and purchasing of church offices and roles), the marriage of clergy, and lay investiture (monarchs naming or investing bishops and abbots). While there was already an abundance of church legislation, with harsh penalties, prohibiting clerics of the Latin Church from marrying, most rural priests in Western Europe were married and many urban clergy and bishops had wives and children, to whom they transmitted their benefices (i.e. offices that gave an income). There was also concern about other clerical abuses, including homosexual acts and paedophilia. The two Lateran Councils in 1123 and 1215 attempted to deal with these issues through reforms in the education of the clergy, which began the formalisation of clerical training. But it was the reforms of the Council of Trent, in response to the Protestant Reformation, that have marked seminary training for the last 500 years, characterised by taking youths of tender years to undertake a lengthy period of training in Christian spirituality and the ecclesiastical sciences.

## The reforms of the Council of Trent, their importance and the aftermath

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The reforms of the Council of Trent are most important to understanding the context of priestly training and priestly misconduct during the twentieth century. The regime that governed Australian seminaries up until the late 20<sup>th</sup> century began with the Council of Trent and was reinforced by successive Popes, especially Pope Pius X (1903–1914). The way priests of the Latin Catholic Church in Australia have been formed in Australian seminaries and seminaries elsewhere was largely determined by the Council of Trent (1545-63). Exactly four hundred years later, soon after the beginning of the Second Vatican Council (1962–1965), in his 1963 Annual Report, Monsignor James Madden, President of St Patrick's College at Manly, stated almost defiantly:

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<sup>76</sup> Note: Decree 24: "Prona est omnis aetas ab adulescentia in malum, nihil enim incertius, quam vita adulescentium, ob hoc constituendum oportuit, ut si qui in clero pueri aut adulescentes existunt, omnes in una conclavi atrii commorentur, ut lubricę aetatis annos non in luxuria sed in disciplinis ecclesiasticis agant" *Collectio Hispana Gallica Augustodunensis* (Vat. Lat. 1341]

The church cannot fulfil her mission without a holy, disciplined and educated clergy; and the most effective ways to achieve this end is the seminary training. To guarantee the life of self-restraint demanded in the clerical state, you have to be formed in ecclesiastical discipline. *St Patrick's College, Manly, is a Tridentine Seminary'* (emphasis added).

To ensure a worthy clergy, the Council of Trent decreed that at every stage of progress through the various orders – from the lowest clerical order of tonsure, eventually to priesthood – there had to be careful scrutiny of the candidates and a clear and strict discipline. The most significant decree for future clergy was canon 18, which mandated that every diocese was to establish a seminary for the education and preparation of young, especially poor, boys aged twelve years and over, for the priesthood.

The Council of Trent's decrees on the diocesan seminary were lengthy and precise:

- Youth were to be trained in piety and religion from their tender years (from 11 years of age), before habits of vice took possession of them.
- All cathedrals, metropolitans and greater churches were, according to their means and extent, to maintain, educate, and train in ecclesiastical discipline a certain number of youths of their city, diocese, or province, in a college to be chosen by the bishop.
- Such youths were to be at least eleven or twelve years old, born in lawful wedlock, able to read and write competently, and to have a character and inclination which afforded hope that they will always serve in ecclesiastical ministry.
- Principally, the children of the poor were to be selected, but the sons of the wealthy were not to be excluded, provided they paid their own way.
- The bishops were to divide the youth into classes according to age and progress in discipline, assigning some to ministry in churches and others to instruction in the college or seminary.
- All seminarians were to be tonsured and to wear clerical dress, and taught grammar, singing, ecclesiastical computation, the liberal arts, sacred scripture, ecclesiastical works, homilies of the saints, administration of the sacraments, matter for confession, and the forms of rites and ceremonies. All seminarians were to attend daily mass, confess their sins at least once a month, receive communion as directed by their confessor, and serve in the cathedral or churches on festival days.
- All bishops were only to ordain seminarians after receiving the advice of two senior and experienced canons, who would make it their care to visit the seminary frequently.
- Candidates for the subdiaconate were not to be ordained before reaching the age of 22; those for the diaconate were not to be ordained before the age of 23; and those for priesthood before the age of 25.
- Any seminarians who were forward, incorrigible or disseminators of evil morals were to be punished sharply by the bishop, and even to be expelled, for the sake of preserving and advancing the seminary institution.
- Bishops were to secure the services of competent teaching staff with the necessary qualifications.

While the Council of Trent's 'seed bed' or seminary for diocesan priests was a response to the Protestant reformers in its key strategy in re-asserting Catholic superiority or exceptionalism over their Protestant competitors through having a celibate and supposedly more committed clergy, it was above all an attempt to tighten its own discipline. The preparation of priests in knowledge, spirituality and discipline was primarily to be the responsibility of diocesan bishops, undertaken in a special college along the lines of the medieval cathedral school, with the curriculum decided by the bishop and with the goal to produce perfect clerics grounded in ecclesiastical discipline. The children of the poor were to be given preference, and commitment to the priesthood and its celibate requirement was made when the candidates were quite young.

In the immediate aftermath of the Council of Trent, few bishops responded to its decrees until Pope Pius IV (1559–1565) established his own seminary in Rome, and Cardinal (now St.) Carlo Borromeo (1538–1584) established three seminaries in his diocese in Milan. His rules would remain unaltered for the next 500 years until the Second Vatican Council. A noteworthy point is that during the 1600s to 1800s, Irish students wanting to become priests had to go to Europe for their education and formation. There, especially in France, they had acquired 'revolutionary' ideas and a taste for Jansenism, a 17th century Catholic theological movement emphasising original sin, human depravity, the necessity of divine grace and predestination. When the newly ordained priests brought a French-derived Jansenism and an Augustinian rigorism<sup>77</sup> with them back to Ireland, it found a welcoming soil and was exploited by many Irish clerics to gain and maintain moral control and power. It was also to render women as fragile, delicate creatures whose nature had to be protected and began to be instilled into Irish women, first by the Church and then by the women themselves, who became the mainstay of a bourgeois Catholic morality (Inglis 1998). Jansenism would impact upon the formation of the clergy in Australian seminaries and other houses of formation. The seminaries were instrumental in the formation of priests, in a particular way that would provide the substrate for clericalism and a distancing from the authentic feminine, and from the dangerous secular world that provided the theological and psychological substrate for the cognitive and emotional distortions that led to sexual abuse of children by a small but significant proportion of diocesan and religious priests.

## Papal concern about priestly formation during the twentieth century

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Careful examination of authoritative Church documents and their contents shows that throughout the twentieth century, there was much papal concern about seminaries, priestly formation and the life of priests, beginning with Pope Pius X (1903–1910) and then again in the inter-war period. Sixty-two authoritative Church documents were issued from 1900 to 2017; they are listed in Appendix Four together with other key documents. As Table 5.1 documents, concern grew during the last half of the twentieth century, peaking in the 1980s and 1990s. It is very clear that the concern was driven by priestly misconduct and the many priestly resignations from ministry predominantly to enter into marriage.

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<sup>77</sup> There is an ongoing debate amongst Irish historians as to whether Irish Catholicism came under the influence of Jansenism. Inglis (1998) suggests it results from a confusion between Gallicanism and Jansenism and between Jansenism and rigorism or Augustinianism which was constituted as a systematic discipline, surveillance and sexualization of the body as evil.

**Table 5.1: Authoritative Church documents on the formation and life of priests: 1900 - 2017**

Years	No.	Years	No.
1900 - 1909	2	1960 - 1969	6
1910 - 1919	2	1970 - 1979	9
1920 - 1929	1	1980 - 1989	11
1930 - 1939	3	1990 - 1999	13
1940 - 1949	0	2000 - 2009	5
1950 - 1959	4	2010 - 2017	7

In 1725, Pope Benedict XIII (1724–1730) had established the Congregation for Seminaries. In 1899, the Congregation was re-established by Pope Leo XIII (1878–1903) in *Paternae Providaeque*, with responsibility for the establishment, governance and administration of seminaries. This was followed in 1915 with a *motu proprio*, broadening its remit to the Sacred Congregation for Seminaries and University Studies. These documents were essentially concerned with administrative organisation but that would change in 1922 after the publication of the Code of Canon Law in 1917.

In 1741, Pope Benedict XIV (1740-1758), in *Sacramentum Poenitentiae*, addressed the continuing problem of soliciting for sex in the confessional. The *Sacramentum Poenitentiae* required that the solicited penitent incur excommunication *latae sententiae* (Kurtscheid 1927) Continued priestly misconduct resulted in Pope Pius XI publishing his ultra-secret instruction, *Crimen Sollicitationis* (1922), his Apostolic Letter on seminary education, *Officiorum Omnium* (1922), and his 1935 encyclical, *Ad Catholici Sacerdotii*. In 1924 the Sacred Congregation of Seminaries and Universities published the decree, *Quo Uberiore*, calling for a triennial report from all diocesan seminaries, as well as the promotion of personal hygiene, including modesty in seminary shower rooms.

The 1935 encyclical, *Ad Catholici Sacerdotii*, showed how worried Pope Pius XI was about the quality of priestly candidates, to whom no false mercy should be shown, and that priest shortages should never dictate selection processes. After the Second World War, Pope Pius XII displayed similar preoccupations, beginning in 1950 with his Apostolic Exhortation *Menti Nostrae*, and his 1954 encyclical *Sacra Virginitas*, where he expressed his opposition to clerics being close to the hostile world until they were ready to enter ‘the lists of combat’. The Apostolic constitution, *Sedes Sapientiae*, in which Pius XII approved a set of general statutes for the regulation of seminaries, followed in 1956. But in none of these statements from the Holy See during the 1950s, was there any mention of child sexual abuse, even though it was admitted by the Holy See that there were many ‘defections’. There were also serious discussions about priestly celibacy at the highest level within the Holy See led by Cardinal Marsella, but change was never envisaged.

## The papal instruction *Crimen Sollicitationis* (1922, 1962)

In August 1959, less than a year into his papacy, Pope John XXIII published his encyclical *Sacerdotii Nostri Primordia*, and soon after, the 1960 Instruction *Religiosorum Institutio*, reflecting on the resignation of many priests during the 1950s. Written on the eve of the Second Vatican Council, *Religiosorum Institutio* was a document unusual for the extent of its detail, the explicitness of its advice, and its open mention of pederasty, which clearly was a problem in some seminaries across the world. It was followed in 1962 by a revised version of the 1922 document *Crimen Sollicitationis*, which sets out guidelines for dealing with cases of solicitation by clergy in the confessional box, along with homosexuality, bestiality, and child sexual abuse .

According to our exegesis of both versions,<sup>78</sup> this key papal document, *Crimen Sollicitationis*, is headed 'Instruction on the Matter of Proceeding in Causes Involving the Crime of Solicitation' and addressed to 'All Patriarchs, Archbishops, Bishops and Other Local Ordinaries "Also of the Oriental Rite"'. Highly unusually, the 1962 version makes no reference to the 1922 version. Right at the beginning in block capitals, the instructions are very clear: 'TO BE KEPT CAREFULLY IN THE SECRET ARCHIVE OF THE CURIA FOR INTERNAL USE', then adding 'NOT TO BE PUBLISHED OR AUGMENTED WITH COMMENTARIES.' The March 1962 version, which was approved about seven months before the Second Vatican Council, contains an appendix with formularies outlining the various steps in judicial proceedings.

Both the 1922 and 1962 versions are focused on soliciting during confession: 'whether in the act itself of sacramental confession, or before or immediately after confession, on the occasion or under the pretext of confession or even apart from confession but in a confessional or another place assigned or chosen for the hearing of confessions and with the semblance of hearing confessions there' (*Crimen Sollicitationis* 1962: par. 1). It goes into some detail about the questioning of complainants, including of 'young girls, married women or domestics', and then makes reference to 'religious houses for girls' (par. 38).

Towards the end of *Crimen Sollicitationis*, reference is made to the *crimen pessimum*, officially translated as 'the foulest crime'. This refers to homosexual acts and is extended to sexual activity with pre-adolescent children (*impuderes*) and 'brute' animals (*bestialitas*). The document makes clear that if the priest (only diocesan priests are covered by the 1922 document, and the 1962 document extends coverage to religious order priests also), refuses or cannot stop his behaviour, 'he is even to be subjected to the lay state' (par. 61).

## Catholic seminaries of the twentieth century serving the Australia Church

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It is over 180 years since seminary training for the Australian priesthood began on the *SS Oriental*, the boat that brought Bishop John Bede Polding (1794–1877) to Australia, as he instructed his young Benedictine seminarians. The history of the failure of Polding's vision for a monastic Benedictine priesthood in Australia is included in the short historical introduction of Australia's seminaries (Livingston 1977) contained in Appendix Four. Later, in 1895, Cardinal Patrick Moran used the Second Plenary Council of Australasia to dominate his fellow bishops. This national synod was attended by the 23 bishops of Australia and 49 priest theologians, and produced 344 decrees, including many on the 'life and conduct of missionary priests' and 'uniformity of discipline'. These specific decrees show the bishops' concern and preoccupation with the behaviour and ministry of their priests, particularly in relation to excessive drinking and alcoholism.<sup>79</sup> Referring to 'fallen priests', the Council proposed that a committee be set up in each diocese to help them, and that a

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<sup>78</sup> The 1962 version is available on the Vatican website, [www.vatican.va/resources/resources.crimen\\_sollicitationis](http://www.vatican.va/resources/resources.crimen_sollicitationis)

<sup>79</sup> It is not coincidental that in the USA, the Third Plenary Council of Baltimore had addressed the standardisation of clergy education. The Council decreed that major seminaries were to be established in each archdiocese or province, and minor seminaries established in each diocese, both under episcopal control. The academic program was to be strong and long: 6 years for the minor seminaries with an emphasis on the liberal arts, and 6 years for the major seminaries encompassing philosophy and theology after the teaching of St Thomas Aquinas (Foster et al., 217-218)

religious order be sought to set up a house in Australia to provide permanent assistance (*Acta et Decreta*, pp. xxxi-ii, 71-72).

Between 1922 and 1960 in Australia there would follow an almost uncritical proliferation of diocesan seminaries, and religious novitiates and houses of formation, growing to 56 in 1960 (see Table 5.2). The Second Vatican Council would force a complete rethink. Seminaries and religious houses of formation numbered 43 in 1970 with a concentration in Victoria and, to a lesser extent in New South Wales. Table 5.2 presents the profiles and shows that the Australian Catholic population grew only slowly from 1910 until after the Second World War. It was during this time that it can be argued Australia had sufficient priests, for in the first decade of the twentieth century the priest-Catholic people ratio was 1:929, whereas by 1948 it was 1:637, and to 1:518 in 1966, although by 1980 it had crept back to almost a 1:1000. It is to be remembered that during the 1920s and 1930s, more priests came from Ireland than were being ordained in Australia.<sup>80</sup>

**Table 5.2: Statistical data for Catholic seminarians, priests, brothers, sisters and population, 1900-1980**

Institution	1900	1910	1920	1930	1940	1950	1960	1970	1980
Diocesan Seminaries <sup>1</sup>	1	2	2	3	3	6	6	7	4
Religious Seminaries <sup>2</sup>	2 [6]	1 [8]	1 [8]	10 [17]	16 [27]	23 [43]	33 [50]	36 [51]	23
ALL SEMINARIES <sup>3</sup>	3 [7]	3 [9]	3 [10]	13 [20]	19 [30]	29 [49]	39 [56]	43 [58]	27
Diocesan Seminarians	50	106	146	227	n/a	590	697	446	307
Religious Seminarians <sup>4</sup>	n/a	n/a	65+	201+	n/a	402	684	643	149
ALL SEMINARIANS <sup>5</sup>	50+	141+	211+	428+	622	992	1381	1089	456
Diocesan Priests	592	747	913	1173	1501	1699	2163	2410	2409 <sup>6</sup>
Religious Priests	192	255	284	570	578	872	1209	1387	1396 <sup>6</sup>
ALL PRIESTS	784	1002	1197	1743	2079	2571	3372	3797	3805
Religious Brothers	379	505	624	943	1118	1532	2050	2358	2034
Religious Sisters	3359	5500	6571	8793	10333	11245	13094	13474	12133
Permanent Deacons									4 <sup>7</sup>
CATHOLIC POPULATION	0.70 M	0.84 M	0.94 M	1.20 M	1.25 M	1.40 M	2.11 M	2.83 M	3.48 M

*Source:* Official Catholic Directories and Yearbooks and Commonwealth Census. Notes: 1. Includes minor and major seminaries, diocesan and inter-diocesan seminaries, and one seminary for late vocations (1970 only). 2. Includes Juniorates, Novitiates, Scholasticates and Houses of Study. 3. Figures in brackets [] are likely to be more accurate and based on data in the directories. 4. Includes Juniors, Postulants, Novices and Scholastics. 5. The early directories do not always provide numbers of each seminary. Those given are a best estimate. 6. Includes priests from Eastern Rite Eparchies and Military Ordinariate. 7. This is the first listing of Permanent Deacons in Australia.

<sup>80</sup> In the Bathurst diocese just 15 of its priests were Australian-born while in Sydney in 1942 124 of the 267 diocesan priests were Australian-born graduates of the Manly seminary.

It was in the post-World War II period that the number of seminarians rose substantially, with a peak in 1955 of 1,560, and further peaks in 1961 (1,486) and 1964 (1,407). The numbers of religious sisters and brothers peaked in 1970 after significant growth in the 1940s and 1950s.

All the official documents issued by the Holy See on seminaries and priestly formation would have registered in Australia, but Monsignor Madden, President of St Patrick's College, Manly, saw no need to vary the Manly regime. Seminaries at Banyo in Brisbane (Boland 2008) and at Werribee outside Melbourne (Noone 1999), were likewise unmoved. Complacency ruled the day (Walsh 1998). With the preparation of documents for the Second Vatican Council, a June 1962 document on lapsed priests was circulated, but the result was the decision that celibacy was not to be discussed at the Council. It is said that on his deathbed Pope John XXIII (1958–1963) regretted not addressing the situation of lapsed priests and clerical celibacy generally.

The Second Vatican Council produced the decrees *Perfectae Caritatis* for religious, and *Presbyterorum Ordinis* on priests. The 1967 encyclical *Sacerdotalis Caelibatus* of Pope Paul VI (1963–1978) endeavoured to dampen discussion on clerical celibacy, but in this it has proved to be a failure. *Sacerdotalis Caelibatus* speaks of 'lamentable defections' from the priesthood, which had risen very sharply in the late 1960s, and bishops were advised to remain 'close to their priests'.

Table 5.3 presents the data for December 2014, which shows there were 220 seminarians studying in the nation's diocesan seminaries. Numbers in the sixteen houses of formation belonging to the religious orders are unknown. Many of the religious orders are coy about numbers, often because much of their training may be conducted overseas. It is also noteworthy that most houses of formation are concentrated in Melbourne, as they have been in the past, which has been a significant factor in the problematic "recycling" of seminarians between seminaries and houses of formation.

## Post-Vatican II developments

The Tridentine model would be significantly updated by the Second Vatican Council (1962-65) and the *Ratio Fundamentalis Institutionis Sacerdotalis* (Fundamental Norms for Priestly Formation), published in January 1970, which provided the guidelines for seminaries in the post-Vatican II period up until the current time. The Australian bishops never contextualised the document until 2007, relying instead on the *Program of Priestly Formation* developed by the US Catholic Bishops' Conference in the mid-1970s.

All priests and professed religious who had begun their priestly preparation in Australia up until the present day, even those who have subsequently sexually abused children, were screened before being admitted to a seminary or house of formation, had participated in a long and appropriate program of formation, and were all assessed as being suitable for a celibate life as a priest or consecrated religious. Ecclesiastical seminaries were and are intended to provide candidates with a professional education suited to the ministry they will undertake, a mature and disciplined human and spiritual formation suited to the environment in which they will exercise their ministry, and pastoral formation suited to those to whom they will minister. Throughout the twentieth century, the Holy See and the eight popes gave continuous and sustained attention to priestly formation and the life of priests.

## The major Australian seminaries

The major seminaries that produced Australian diocesan priests throughout the twentieth century were located in and around Sydney and Melbourne, as well as in Brisbane, Adelaide, Perth and Wagga Wagga, and the Collegio De Propaganda Fide in Rome. Some of the religious orders established their own seminaries or houses of formation in Australia, mostly in or near Melbourne or Sydney.

**Table 5.3: Australian seminaries and religious houses of formation, December 2014<sup>1</sup>**

Diocesan/Religious	Name	Location (Diocese)	Type	Seminarians <sup>2</sup>
Diocesan (Regional)	Corpus Christi College	Melbourne	Propaedeutic/ Major	52 (17 OS) <sup>3</sup>
Diocesan	Good Shepherd Seminary	Sydney	Major	35 (16 OS)
Diocesan (Regional)	Holy Spirit Seminary	Brisbane	Major	32 (14 OS)
Diocesan	Holy Spirit Seminary	Parramatta	Major	11 (5 OS)
Diocesan	Vianney College	Wagga Wagga	Major	27 (19 OS)
Diocesan (Regional)	St Charles Seminary	Perth	Major	29 (13 OS)
Diocesan (NCW) <sup>4</sup>	Mater Dei Seminary	Perth	Major	16 (14 OS)
Diocesan (NCW) <sup>4</sup>	Mater Dei Seminary	Sydney	Major	18 (17OS)
Religious	Our Lady of Good Counsel (CSsR)	Melbourne	Major	
Religious	Holy Cross Retreat (CP)	Melbourne	Major	
Religious	Jesuit Theological College (SJ)	Melbourne	Major	
Religious	Loyola House (SJ)	Parramatta	Novitiate	
Religious	Dominicans (OP)	Melbourne	Novitiate/House of Studies	
Religious	St Pascal College (OFM)	Melbourne	House of Studies	
Religious	Salesians (SDB)	Melbourne	House of Studies	
Religious	St Mary's Seminary (OMI)	Melbourne	Novitiate/House of	

			Studies	
Religious	Dorish Maru College (SVD)	Melbourne	House of Studies	
Religious	Cuskelly House (MSC)	Melbourne	House of Studies	
Religious	St Joseph's House (MSC)	Broken Bay	Pre-Novitiate & Novitiate	
Religious	Carmelite Theological College (OCarm)	Melbourne	House of Studies	
Religious	St Vincent Pallotti College (SAC)	Melbourne	House of Studies	
Religious	Conventual Franciscans (OFM Conv.)	Melbourne	House of Studies	
Religious	John Paul II House of Formation (MGL)	Melbourne	House of Studies	
Religious	Red Hill Formation House (MGL)	Canberra-Goulburn		
Religious	Augustinians (OSA)	Broken Bay	Propaedeutic/Novitiate	
Religious	Marist (SM)			
Religious	Capuchins (OFMCap)	Sydney	House of Studies	

Notes: 1. The Official Directory of the Catholic Church in Australia 2014-2015 lists 8 Diocesan and 23 Religious Seminaries. However, it is difficult to identify each and every one of them. 2. Number in ( ) indicates those born or sourced from overseas. 3. Included four studying in Rome. 4. NeoCatechumenal Way seminaries.

## The Sydney interdiocesan seminaries (Manly and Springwood)

Although Cardinal Patrick Moran (1830–1911) had continued to send some of his students to the Collegio De Propaganda Fide and the Irish Colleges in Rome for their studies, as well as sourcing priests from All Hallows,<sup>81</sup> he eventually decided that St Patricks College at Manly, should take precedence. He also decided that he would be more selective in choosing his Irish priests, with an emphasis on academic qualifications. By the early 1900s several bishops sending their students to St Patrick's College, Manly were unhappy with the product and lost confidence in the institution. In May 1900, the New Zealand bishops opened their own seminary, Holy Cross College in Mosgiel outside Dunedin, to serve New Zealand's 90,000 Catholics, who made up fourteen per cent of its population. Kiwi disenchantment had been sparked because one student, later the Bishop of Auckland, had come back 'undernourished and unwell'. The Dunedin bishop, Michael Verdon, had previously been the Manly rector. Other Australian bishops sent an increasing number of their students to the Collegio De Propaganda Fide in Rome (seven students in 1903).

<sup>81</sup> All Hallows has supplied at least one quarter of the Irish priests in Australia during the second half of the 19th century.

Cardinal Moran ignored the increasing malaise at Manly. Nor did he take notice of the advice of leading Irish academic, Dr Michael Sheehan, that Latin, as the medium for teaching in seminaries, should be dropped: 'As a literary medium it is of no value; It only stands between us and the light' (Proceedings, 208-212). When student numbers began to reach record numbers in 1906-1908, accommodating them became a problem. Cardinal Moran decided in 1909 to open a new diocesan seminary, St Columba's College, to be located at remote Springwood in the Blue Mountains. It would close at the end of 1978 to be transformed into a Catholic secondary college.

Cardinal Moran appointed Dr Hugh McDermott as the third president of Manly. Under McDermott the administration certainly improved and student numbers increased. But it was at the cost of a growing standardisation and an increasing institutional isolation from society, which led to increased formalism and clericalism (see Livingston 1977: 210-218). The world outside the seminary became irrelevant to those within, and the president increased the segregation between the student body and the local citizens. More and more externally-imposed rules were enforced by appointed prefects who were obligated to report breaches (Livingston 1977, Walsh 1998). Manly closed at the end of 1994, and the seminary was relocated to Homebush at the Good Shepherd seminary. The seminarians now do their academic studies at the Catholic Institute of Sydney at Strathfield. During the 1980s there had been disenchantment with Manly on the part of the traditionalist, Bishop Bill Brennan of Wagga Wagga, who established his own seminary, Vianney College, in 1992.

## The Melbourne interdiocesan seminaries (Werribee, Glen Waverley, Clayton, Carlton)

After the 1922 decision by the Sacred Congregation for the Propagation of the Faith that all dioceses should, if possible, have their own seminaries, there was an immediate shift away from Manly and Springwood seminaries.

For many years, seminarians from the four Victorian dioceses had constituted around one third of the total student body at Manly. In 1922, Archbishop Mannix (1864–1963) of Melbourne, Archbishop Delany (1853–1926) of Hobart and the other Victorian bishops decided to open their own provincial seminary, Corpus Christi College, at Werribee. It was to be run by the Jesuits. The Chirside Mansion, called Werribee Park, was purchased and Corpus Christi College with the motto *De Te Vivere* opened in 1923. Its first priest was ordained in 1929 and by 1995 a total 854 priests had been ordained, representing about 7 – 8 per cent of the total number of priests who worked in Australia from 1929 (Table 5.4).

Other diocesan seminaries were later established at Banyo in Brisbane in 1941, where the student numbers peaked at 134 in 1967, before it was relocated in 2002 for a short time to Wavell Heights as Holy Spirit seminary, before moving back to Banyo. Major seminaries were also opened in Perth (1942) and Adelaide (1942), although the latter was eventually closed. Perth's St. Charles' seminary was founded in 1942, closed temporarily from 1976 before re-opening in 1994. Over 160 priests have been ordained from there. Besides the Australian interdiocesan seminaries, two other seminaries need to be noted.

**Table 5.4: Priest graduates of Corpus Christi College 1929 - 2016**

Ordination Years	Melbourne Archdiocese	Suffragan Dioceses*	Other	TOTAL	No of Deaths**
1929 - 1934	23	16	4	43	0
1935 - 1939	28	18	14	60	1
1940 - 1944	43	14	7	64	0
1945 - 1949	30	15	10	55	2
1950 - 1954	37	22	13	72	1
1955 - 1959	61	20	0	81	11
1960 - 1964	58	37	10	105	9
1965 - 1969	68	28	5	101	15
1970 - 1974	69	27	12	108	14
1975 - 1979	41	19	3	63	22
1980 - 1984	20	14	4	38	23
1985 - 1989	18	13	0	31	41
1990 - 1994	17	11	5	33	30
1995 - 1999	8	7	2	17	56
2000 - 2004	13	4	1	18	40
2005 - 2009	14	6	2	24	48
2010 - 2016	24	9	6	39	67
<b>TOTAL (N)</b>	568	282	108	958	383
<b>TOTAL (%)</b>	59.3	29.4	11.3	11.0	40.0

Sources: State Library Victoria and Corpus Christi Network; \* = Dioceses of Ballarat, Sale and Sandhurst (Bendigo) and the Archdiocese of Hobart (as at 18th May, 2016).

## Collegio de Propaganda Fide, Rome

The diary of Bishop James Alipius Goold (1812–1886), the first Bishop of Melbourne from 1848, reveals that many of the bishops, unlike Polding, wanted a central college in Rome ... ‘but not just now’ (Goold diary, 30 October 1862). In a strongly Protestant environment, the bishops were at pains to have many of their priests trained in the Eternal City in accord with the Ultramontanist emphasis on the role, prerogatives and power of the pope. The creation of a central college in Rome was never achieved, although in the early 1960s the Australian bishops put a considerable amount of money into a second Collegio De Propaganda Fide in Rome in Via Torre Rossa. Many of the Irish bishops, especially those who had been educated in Rome themselves, were keen to have some of their seminarians receive a Roman education. Two obvious choices were available: the Irish College or Propaganda Fide College.

More Australian seminarians resided at the Collegio De Propaganda Fide on the Gianicolo Hill than at the Irish College; places there, overlooking St. Peter’s Square, were offered free of charge. Both College student groups attended the Pontifical Urban University next to the Collegio. Since the 1860s, when all the bishops in Australia had become almost totally reliant on priests coming from Ireland, dissatisfaction with some of the products of All Hallows and other Irish seminaries had also arisen. This dissatisfaction, as well as financial concerns, may have contributed to a preference for a

Propaganda education. The Collegio had opened in 1627, and has produced countless archbishops and bishops as well as martyrs. One famous alumnus is Cardinal John Henry Newman. In 1966 – 67, 57 Australians, including the future Cardinal Pell, were studying at the Pontifical Urban University graduating with a Licentiate (Masters) in Sacred Theology, probably the highpoint of the Australian presence (McEntee 1967).

In the aftermath of the Second Vatican Council, the colleges became places of *contestazione* because of the incongruence of the theological message being learnt in the *aulas* of the Pontifical Urban University, and the restrictive atmosphere of the seminary run along Tridentine lines. In 1969,<sup>82</sup> the Australian students revolted with a joint letter sent to the Cardinal Prefect (Howard 2010). This turbulence led to the retirement of the longstanding Italian rector, Felice Cenci, and many of the more gifted Australian seminarians withdrew from their priesthood studies. Later, many more would resign from the priesthood, further exacerbating the problems of Catholic episcopal leadership in the last three decades of the twentieth century. Howard (2010) observes that among the most significant consequences of the Propaganda revolt was that Australian seminarians were no longer sent to Rome – only priests doing their postgraduate studies were sent. This policy was followed, especially by Archbishop Little in Melbourne from 1974 to 1996.

## Other overseas seminaries providing priests for Australia

Other seminaries also provided diocesan priests for the Australian pastorate. All Hallows in Dublin, founded in 1842, was especially important, providing 574 priests to the Australian mission between 1842 and 1900, many escaping the misery and poverty of occupied Ireland. This seminary would continue to supply Australia with priests until the middle decades of the twentieth century, as did Holy Cross Seminary in Dublin (Carey 2011).

In Italy, some seminarians attended the English-speaking Pontifical Beda College, which was founded in Rome in 1852 to train older men, including convert clergymen from other Christian denominations, for a shortened four years formation program. This continued until St Paul's National Seminary in Kensington in Sydney was opened in 1968 for older priesthood candidates. Its closure occurred thirty years later. During the middle decades some Australian seminarians<sup>83</sup> attended a seminary in Genoa, which had begun in 1855 as the Seminario delle Missioni Estere (Seminary for the Foreign Missions). It had been financed by a rich Genovese couple, the Marquis Antonio Brignole (1786–1863), and his wife, Artemisia Negroni (1811–1888). Little is known about this seminary, although it was described by seminarians in Rome in the late 1960s as 'the seminary of last resort'. Priests from Adelaide, including the founder of the St Francis Xavier seminary in Adelaide, and the dioceses of Ballarat and Sandhurst (Bendigo) studied there. Certainly in the late 1960s, there were seminarians from the Melbourne Archdiocese also studying at the Seminario delle Missioni Estere.

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<sup>82</sup> It is to be noted in the interests of transparency that the lead researcher took part in these events, asking for changes to be made to modernise and signing the letter of complaint to the Armenian Cardinal Agagianian (1895 – 1971), the Cardinal Prefect.

<sup>83</sup> These seminarians include the serial child abuser, Gerard Ridsdale, who after his studies in philosophy at Corpus Christi College at Werribee went to the Genoa seminary before, after two years, perhaps as a recycled seminarian, transferred for the final years of his priestly studies to All Hallows seminary in the Republic of Ireland.

By 2010, the number of priests and religious working in Australia had declined just as the Catholic population was expanding rapidly. The number of priests (1,847 diocesan priests and 1,107 religious priests) with an average age of over 60 for both groups, had decreased with an overall decline of 22.2 per cent since 1970. There were 257 seminarians. The number of religious (889 brothers and 5,565 nuns) represented a decline of 62.3 per cent and 58.7 per cent respectively since 1970 (Wilkinson 2012).

## Post-Vatican II developments

At the first global synod held after the Second Vatican Council in 1971, the newly established Synod of Bishops meeting in Rome approved a strategy leading to the *Ratio Fundamentalis Institutionis Sacerdotalis* (Program for Priestly Formation). Between 1972 and 1976 the Sacred Congregation for Catholic Education issued a series of documents on seminary formation. Apart from the 1970 first edition of *Ratio Fundamentalis*, these documents included *The Study of Philosophy in Seminaries* (20 January 1972), *On the Teaching of Canon Law to those Preparing to be Priests* (22 February 1976), *Circular Letter on the Formation of Adult Vocations* (14 July 1976), *The Theological Formation of Future Priests* (2 September 1976), and *A Guide to Formation in Priestly Celibacy* (11 April 1974) – the last was intended to assist seminary formators in developing ‘emotional maturity’ (later termed ‘affective maturity’) in candidates for the priesthood.<sup>84</sup>

However, during Paul VI’s pontificate (1963-1978), though gifted with the insights, vision, enthusiasm and reform agenda of the Second Vatican Council, little in these documents could be fully implemented. In that period after the Council, a small minority (10-15 per cent) of bishops adamantly opposed the emerging trends, and having no confidence in the Council’s vision, did all in their power to block the reform process.<sup>85</sup> As the problems mounted, and the immediate effects of the Council were perceived as negative and worrying, the Pope and those around him attempted to slow down the reform and keep the worst of the bad news under wraps. Pope Paul VI had long been aware that the seminary system had serious deficiencies, and that the screening and assessment processes had allowed many unsuitable men to enter the seminary and be ordained. Though he tried his best to reform the system and the processes, the prevailing culture of clericalism and the mistaken advice of his curial officials prevented him from taking the critical action needed to deal with the abusers. Instead of putting the welfare of the abused children first, Paul VI endorsed and extended the official and secretive cover-up strategy, giving priority to the welfare of the abusers and the good name and reputation of the Catholic Church. Pope Paul VI’s decree *Secreta Continere*, issued on 4 February 1974, changed the name of the ‘secret of the Holy Office’ to the ‘pontifical secret’, and expanded it to cover ‘delicts against faith and morals’ by both clergy, religious and lay persons, including seminarians, ordained or not, who now fell within the canonical provisions. In one stroke, he doubled the number of people within the Church covered by the pontifical secret in cases

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<sup>84</sup> Sacred Congregation for Catholic Education. Document issued 11 April 1974.

<sup>85</sup> In 1984 Cardinal Joseph Ratzinger, Prefect of the Congregation for the Doctrine of the Faith (1981-2005) and later Pope Benedict XVI, stated that ‘the results [of Vatican II] seem cruelly opposed to the expectations of everyone, beginning with John XXIII and then Paul VI: expected was a new Catholic unity, and instead we have been exposed to dissension which ... seems to have gone from self-criticism to self-destruction. Expected was a new enthusiasm, yet many wound up discouraged and bored. Expected was a great step forward, instead we find ourselves faced with a progressive process of decadence which has developed for the most part under the sign of a calling back to the Council, and has therefore contributed to discrediting it for many. The net result therefore seems negative. I am repeating here what I said ten years after the Council: it is incontrovertible that this period has definitely been unfavourable for the Catholic Church’ (quoted in Jones, Kenneth C., *Index of Leading Catholic Indicators: The Church since Vatican II*, Oriens, Missouri, 2003, pp. 7-8).

of the sexual abuse of children, and further expanded the strictest secrecy to cover information obtained through a canonical inquiry and trial and the allegation itself.

## Assessment of the *Ratio Fundamentalis Institutionis Sacerdotalis* (2016, Australia)

In 2007,<sup>86</sup> the Australian Catholic Bishops' Conference approved a guiding 30 page document for priestly formation in Australian seminaries that moved beyond the 1970s version developed by the US bishops and adopted by the Australian Church under the title of *Ratio Nationalis Institutionis Sacerdotalis*. The *Ratio* essentially represents the Tridentine-style type of spiritual and intellectual formation, updated with many quotations from Pope John Paul II's 1992 *Pastores Dabo Vobis* and other recent relevant Vatican documents published by the Holy See. It did not contain material from any other academic source, whether psychological or theological. There are few changes from the 1970s version. An updated version was finally approved early in 2016.

The RMIT research team did a preliminary assessment of the *Ratio* document in light of our overall analysis of child sexual abuse in the Catholic Church and priestly formation. There is a welcome emphasis and expansion from previous decades on pastoral internships or placements in parishes though the section is not well developed in terms of internship aims, diversity in internship placements and diverse assessment techniques. The *Ratio* also shows acute awareness of proper screening, both of the recycled seminarian and the first-time seminarian, although no information is given as to exactly what instruments and other forms of assessment are to be used in such screening. The *Ratio* makes many references to pastoral skills but there is no listing or articulation as to what those pastoral skills are. In fact, the document is bereft of modern educational praxis based on notions of a competency-based curriculum, work-integrated learning and hard/soft skills formation. There is no reference to IT and social media skills. However, the Holy See has issued a separate document that gives guidelines on this matter.

The *Ratio* makes no reference to the institutional climate to be developed in a seminary, especially in its openness to or seclusion from the world, nor any discussion of how vacation time might be usefully used. There is no reference to communication skills at an individual or Church community level, especially the dynamics of cross-cultural communication and miscommunication for an ethnically and religiously diverse society, such as that of Australia, but there is a very strong emphasis on second language learning and homiletics. Nor is there any reference to community-building in parishes and community development generally. An elective subject in pastoral counselling is provided, which represents a distinct advance over earlier decades, but is one psychology subject enough?

There is some emphasis on sexuality development but no reference to the implications of the diversity in sexual orientations and working with LGBT Catholics. In fact, the document lacks any reference to the individuality of the seminarian or the enhancement of any special talents or skills they may have whether in musical, artistic or sporting terms, or other special skills or hobbies. The relationship between bishop and seminarian is insufficiently addressed, since it is the bishop who

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<sup>86</sup> Australian Catholic Bishops Conference *Programme for Priestly Formation Australia – Ratio Nationalis Institutionis Sacerdotalis* (January 2017)

ultimately has carriage of the decision to ordain. Nor is there any concern about those who might leave the seminary having decided that the priesthood is not for them.

## Summary analysis of the historical and contemporary data

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It is now more than 180 years since Bishop Polding arrived in Australia with the first seminarians. Relying on the historical accounts, available records, available statistical data and personal accounts of seminarians who lived in Australia's major seminaries during the 1950s and 1960s, as well as official Holy See documents up to this time, it is clear that Australian seminaries and houses of formation have had a more complex and troubled history than is commonly realised. Apart perhaps for the inter-War period when population growth was more subdued, with priest-parishioner ratio at its best and Ireland sending many priests, and perhaps also the immediate post-WWII period when the number of seminarians peaked, Australia's interdiocesan seminaries and religious houses of formation have generally not produced sufficient priest graduates to meet pressing pastoral needs. That continues with the importation of priests, mainly from developing countries. Yet, despite various murmurings along the way, the seminaries generally produced good, down-to-earth pastoral priests, committed to their parish communities and work in other settings. So far in Australia, no serious anti-clericalism has developed, although an unhealthy pedestalisation of the priest has been longstanding and widespread, resulting especially in the post-WWII period in a large increase in those committing to the priestly and religious life. Those choosing this path in life were thus committed individuals who were thus assured of a high status job and financial security for life, as well as the attractions of devoting their lives to a cause beyond themselves.

In the Australian diocesan seminaries, there was always a measured distance between the formator staff and the seminarians who were being formed. Student prefects were important conduits to seminary leaders in ensuring that the seminarians were observing the rules and observing the practices of the liturgy and of piety. Seminary environments were periodically in a state of turbulence, usually because of the negative qualities of a seminary rector, but especially in the aftermath of the Second Vatican Council, when there was real confusion about reform and a loss of trust in the bishops, whose authority was increasingly challenged.

Australia's seminaries and houses of formation at all stages were usually populated by younger and altruistic men, aspiring to the Catholic priesthood in a personal response to God's vocational calling. They felt they had been divinely chosen. Some had begun their religious life in minor seminaries and novitiates as young as 13 or 14 years of age. The objective of their seminary formation was that they grow spiritually, intellectually, and in a holiness founded on the spiritual practices. Classes and sporting activities were mandatory, even for the sportingly challenged. Obedience was at the core of the system, and the rules were meant to be strictly followed.

## Chapter summary

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In answer to the original research question, content analysis of the data available to us<sup>87</sup> and additional extrapolations allow us to draw our central learnings, summarised here:

**Entry into the priesthood and religious life was usually gained through a very inadequate screening process.** Until quite recently, screening mechanisms for admittance to seminaries and houses of formation were more or less superficial, although always existent. In any case, there were instances where bishops over-ruled the recommendations of seminary rectors warning against the ordination of certain candidates, or the bishops recycled candidates to other seminaries, including to those overseas, such as in Rome, Genoa and Ireland.

**Preparation for the priesthood and religious life occurred in segregated, regimented and clericalist settings, based on unquestioning obedience to religious superiors and conformity to the system.**

They were generally located in isolated, rustic settings to obviate any contact with the dangerous secular world, although this changed in recent decades after the Second Vatican Council. Paul Crittenden (2008), a former priest and later Professor of Philosophy at the University of Sydney, reflected on his time at Springwood, that, allowing for its faults, it was ‘a place of innocence and youth, infused with a spirit of generosity’.

The degree of regimentation was reflected in the daily timetable. Table 5.5 shows the daily timetable at the Manly seminary in the late 1890s, which has remained essentially unaltered until the current period. This reflected the Tridentine reforms and the practices in the Roman and Irish seminaries. Failure to attend the various religious practices, interpreted as disobedience, was immediately interpreted as a sure sign that the candidate was unsuitable for the priesthood or religious life.

Obedience was key. As Chris Geraghty, ordained in 1962 and much later a NSW judge, reflected on his time at Springwood: ‘Obedience was an essential part of the system. An accepting faith was demanded – not an inquiring mind’ (Geraghty 2001: 115). The regimentation and obedience impacted on intellectual development, ‘There was no need for discussion, or argument, or search. Truth had already been revealed and was clearly codified. We were expected to accept the formulae and to hand them on uncorrupted’ (Geraghty 2001: 112).

Another aspect of the environment was that, when someone made the decision not to proceed further with the training, they were required to leave late at night without any farewells to become, in Geraghty’s phrase, ‘a non-person’.

**The seminary curriculum was based almost totally on Tridentine, neo-Scholasticism teaching knowledge and skills that, aside from the soft skills, were of little occupational use outside the priesthood or the religious life, unless it related to professional teaching or nursing as with most religious brothers and nuns:** The contents of the curricula were heavily locked into the scholastic, anti-modernist and mostly anti-scientific framework of the Tridentine vision and firmly under the direction and control of the Holy See. Crittenden (2008), as a professional philosopher, notes that

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<sup>87</sup> Please note that for reasons of length we have not been able to present all the data available to us.

Aristotelian Thomistic philosophy was made standard across the world’s seminaries and houses of formation at the end of the nineteenth century after it had been revitalised by Pope Leo XIII.

**Table 5.5: Manly seminary daily timetable, 1889-1895**

Time	Activity
6.00am	Rise
6.30am	Morning Prayer and Meditation
7.00am	Mass in common
7.30am	Study
8.15am	Breakfast
8.30am	Recreation
9.00am	Class
10.00am	Class
11.00am	Recreation
11.15am	Study
12.45pm	Class
1.45pm	Recreation
2.00pm	Particular Examination of Conscience
2.05pm	Dinner
2.30pm	Recreation
2.30pm	Spiritual Reading and Visit to Blessed Sacrament
3.30pm	Study or Class
4.45pm	Recreation
6.00pm	Study
7.45pm	Rosary
8.00pm	Tea
8.15pm	Recreation
9.00pm	Night Prayers
9.30pm	Repose

Source: Livingston 1977: 138-138

The curriculum was heavily intellectualised and rationalistic, not based on any notion of a competency-based curriculum or work-integrated learning, nor even on Ignatian pedagogical principles as was the case at Corpus Christi College in Melbourne, where the Jesuits were in charge. Ecclesiastical Latin was commonly used in the seminaries, especially in the text books, including those in moral theology, which did not assist seminarians in appreciating the finer points. Oral exams in Latin were still being held in the 1960s, although this changed very quickly after the Second Vatican Council. The knowledge, attitudes and skills acquired from the seminary curriculum were of little occupational use outside the seminary or priesthood should a choice to leave the seminary or the priesthood were made, leading possibly to a sense of entrapment in facing the daunting transition into the secular world.

**Spiritual and affective formation for living a celibate life in a variety of pastoral contexts was generally defective:** This sensitive formation task was entrusted to good, pious and holy priests or

religious brothers or sisters, who usually had no special training for the task, and some remained in the position for decades (Faulkner 1998). The seminaries were generally happy and lively places in a religious environment where the young men matured, and they matured in spite of the system, although some remained mired in an adolescent-type stage of spiritual, intellectual, emotional and sexual development which would have devastating effects. Celibacy was generally accepted as part of the system, but the preparation for its living in the pre-service part of their clerical careers was decidedly poor, presented in terms of ritual purity and personal sacrifice to a higher good, and in imitation of the celibate Jesus. The young seminarian or religious entrant was acculturated into a culture where serious discussion about sexuality and sexual orientation did not happen, although sexual innuendos and jokes were tolerated. The young religious entrant was acculturated into a clericalist hierarchy in which the holiness of the priest was seen as superior to that of lay people in a two-tiered system, and sacred virginity had a higher and holier status and value than marriage.

The well-known Australian novelist, Thomas Keneally, who was ordained as a deacon before having a nervous collapse at St. Patrick's College in Manly, precipitated more by a crisis of faith, has observed, 'The celibacy problem encouraged a tendency to stereotype a little over half the species as a perilous mass threat. This wariness and fear of women spilled too easily into contempt, and the cramping of emotional development' (Keneally 2017, p4).

**The organisational culture of the seminaries and houses of formation was undeniably devoid of the adult feminine and a maturely understood sexuality, and it was a deeply homophobic environment suffused with a fear of homosexual activity:** The feminine was represented either as unreachable as in the case of the Virgin Mother, as insipid and deferential to the power of the male, or as seductively evil in the figure of the temptress Eve. While seminarians had contact with their mothers and sisters on regular family visits and long summer vacations at home, and attended various student jobs, contact with adult women was almost nil except in the larger seminaries with the nuns who did the cooking and cared for the sick with the nuns was virtually nil. They lived their own separate community life, interacting with the seminarians only in the kitchen and the infirmary.

Students were acutely aware of the moral prohibition against any homosexual activity. Homophobia expressed itself in three rules that were firmly in place, though never openly discussed: the *noli tangere* rule, the threshold rule, and the warning against 'particular' friendships. *Noli tangere*, or do not touch, is the bad Latin translation of the original koine Greek of John 20,17 when Jesus meets his friend and disciple, Mary Magdalene, after his resurrection on Easter Sunday morning. The rule was that no seminarian should touch another except perhaps in the rough-and-tumble on the football field.

The threshold rule stated in unwritten words that a seminarian should never cross the threshold and enter the room of another – this applied in most Australian seminaries but not at the Collegio De Propaganda Fide in Rome. Regarding particular friendships, the New Catholic Encyclopedia (Browning 2003) defines them as 'an exclusive association between two persons based on emotional fascination. As such, it is a perversion of God's good and wholesome friendship'. In other words, students were not encouraged to have healthy friendships, which might evolve into a collective, life-long solidarity. That all three rules were designed to prevent homosexual activity is very clear, having the effect of circumventing any mature discussion of homosexuality which, in any case, was perceived in moral terms as intrinsically evil, even though many seminarians had a gay orientation.

**The seminary constituted an environment of obedience:** It would be wrong to describe it as blind obedience but obedience to one's superior and bishop, and subservience to the Holy See (i.e. the

Pope and the Roman Curia in Rome) was seen as the cornerstone of good order in the Church. It was a culture that did not strongly encourage creativity, innovation or entrepreneurship, nor any type of whistleblowing, although delating a fellow seminarian for immoral behaviour was probably expected. However, much of this changed with the Second Vatican Council (1962 – 65), when most seminarians responded positively and enthusiastically to the freedom of discussion and the changes that came with it.

Thomas Keneally has commented how shocked he was 'at the callous way the institution treated the young men who left (the seminary), particularly those who were physically or psychologically unwell' (Keneally 2017 p. 4).

## 6. CHILD SEXUAL ABUSE IN CATHOLIC RESIDENTIAL SETTINGS: THE ROLE OF MALE AND FEMALE RELIGIOUS ORDERS

There is an old joke in Catholic circles that only the Holy Spirit knows how many religious orders there are, and perhaps even the Holy Spirit does not know. In fact, the proliferation of religious orders has been a problem for the Church at various times. The Fourth Lateran Council in 1215 in canon 13 stated:

Lest too great a diversity of religious orders lead to grave confusion in the Church of God, we strictly forbid anyone in the future to found a new order, but whoever should wish to enter an order, let him choose one already approved. Similarly, he who would found a new monastery, must accept a rule already approved. We forbid also anyone to presume to be a monk in different monasteries (that is, belong to different monasteries), or that one abbot preside over several monasteries.<sup>88</sup>

In examining the data from across the world, the RMIT research team was struck by the proliferation of Catholic religious orders across the world in the nineteenth and twentieth centuries. One aspect of this was that there were significant abuse problems in some religious orders. Our guiding question for this chapter was broader but it was formulated as follows: **Regarding religious orders, what special characteristics have operated in their residential care and educational institutions, especially regarding their foundation, their formation, proliferation, and responses to allegations of child sexual abuse?** The historical narrative has already drawn attention to the case of the Piarists in the sixteenth century with the sexual abuse of children occurring in their very first schools, and our research has led us to focus on the failed, at-risk, and corrupted religious orders such as the Society of St Gerard Majella in Sydney. And there have been the very high profile cases of child sexual abuse by priests and male religious founders, such as Fr Marcial Maciel Degollado who founded the religious congregation of the Legionaries of Christ, to which we shall return.

Here we are entering quite difficult ecclesiastical terrain that has not been fully researched. While the next chapter will show that the offending rates by priests in religious orders was lower than that for diocesan priests, although this may not necessarily be so for religious brothers in educational and residential care institutions, in the first part of this chapter we will first focus on religious orders in general and then on Australia and their Catholic residential institutions, especially orphanages, farm schools and boarding schools, drawing on reports from three major Australian inquiries – the Forde Inquiry in Queensland (1999), the *Lost Innocents* Senate Inquiry into child migrants (2001), and the *Forgotten Australians* Senate inquiry into children in institutional care (2004), together with the Irish Ryan Report (2009). None of the other international reports that were examined in this study, with the exception of the Dutch Deetman Report (2011), focus any attention on Catholic care institutions.

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<sup>88</sup> All canons are available from a Fordham University website, prepared by Murray Halsell  
<http://legacy.fordham.edu.halsall/basis/lateran4.asp>

## The profile of male and female religious orders in the Catholic Church

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The history of Catholic religious orders goes back to the bands of monastic hermits associated with St Anthony the Great (c. 251 – 356) in the Egyptian desert in the third century. Other monasteries were founded in the fourth century by St Basil of Caesarea (329 – 379), and the Benedictines in the sixth century by St. Benedict of Nursia (c. 480 – 543/547?). Essentially, monastic communities are groups of men and women who dedicate their lives to God by living out the three evangelical counsels or vows of poverty, obedience, and chastity. They generally live in large communities, although increasingly in modern times that can be very small groups of two or three members. They are known in canon law as religious institutes.

Throughout the Church's history there have been many waves of new religious orders. The Medieval period saw the establishment of the so-called mendicant orders, including the Franciscans and the Dominicans, who moved around preaching and missionising. Female religious orders also emerged at this time. The nineteenth century saw an extraordinary proliferation of new male and female religious orders – for many, their charism (or *raison d'être*) was to address the educational and welfare needs of children, or the working classes of the growing industrial cities, or evangelise and offer education, health and welfare services in Africa, Asia and the Pacific at which they were quite successful. This nineteenth century wave is still reflected in the present Australian Church, and particularly since World War Two the arrival of many religious orders, mostly from immigrant source countries, has further diversified the Church under the Southern Cross.

Compared with the hierarchically structured Church, most religious orders have a relatively more democratic and participatory structure headed by a superior-general at global level and by a member-elected provincial at a national or regional level, elected by the members or their representatives for a set period, usually four to six years. Male religious orders can be composed of only priests, or only brothers, or a combination of both (e.g. the Society of Jesus or Jesuits). When an order is founded, eventually it must be approved by the authorities of the Holy See. However, important for our purposes in the context of child sexual abuse, are local diocesan-based religious orders or associations where the approval is given by the bishop. Australian examples of these religious institutes of diocesan right are the Society of St Gerard Majella founded in 1960 in Sydney, and the Mother of God brothers founded by Bishop William Brennan in 1985 in Wagga Wagga.

Distinctions are usually made between active and contemplative religious orders. Male and female contemplative orders pursue lives of prayer and almost complete silence, engaged in the recitation of the Divine Office and daily Mass and in manual or scholarly work. They generally have no contact with children unless they run schools such as those run by the Benedictines in the United Kingdom or at New Norcia, the monastery town in Western Australia. Active religious orders are guided in their activity by their special charism, embodied in a constitution and a mission statement setting down the purpose and direction of the order, such as teaching, health and hospital care, welfare work, or offering spiritual retreats or adult education programs together with rules for the members' rights, obligations and way of life

As we have seen in the first chapter, in Australia Catholic Religious Australia (CRA) coordinates the various activities of the religious orders. It 'promotes, supports and represents religious life' in the Catholic Church in Australia and in the wider society but has no authority over each individual

religious order except for moral persuasion. The *Official Directory of the Catholic Church in Australia* (National Council of Priests in Australia 2015) lists 42 institutes of religious priests (e.g. Cistercians, Jesuits, Scalabrinians), seven institutes of religious brothers (e.g. Christian Brothers, De La Salle Brothers, Marist Brothers, Patrician Brothers), 92 institutes of religious women (e.g. Sisters of Mercy, Sisters of St Joseph, Sisters of Nazareth), seven secular institutes of consecrated life (e.g. Schoenstatt Fathers) and nine societies of apostolic life (e.g. Columban Fathers, Oblates of Mary Immaculate, Vincentian Fathers). The institutes of consecrated life can be clerical or lay, may or may not live in community, and may include widowed persons or even whole families as members. Members of the societies of apostolic life do not take religious vows but they usually live a celibate life in communities (canons 731 – 746). The profile of the religious orders has been changing in recent decades. Based on the data contained in the 2013-14 *Official Directory of the Catholic Church in Australia*, Table One in Appendix Six enumerates the 27 male orders that have made a foundation in Australia since 1940, representing a total of 285 priests. Eight have fewer than six priests. With so many different religious orders, the atomisation of effort raises questions about ecclesiastical focus and productivity, although there has been progress in recent decades towards greater coordination and collaboration, especially when personnel and resources are declining.

In terms of the leadership profile of the Catholic Church in Australia, it is notable that many priests from religious orders have been appointed as bishops of the Latin-rite dioceses and Eastern-rite eparchies. Increasingly, not least with Pope Francis himself as the first ever Jesuit Pope, bishops from clerical religious orders are being appointed to be in charge of the 28 Latin-rite Australian dioceses as recently seen in the Australian context in Sydney (Archbishop Anthony Fisher OP, a Dominican), Wilcannia-Forbes (Bishop Columba Macbeth-Green OSPPE, Order of St. Paul, the First Hermit), Perth (Archbishop Timothy Costelloe SBD, a Salesian), Ballarat (Bishop Paul Bird, CSsR, a Redemptorist), Parramatta (Bishop Vincent Long Van Nguyen OFMConv, a Conventual Franciscan) and Port Pirie (Bishop Greg O’Kelly, SJ, a Jesuit). Increasingly, it would appear that the diocesan priesthood is not producing priests with the personal and intellectual attributes necessary for episcopal leadership.

## Decline of the religious orders in Australia

A recent study has highlighted the precipitous decline in the number of male and female religious in Australia (Reid, Dixon & Connolly 2010). The number of religious peaked at 19,413 in 1966, whereas by 2009 it had dropped to 8,422, many of them old – the median age was 73 years. The number is predicted to be about 6,000 in 2020. There has also been a retreat to the capital cities where 79.2 per cent of religious reside, compared to 72.9 per cent of the total Catholic population. This decline has occurred at a time when the Australian Catholic population has been expanding. Within the religious orders there has also been a move away from the traditional apostolates of schools and hospitals. Some orders have moved offshore as a survival mechanism to places like the Philippines and East Africa where vocations are more numerous.

The situation with the female religious orders is especially complex (see Table Two in Appendix Six). Fifty-four female religious orders have made a first foundation in Australia since 1940, and presently comprise 147 separate communities. However, just over half (28) have only one community house, which must raise questions about administrative efficiency in their pastoral work. Another seven have only two communities. The order with the most communities is the Franciscan Missionaries of

Mary founded in India in 1877, followed by the Missionaries of Charity, also founded in India in 1950 by Mother Teresa (1910–1997), now St Teresa of Calcutta.<sup>89</sup> Again, as with the priests, there is a vague match between the cultural and linguistic profile of the Catholic community and of the female religious orders but it is patchy, seemingly dependent on the individual initiative of a local bishop, the response of the overseas order, and the growth, if any, of the order here in Australia.

## The main religious orders of nuns and brothers

The main congregations of religious brothers and sisters came to Australia either just before or soon after the withdrawal in the early 1870s of 'State Aid', or government financial support for religious schools. The bishops were opposed to Catholic children having to go to government schools, which were perceived as 'seed-plots of future immorality' and decided to establish Catholic schools with religious and lay staff. The Irish congregations emerged not only in the general flowering of religious orders during the nineteenth century but also out of the progressive emancipation of Catholics in Great Britain and Ireland itself. In this section we will focus upon the major religious orders involved in the educational and residential care of children in Australia. Their details from the Catholic Encyclopedia and their own websites are as follows in alphabetical order:

**(Irish) Christian Brothers:** The Congregation of Christian Brothers (CFC) was founded in Ireland in 1802 by Blessed Edmund Rice (1762 – 1844), a widower and businessman from Waterford with a disabled daughter. Their charism was to teach poor, disadvantaged youth. They quickly flourished in an oppressed Ireland hungry for education. An initial venture to Australia in 1842 failed, but in 1868, led by Brother Ambrose Treacy, the Congregation arrived in Melbourne, teaching initially at the back of St Francis' Church in Lonsdale Street, before opening their first school, Christian Brothers College Parade, in 1870 in East Melbourne (now shifted to the outer Melbourne suburb of Bundoora). It subsequently established mainly secondary schools across Australia, especially in the capital cities, as well as farm schools and orphanages. At one stage in the 1960s, it had over 1,300 brothers serving in Australia (Nangle 2014). In recent decades the Congregation has opened up schools in East Africa, while their Australian schools are gradually evolving as lay-run schools that operate in the spirit of Edmund Rice, because of the reality of the order's decline due to the lack of young men committing themselves to the brotherhood (Tuite 2007; Watson 2007; Finn 2013). Unlike the Marist Brothers, the Christian Brothers do not have a female counterpart congregation, and they educate and care for only boys.

**De La Salle Brothers:** The De La Salle Brothers (FSC), known widely for their sponsoring of Boystown in Beaudesert in Queensland from 1961 to 2001, were founded in France at Rheims in 1680 by St John Baptist de la Salle (1651 – 1719) who with his companions taught in poor charity schools. The order now teaches in over 80 countries and is said to be the largest lay religious order dedicated exclusively to education. They arrived in Australia in 1906 and have at least six major secondary schools in Sydney and Melbourne, with a community in Hall's Creek in Western Australia. Like the Christian Brothers, the De la Salle Brothers do not have a female counterpart order congregation.

**Marist Brothers:** With their roots in Lyon in France, the Marist Brothers (FMS) currently have 3,500 brothers in 82 countries. They were founded in 1817, by a French priest, St Marcellin Champagnat, with the goal of educating young people, especially the most neglected. He formed the congregation

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<sup>89</sup> Blessed Teresa of Calcutta was canonised on September 4th 2016.

within the Marist tradition, which meant that they were associated with the Marist Fathers and Marist Sisters who in the nineteenth century made Oceania a special target of their missionary endeavours. The Marist Brothers currently have 32 secondary schools in Australia. Unlike the other male teaching orders, they also have agreed to establish co-educational schools through amalgamations in Bunbury, Burnie, Sale and Warragul.

**Patrician Brothers:** The Congregation of the Brothers of St Patrick or the Patrician Brothers (FSP) are a smaller group of brothers. The congregation was founded in 1808 by Dr Daniel Delaney, Bishop of Kildare and Leighlin. They arrived in Maitland in 1883, then in Armidale, and eventually in Bathurst, Dubbo, Goulburn, Orange and Wagga Wagga. But they did not flourish as much as the other teaching orders and by the end of the 1920s, they had retreated to Sydney, and now have schools in Blacktown, Fairfield, Liverpool, Granville and Ryde. In the late 1960s, they moved into Papua-New Guinea where they have several schools.

**Salesians of Don Bosco:** The Salesians (SDB) are one of the largest and most powerful religious orders in the Catholic Church with many cardinals and archbishops. Currently, they have 10,438 priests, 119 bishops, and 1871 lay brothers working in 131 countries. They currently have about 3000 seminarians. Named after St Frances de Sales, the Salesians of Don Bosco were founded in 1859 by St. John Bosco (1815–1888), who was born outside Turin. He began opening schools in 1845, and his charism was serving young people, especially the disadvantaged and marginalised. They arrived in Australia in 1922, but their first venture into the Kimberleys was a failure. They then moved to Melbourne, purchasing the “Rupertswood” mansion at Sunbury and this would be very important. As well as their work with youth, they have been important in providing pastoral care to the local Italo-Australian communities.

**Sisters of Mercy:** The Sisters of Mercy were founded in 1831 in Dublin by Venerable Catherine McAuley (1778 – 1841) to provide educational, religious and social services to the poor, especially poor women and children. The congregation arrived soon after in Perth in 1841. Organisationally, the Sisters of Mercy are different to other orders in that they have operated as autonomous congregations though following the same rule of life in the spirit of their founder. This implies that leadership quality was diffused, and this deficiency played a role in Ireland and Australia in the way that issues of sexual, emotional and physical violence were handled. In 2011, to overcome this problem, 14 of the 17 autonomous congregations joined together to form the Institute of the Sisters of Mercy in Australia and Papua-New Guinea with the congregations in Brisbane, North Sydney and Parramatta still retaining their independence. In 2014, the number of Sisters of Mercy communities was as follows: New South Wales (131), Victoria (84), Queensland (40), Western Australia (14), South Australia (18), Tasmania (2), Northern Territory (2), and the ACT (11), for a total of 302 communities.

**Sisters of Nazareth:** The Sisters of Nazareth (CSN) were founded in 1857 by the young Frenchwoman, Victoire Larmenier (1827–1878), at Hammersmith in London, and they arrived in Ballarat in 1888. The congregation’s mission is the care of the elderly in nursing and other residential establishments, and in the care of babies and children although their work in this area has greatly diminished over the past six decades because of the move away from orphanages. The congregation now has 255 sisters worldwide, many quite elderly. It has not particularly flourished in Australia. However, it is important because it was the sisters who, working within the Child Migrant Scheme, sent children to Australia from their orphanages in the United Kingdom.

**Sisters of St Joseph:** The Sisters of St Joseph of the Sacred Heart (RSJ) were jointly founded in Penola in South Australia by Mary MacKillop (1842–1909), now Australia’s first saint, St Mary of the Cross,

and Fr Julian Tenison Woods (1832–1889), to provide education for the poor, especially in the rural areas of Australia. Their work did move beyond schools into founding homes and orphanages. As the major religious order founded in Australia, they are much admired within the Catholic community. The heart of the organisation is at the shrine in North Sydney where St Mary of the Cross is buried, Catholic Australia's most sacred site. Presently their community profile is as follows: New South Wales (116 communities), Victoria (32), Queensland (35), Western Australia (25 + Timor Leste), South Australia (24) and Tasmania (8), for a total of 240 communities.

**St John of God Brothers:** The Brother Hospitallers of St. John of God (OH) are an ancient and admired order, founded in 1572 by St. John of God (1495–1550) who was born in Portugal. He opened his first hospital in Granada in 1535 and would die of pneumonia after diving into a river to save a young man. Their charism is to care for the sick and the mentally and physically disabled. Recently their medical centres have been heavily involved in the ebola crisis in West Africa with four of their members dying. They arrived in Sydney in 1947 from Ireland, and immediately established a special residential school at Morrisset for boys with learning difficulties, and a little later a similar residential school in Melbourne. In the 1950s, they established two psychiatric hospitals in Sydney (Burwood and Richmond), and during the 1990s they founded outreach services, including services to homeless people with psychiatric conditions. Across the world, they now have 389 centres in 46 countries, including in New Zealand and Papua New Guinea, which were founded from Australia.

At least seven female religious orders have been founded in Australia, the most recent being the Conventual Sisters of St Dominic founded in 1993 in Wagga Wagga. Two of these orders have been very successful (the Sisters of St. Joseph of the Sacred Heart founded at Penola in 1866, and the Good Samaritan Sisters of the Order of St Benedict founded by Bishop Polding at Sydney in 1857). The others have languished.<sup>90</sup> The Sisters of St Gerard Majella were formed alongside their counterpart Brothers of St Gerard of Majella whose disbandment in 1994 led to the demise of the Sisters as an independent religious order. At least three religious orders of priests have been founded in Australia, the most recent being the Missionaries of God's Love, whose focus is young people – it grew out of the Disciples of Jesus covenant community in Canberra and were formally founded in Canberra in 2014.

The RMIT research team found very little publicly available information on the education and formation of the many religious orders in Australia, and certainly not any formal evaluation of its quality. Faulkner (1998), in his report to his own Congregation of Christian Brothers, was implicitly critical of formation practices during the novitiate period, especially the concentration on blind obedience, but his conclusions were not based on any systematic form of data collection.

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<sup>90</sup> The other four female religious orders still in existence are the Perpetual Adoration Sisters founded by Mother Stanislaus Gaffney and Fr. Julian Tenison Woods in Brisbane in 1874 which has now come under the umbrella of the Sisters of St. Joseph (one community), the Family Care Sisters (Grey Sisters) founded by Cecily Maude O'Connell in Daylesford in 1930 (two communities), the Congregation of the Sisters of Our Lady, Help of Christians founded by Archbishop Kelly in Sydney in 1931 (one community) and the Missionary Sisters of Service founded by Fr. John Wallis in Launceston in 1944 (eight communities).

## Corrupted leadership and at-risk religious orders: potential incubators of sexual abuse

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During the research, the RMIT research team became aware that there have been a number of cases, both historically and more recently, where the founder of a religious congregation has been found to be a sexual abuser, including of children or young novices. It has been a usually hidden issue. In other cases, the fact that a religious order with access to children was small and not flourishing was itself a source of risk. In entering this difficult ecclesiastical terrain, our historical narrative has already drawn attention to the Piarists in the sixteenth century and the Institute of St John the Baptist in Thebarton in Adelaide in South Australia during the 1940s. More recent since the early 1990s have been the cases of:

- the Italian priest and founder of the Servants of the Immaculate Heart of Mary, Fr Gino Burrelli,
- the Mexican priest and founder of the Legion of Christ, Fr Marcial Maciel Degollado,
- the Peruvian layman and founder of the Sodalitium Christianae Vitae, Luis Fernando Figari and
- the Argentinian priest and founder of the Institute of the Incarnate Word, Fr Carlos Miguel Buela.

The revelations about these abusing founders have resulted in periods of deep turbulence within each of these religious orders. And yet in all these cases there have been good and dedicated religious who became members in good faith and have led exemplary lives in the service of God and the community, in accordance with the charism of the order. But other abused members had have their lives upturned and even destroyed.

### The Australian scenario

In Australia, there have been several similar cases in living memory, including the already-discussed, diocesan-based Institute of St John the Baptist in Adelaide in the 1940s. In this small, failing religious order, poor leadership and badly neglected spiritual formation were factors in the abuse of children in the school. There are also the cases of the priest-founder of a national altar boys' society, against whom allegations have been made (he died in 1989), and of an ex-Redemptorist who founded a tiny order in 1954 and died in 2006 – his name has been presented publicly as a possible sexual abuser. This order with very few priests still exists and has three communities.

The best known Australian case of a small order whose founder and other foundation priest associates were abusers is that of the Society of St Gerard Majella which was disbanded in 1994 after a seemingly canonical investigation. According to the information contained in 81 documents (Exhibit 50-0013) released in July 2017 under Case Study 50 by the Royal Commission into Institutional Responses to Child Sexual Abuse<sup>91</sup>, the Society was founded in 1960 at Leichhardt in

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<sup>91</sup> This section relies mainly on a background historical brief prepared in January 2014 by the Professional Standards of the Sydney Diocese of Parramatta, a August 31, 1993 *Confidential Report to Bishop B. Heather on the Special Inquiry into the Society of St Gerard Majella*, prepared by two canon lawyers, R. Austin and P. Blayney and *A Historico-Juridical Report on*

Sydney by John Sweeney with its charism to evangelise and minister to Catholic children and young people attending government schools though by the late 1960s it had been allocated responsibility of various Catholic schools, eventually also establishing a youth centre and a retreat house. This occurred at a time when private religious schools did not receive government funding and the Catholic schooling system was under very considerable pressure and struggling to establish schools in Sydney's outer, working class western suburbs. The Society was named after St Gerard Majella as the patron saint of Christian mothers, who was widely venerated between the 1930s and 1960s, including by the founder's mother.

Both Cardinal Gilroy (1940 – 1971) and Cardinal Freeman (1971 – 1983) as successive Archbishops of Sydney were very supportive of the growing congregation which was canonically established on March 1 1972 and after the division of the Sydney archdiocese it was allocated to the Diocese of Parramatta. In 1973 it extended its presence with six brothers to the regional diocese of Bunbury in Western Australia. In the same year the first women formed a community at Fairfield in Sydney's south western suburbs though this female counterpart would also close down subsequent to the 1993-94 events. Eventually the whole order was established at Greystanes and had other houses at Bowral and Kemps' Creek.

Founded before the Second Vatican Council, the new congregation was a little resistant to the conciliar message and was somewhat traditionalist in its orientation. However, it championed the life, message and canonisation of Cardinal John Henry Newman (1801 – 1890) beatified in 2010 by Pope Benedict XVI. Its charism was a worthwhile mission, although the Society's financial base was shaky from its beginnings as the brothers had to have normal day jobs, usually as teachers. The Society's founder, John Sweeney (1937-2002), who was ordained in 1979, was revered, and he demanded and received absolute obedience.

At the time of the diocesan Parramatta investigation (Austin & Blayney 1993), the order consisted of about 23 priests and perpetually and temporarily professed brothers. Three of the five priests were offenders, including the founder. All three were later convicted. The investigation was mainly triggered by the 1992 conviction of one of the priests on three counts of gross indecency and for soliciting homosexual intercourse, including of a naval cadet.

The Parramatta report found that with the onset of the investigation ordered by Bishop Heather, the Society became a seething cauldron of claims and counter-claims, although there had been prior serious factionalism. The report acknowledged the many positive and healthy features of the Society in its work with schools and young people, but the founder's governance was 'by way of dominance and smothering rather than ennobling, enabling and empowering' (Austin & Blayney 1993: 9). Proper spiritual formation had waned, particularly as the Society came under financial stress with major cash flow problems. The founder was also responsible for financial irregularities, especially in relation to parish funds in the care of the Society, and there was no suitable person to be master of novices.

The allegations of homosexual behaviour against young novices and brothers, aged 16 and above, committed by the three leading priests in the Society, stemmed back to the 1960s. One account referred to the 'touchy' hugging practices, not least during the Sign of Peace at Mass and in greeting

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*the Society of St Gerard Majella* – the Royal Commission gives no date for this last document but it seems to have been prepared in the mid-1980s, seemingly by the Society itself.

and farewelling brothers. The offending generally began with grooming under the guise of spiritual and psychological counselling, often through relaxation practices in the bedrooms of the three priests, which then led to various forms of genital contact.

The report details the allegations against the three priests and their responses. In his self-defence, the founder countered that he could only counsel some members of the Society 'in intimate circumstances', usually on his bed. In another case, the founder said that one brother was so emotionally disturbed that he had to spend the whole night in bed with him.

The second priest had abused young novices and brothers. During the Inquiry, he himself had sought a psychiatric opinion, which found that he suffered from 'biological depression'. All his priestly faculties were subsequently removed except to celebrate Mass privately. Later he was advised to seek laicisation and, much later, he would go to jail. He was laicised by the Holy See in 2014.

At the conclusion of the report there are 15 recommendations, which are then followed by, in seemingly canonical form, fifteen determinations formally signed by Bishop Bede Heather and witnessed by his vicar-general. Regarding the founder, the allegations were found to be substantially true and his actions were deemed highly inappropriate. The report also determined that he had known from an early date about the sexual impropriety of another priest about which he had done nothing.

The St Gerard Majella Report represents the first known formal report into clerical sexual abuse, labelled "sexual impropriety", within the Australian Catholic Church. It remains a watershed moment. To be fair, if written ten or twenty years later, it would have been a very different report. Even so, it is less than a full investigation, although eventually it would bring about the Society's disbandment. The two priests who conducted the inquiry, while they were experienced canon lawyers, did not have the probing investigative skills to reach the full truth. On the surface, the Society of St Gerard Majella might seem to have been a predatory cabal targeting young idealistic men, some not aged 18, some struggling with their sexual orientation. Or it could be construed as a well-intentioned religious initiative that went horribly wrong. Furthermore, it is noteworthy that the two canon lawyers in their report to Bishop Heather paid no heed to the issue of the sexual abuse of minors as distinct from young men, nor did they in any way consider whether child abuse may have taken place at the Greystanes parish and high school which the order administered.

## The Netherlands: abuse in small, diocesan-based religious orders

The only other national inquiry to have looked at small and declining religious orders was the Dutch Deetman Commission.<sup>92</sup> It reported on the Brothers of Amsterdam, a diocesan-based religious order engaged in 'raising and teaching poor and neglected boys', which had charge of the Harreveld Home where serious abuses occurred with a major crisis in the mid-1950s. A second diocesan investigation in 1964 recommended that the entire congregation be dissolved, but this did not occur. The Brothers of St Joseph, a religious order based in the diocese of Roermond, had as its charism the care of the elderly, the mentally disabled, and young people. The Commission was able to date sexual abuse within this order back to the late 1950s.

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<sup>92</sup> Deetman Commission (2011) *Sexual Abuse of Minors in the Catholic Church: The Deetman Commission's Report to the Catholic Bishops of the Netherlands*. Available from <http://www.onderzoekrk.nl/eerste-onderzoek/einroport.html>

Serious problems also existed in the houses run by the Brothers of Charity, founded in Utrecht in 1807. This order had a ban on physical punishment, but the victims of sexual abuse complained about being hit hard, screamed at, denied food, or being left out in the cold of Dutch winters for long periods. The Deetman Report suggests that the violence was sexually charged, and the boys endeavoured to avoid punishment by trying to gain the friendship of the brothers, which made them easy prey (Deetman Commission 2011). The Commission's archival investigation also revealed problems with the Brothers of Maastricht, founded in 1840 by a local monsignor, and the Brothers of Tilburg, founded in 1844 by a future bishop of Utrecht. The Deetman Report implicitly points to the fact that small religious orders are likely to be at risk of child sexual abuse because leadership quality may be questionable and ongoing spiritual and intellectual formation may be compromised.

## Four recent international examples of sexually corrupt founders

Our concerns about some religious orders and their flawed founders are illustrated by four high profile examples in recent decades.

### The case of Fr Luigi (Gino) Burrese, founder of the Servants of the Immaculate Heart of Mary

The Burrese case is not so well known, but the veteran Italian Catholic journalist and commentator, Sandro Magister, has drawn attention to it. Fr Luigi (Gino) Burrese, born in 1932, became an Oblate priest of the Virgin Mary late in life at the wish of Pope John Paul II because of his reputation as a mystic. Said to be a stigmatist and renowned for his holiness, he founded the Servants of the Immaculate Heart of Mary,<sup>93</sup> with in 2005 some 150 members. He was seen as a saintly successor to the popular Italian saint and stigmatist, Padre Pio<sup>94</sup>. Sexual abuse accusations have been made against him by his male followers, and his seminarians (Magister 2005).

According to Magister (2005), a Vatican report found that Burrese had violated the seal of confession, made illegitimate use against the penitent of confidential information revealed during confession, had violated the right to privacy, incited disobedience against superiors, and was given to false mysticism and false claims of apparitions, visions and supernatural messages. In a decree on 27 May 2005, issued a few weeks after the death of Pope John Paul II, the Congregation for the Doctrine of the Faith ordered that Burrese could no longer hear confessions, give spiritual direction, preach, celebrate Mass or the other sacraments in public, write articles or give interviews (Magister 2005). He is now said to be living in Tuscany. The issue is: how does the Church recognise imposters, especially sexually abusing imposters?

### The case of Fr Marcial Maciel Degollado, founder of the Legionaries of Christ

The Maciel case is an example par excellence of a priest who lived a double life – there are examples of this phenomenon across the world, including in Australia. Such priests are not all child abusers. The American investigative journalist, Jason Berry (2004, 2012) has documented this fascinating case,

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<sup>93</sup> There is a female religious order in the U.S.A. with the same name founded in Michigan in 1845 which runs two universities and many schools in the USA. They are not to be confused.

<sup>94</sup> Padre Pio (1887–1968), now known as St Pio of Pietrelcina, was a renowned Franciscan Capuchin monk, mystic and stigmatist who lived in St Giovanni Rotondo in southern Italy. He was much venerated in Italy and beyond even during his lifetime.

which reached to the very highest levels of the Holy See. The charismatic Mexican, Fr. Marcial Maciel Degollado, born in 1921, founded the Legion of Christ (LC), which Berry describes as ‘a secretive cult-like religious order’. Fr Maciel insinuated himself into the highest circles of the Holy See. He was one of the biggest fundraisers of the modern Church, which was interpreted as a sign that his work was being blessed by God. His backers were said to be mainly wealthy widows. He had an uncanny ability to raise money from Mexican backers and thus he was able to ingratiate himself to Roman Curial officials. His biggest champion in the Vatican was Cardinal Angelo Sodano, Secretary of State (1990 to 2006) under Pope John Paul II.

According to Berry, whose withering account has not been disputed, Maciel was a morphine addict who abused at least 20 Legion seminarians from the 1940s to the 1960s and had been denounced to the Holy See by a US bishop three times, in 1976, 1978, and 1989. Berry comments sadly, ‘nothing happened’. Beginning in the 1980s, Maciel fathered three children to two different Mexican women, and reportedly there was also a third family. Maciel died in January 2008, leaving behind a seriously wealthy ecclesiastical empire. At that time, the Legion of Christ included 700 priests and 1300 seminarians. Berry (2004) records how, in 1994, Pope John Paul II<sup>95</sup> heralded Maciel as ‘an efficacious guide to youth’. To his credit, Cardinal Joseph Ratzinger was not deceived, and in 2004 ordered an investigation. On becoming Pope, he immediately banished Maciel to ‘a life of prayer and penitence’. The Maciel saga illustrates the capacity for deception, betrayal, and feigned sanctity within the Church.

### The case of Luis Fernando Figari, founder of the Sodalitium Christianae Vitae

In late October 2015, press reports emerged about the conservative Sodalitium Christianae Vitae (Sodality of the Christian Life - SCV) and its founder, Luis Fernando Figari, born in 1947 in Lima, a Peruvian Catholic layman (Catholic Newsagency 2015). These followed the publication of a book, *Mitad Monjes, Mitad Soldados (Half Monks, Half Soldiers)*, by Pedro Salinas, which made sexual abuse allegations against Figari. The Sodality was founded in 1971, and its priority is evangelising young people, including through World Youth Days. It has active branches in Argentina, Brazil, Colombia, Costa Rica, Chile, Ecuador, Italy and the United States. Figari, who seems never to have been ordained despite much theological study, has founded a number of other religious associations. In 2002, Pope John Paul II appointed Figari as a consultor to the Pontifical Council for the Laity, and in 2005, Pope Benedict XVI named him as an auditor to an assembly of the Synod of Bishops. He has written over 50 books on spiritual topics. In April 2015, the Holy See’s Congregation for Institutes of Consecrated Life and Societies of Apostolic Life appointed a Peruvian bishop, Fortunato Urcey, to investigate sexual abuse allegations against Figari. A year later, Catholic press agencies reported that the SCV superior-general, Alessandro Morroni, had admitted that the Urcey investigation had found the allegations were true and Figari was now *persona non grata*.

### The case of Fr Carlos Buela, founder of the Institute of the Incarnate Word

In December 2016, a fourth case of a sexually corrupt founder emerged, again from Latin America. According to the story carried by the Catholic News Agency (December 27 2016), Fr Carlos Miguel Buela (born 1941), who had founded the conservative Institute of the Incarnate Word (IVE) in 1984

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<sup>95</sup> His Polish secretary, Stanislaw Dziwisz, was a fierce defender of Maciel. He is now the Cardinal Archbishop of Krakow.

as well as the women's institute (the Servants of the Lord and the Virgin of Matara) in 1988 under the patronage of Our Lady of Lujan in the Argentinian diocese of San Rafael, had been found guilty by the authorities of the Holy See regarding 'actions in sexual matters which harmed religious and seminarians of the Institute' though none was a minor. The diocesan bishop pointed out that 'a fallen tree should not make one lose sight of the forest that is growing'. Besides the three vows of chastity, poverty and obedience, IVE members took a fourth vow of Marian slavery. Issues about the order had begun to emerge in 1990s and the Argentinian bishops, including Jorge Bergoglio, forced Buela to step down in 1994 as superior until the order's headquarters were moved to outside Rome where they enjoyed the patronage of Cardinal Sodano, the Secretary of State (1991 – 2006).

## Section summary

The purpose of this section regarding failing and flawed religious orders and less than holy founders is not to denigrate the many committed and holy founders of religious orders down the centuries, whose achievements and legacy has brought great benefit to the world and to the Church through their educational, welfare and advocacy work. Rather it highlights how easily the Church can be infiltrated to the very highest levels by devious and corrupt imposters who, by brilliantly playing the ecclesiastical system, are able to ingratiate themselves into positions of power and influence while at the same time abusing children and young adults. The 'rotten apples' thesis, suggesting that corrupt individuals have infiltrated the Church, is insufficient to give a full explanation to this phenomenon because there are many examples of priests leading double lives. As Richard Sipe (1990), David Ranson (1997), and Marie Keenan (2012), have indicated, this phenomenon points to deep systemic factors. The exponential growth in religious orders from the nineteenth century - despite all the achievements – also has a distinctly negative side. Because of their autonomy and lack of transparency and accountability, and also because of the abuse of power, and, in some instances, outright corruption, many lives have been damaged by sexual abuse. While the present analysis has focused on Australia, Italy, Latin America and The Netherlands, there is a need for further research looking at other countries.

## Child sexual abuse in Catholic residential settings

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The present examination of child sex abuse in Catholic residential settings in the contemporary era, began in Canada with the scandal of the Mt Cashel orphanage in Newfoundland, run by the Irish Christian Brothers, which became known in 1971. The involvement of Christian Brothers in child sex abuse in the English-speaking countries subsequently became known worldwide, not least in Australia.

The second part of the chapter will have as its focus children who were cared for in Australian Catholic residential institutions for orphaned, at-risk and overseas migrant children. Globally, attention has tended to focus on offending priests in parishes across the world, but throughout the twentieth century there has also been made visible a parallel tragedy that has been occurring in Catholic boarding schools and orphanages, residential schools for the mentally and physically disabled, industrial schools for girls, and places of transitional residence.<sup>96</sup> The focus here will also

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<sup>96</sup> Places of transitional residence refers to places such as transition houses for Aboriginal and Torres Strait Islander peoples and for recently released prisoners etc.

include Catholic day schools, since the majority of the religious orders who ran residential homes also ran their own day schools.

According to the Vatican statistics, across the world on 31<sup>st</sup> December 2014 there were 73,580 Catholic kindergartens with 7.0 million children, 96,283 Catholic primary schools attended by 33.5 million children, while at secondary level there were 46,339 schools with 18.9 million students. Also, in 2008, there were 5428 hospitals, 18,025 dispensaries, 15,985 homes for the elderly, chronically ill and disabled, and 11,902 nurseries. As well, in 2014 there were 2,851 formation and training centres for priest with 116,939 major seminarians (Secretaria Status 2016)

At the end of 2015, there were 9,492 Catholic orphanages: 1120 in Africa, 2,227 in the America, mostly Central and Latin America, 3,794 in Asia (including 2,670 in India), 65 in the Middle East, 2,173 in Europe (1,645 in Italy, 990 in Portugal and 813 in Spain) and 113 in Oceania (Secretaria Status 2016). Comparisons with previous years show the number of Catholic orphanages is declining. All this suggests that, while orphanages have been dying a deserved death in the developed world, the learnings to be gained from our narrative in this chapter still have importance for the global Catholic Church. Children, and especially vulnerable children, are at risk in educational and welfare institutions when they can be accessed by psychosexually immature and/or sexually deprived celibates, including priests and religious brothers.

As yet, no public Catholic Church-sponsored inquiry has been found to have directly focused on the sexual abuse of children in Catholic residential settings. This is not an accident. It flows from the often tortured relationships between diocesan bishops and the male and female religious orders, and the institutional and canonical arrangements through which these relationships are governed and managed.

The major contribution to a better understanding of the historical and current situation in Catholic residential settings has been made by the 2009 *Report of the Irish Ryan Commission to Inquire into Sexual Abuse* (Ryan Report 2009), which examined the 216 separate residential settings across Ireland, led by the industrial and reformatory schools. After a shaky start, this Commission went for a long nine years. It collected evidence from over 1000 witnesses who gave evidence of physical, sexual and emotional abuse, and it produced a five volume report over 2205 pages in length.

In Australia, a similar inquiry conducted by Leneen Forde, in Queensland in 1999, was followed by two Senate inquiries, the first in 2001 into child migration, which resulted in the report, *Lost Innocents: Righting the Record*, and the second in 2004 into children who experienced institutional or out-of-home care, *Forgotten Australians*. Further important input came from Brother Gerard Faulkner's investigatory reflection into his own Christian Brothers religious order (Faulkner 1998). Another important source report has come from the Netherlands with the 2011 Deetman Commission Report. The story that emerges about Catholic residential care is similar across the three countries of Australia, Ireland and the Netherlands. However, before we develop the themes and insights that have emerged from these reports, we need to say something about orphanages generally and Australia's post-World War II child migration scheme.

## The development of orphanages in Australia

Whereas the history of orphanages goes back much earlier, Australia's orphanages were developed in the nineteenth century as the mainstay of the child welfare strategy for neglected children in need of alternative care. Providing out-of-home care goes back to the early foundations of British

colonisation. A small orphanage was established on Norfolk Island in 1785, and in 1801 the Female Orphan School was opened in Sydney. The Roman Catholic Orphan School was opened in 1836. By the 1860s, with the arrival of the religious orders, Catholic orphanages were operating in every capital city. These greatly expanded both in the main cities and some regional cities, such as Ballarat, where there was a particular concentration. From the 1840s to the 1890s, Catholic residential homes were established for indigenous children, especially in Western Australia as at New Norcia and the Northern Territory. The limited statistics given in the appendices of the 2004 Senate *Forgotten Australians Report*<sup>97</sup> suggest there were 103,000 documented children in Catholic homes, but in fact the true figure is considerably higher, according to the Senate Report.

Children were placed in care for many reasons, such as being orphaned, being born to single mothers, or because of family dislocation due to parental death, domestic violence, divorce or separation. Sometimes parents were unable to cope with their children, often as a result of some form of crisis or hardship, or with the younger children in their very large families.

Fathers were not seen as appropriate caregivers while single unmarried mothers were subject to social stigma. Many children were made wards of the state after being classified as being uncontrollable, neglected or in moral danger, not because they had done anything wrong but because of circumstances in which they found themselves resulted in them being status offenders. Irrespective of how children were placed in care, it was not their fault (*Forgotten Children Report 2004: executive summary*).

Many children were not told why they were being placed in care, while for others the poverty, neglect and violence were all too well remembered. In Queensland parlance of the time, 'neglected children' were placed in industrial schools, while 'criminal children' were placed in reformatory schools.

During the nineteenth century, the child welfare need for residential care was met by the newly founded religious orders whose 'charism' or *raison d'être* was to address the educational and welfare needs of children. As we have seen in our short descriptions of selected religious orders heavily involved in residential care, both the male and female religious orders established schools and orphanages in the spirit of Christian service and altruistic endeavour, with money, but always insufficient money, from the State: 'There was excessive trust in the "goodness" of the religious administering homes and they were allowed to operate virtually without question' (*Forgotten Australians Report 2004: executive summary*).

## The child migration scheme in Australia

The *Lost Innocents Report* (2001) documents how British child migration can be dated back to Virginia in North America in 1618, with the most intense period occurring from 1870 to World War One, when over 100,000 children were sent to the various colonies of the British Empire. It has been described as an example of social engineering as abandoned youth were transferred from orphanages, dysfunctional homes, workhouses and reformatories in the home country, to be placed

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<sup>97</sup> The Senate report into children in care is available from [www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Completed\\_inquiries/2004-07/inst\\_care/report/index](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Completed_inquiries/2004-07/inst_care/report/index)

with employers in the colonies, usually in rural areas, to become labourers in the case of the boys and domestic servants in the case of the girls.

Various reasons were behind child migration schemes prior to World War One. A major factor was the philanthropic desire to 'rescue' poor and abandoned children from destitution and neglect in Britain and to send them to a better rural life. Another was the desire to protect children from the "moral dangers" in the urban slums of Britain. After the 1840s, conditions in British towns and cities were worsening, and these were exacerbated by the flight of the Irish into Britain. British religious and benevolent institutions saw emigration as a means of creating opportunities for abandoned children. Another less altruistic motivation was purely economic, as it relieved the burden on British public finances to care for these children while providing healthy and productive young white workers in the receiving countries (*Lost Innocents* Report 2001: paras 2.26 – 2.30).

There was also a racist factor, as the importation of 'good white stock' was seen as a desirable policy objective in the developing British colonies. After World War One, the new government of the Republic of Ireland under Eamon De Valera refused to be involved in any child migration scheme, although many of the 'British' child migrants were in fact Irish (*Lost Innocents* Report 2001: para. 2.35). The children of single Irish mothers were not exactly welcomed. In contrast to New Zealand, Australia did not become seriously involved in these schemes until after World War Two, except for some small efforts from 1911. Just before the war, in 1938, the Christian Brothers were approved to recruit over one hundred migrant boys and to receive government funding similar to the Barnardo and Fairbridge organisations. In the post-1945 era, the floodgates opened.

Even during World War Two, plans were being made to bring war babies, war orphans, and underprivileged children to Australia in a humanitarian gesture. As Britain tried to recover from the war, the scheme to import child migrants was then incorporated into the huge post-World War II migration program which was driven by the defence and security need to 'populate or perish' in the aftermath of the Japanese threat, the need for industrial workers for the rapidly expanding Australian manufacturing sector, and the realisation that the actual numbers leaving the Australian workforce were greater than those entering it, as a result of the lower birth rate during the 1930s and the losses during the war (Taft & Cahill 1981). Immigration Minister Arthur Calwell, a devout Catholic, was very enthusiastic about the scheme, aspiring to bring 50,000 orphans to Australia as part of the broader migration program.

In April 1946, at the behest of the Catholic bishops, the Coadjutor Archbishop of Melbourne, Justin Simonds (1890-1967), travelled to Europe to discuss sending more orphaned children to Australia. And soon the Catholic Church, not without some consternation on the part of Protestant groups, became the single largest sponsoring agent to bring child migrants to Australia. One Catholic motive was monetary gain and to establish a financial base for the various religious orders (*Lost Innocents* Report 2001: par. 2.94) – for example, in Western Australia, the government (Federal & State) payment to caring organisations was £1.2.9 per child per week.

## The three Australian government reports into residential care

While there were earlier Australian State inquiries into residential care which were less thorough, the focus here will be on the 1999 Forde Report<sup>98</sup> in Queensland and the two Senate Reports in 2001 and 2004.

### The 1999 Forde Report in Queensland

'This is no ordinary report. This was no ordinary Inquiry'. So begins the report of the Queensland government inquiry led by Leneen Forde AC, a Canadian-born Australian lawyer and former Governor of Queensland (1992 – 1997). She was assisted by Jane Thomasen and Hans Hailperson. The inquiry ran from September 1998 to May 1999, when it was presented to Anna Bligh, Minister for Families, Youth and Community Care.

The inquiry was triggered by concern about the history of policy and practice in relation to Queensland orphanages and juvenile residential correctional facilities, not least those serving the Aboriginal community. The Forde Inquiry was driven by one fundamental question: 'How was it that numbers of children, while under the guardianship of the State and in the care of some of our most esteemed denominational bodies, were able to be abused?' (Forde Report 1999: vii).

The Inquiry consulted 78 experts, including some in public hearings, and commissioned seven research reports. It also conducted 166 interviews - 33 with institutional staff, and 135 with former residents. It conducted further in-house and archival investigation (without giving much detail), as well as visiting several facilities. The ATSI<sup>99</sup> component of the inquiry involved liaising with the Council of Elders in Brisbane, and other Aboriginal organisations. Three Catholic organisations made submissions.

Taking a child-centred approach, the inquiry encompassed the period from 1911 to 1998, covering more than 150 orphanages and detention centres. It noted the paucity of written records and archival material as well as the small proportion of ex-residents who came forward after years of masking their secrets. At the same time, it noted that some who had come forward had expressed strong support for the institutions where they had been residents. It was noted that few residents had been actual orphans, with most removed from dysfunctional families or placed there by parents where one parent had died or become seriously ill or, unfortunately, because of the colour of their skin. The Report notes that 'many incarcerated in State reformatories, detention centres and similar institutions should not have been there'. In some cases adolescents were placed in reformatories because they were too old to remain in their orphanages. It is also noted that few British migrant 'orphan' children came to Queensland, they being concentrated in Western Australia and New South Wales. But between 1951 and 1955, 48, aged between 5 and 14 years, were sent to St Joseph's Orphanage operated by the Sisters of Mercy at Neerkol near Rockhampton— three later became Mercy nuns.

The Forde Report emphasises that the dynamics and culture of an institution may lead to the neutralisation of social norms and the corruption of care, especially if the institution is closed and

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<sup>98</sup> The 1999 Forde Report is available from [www.qld.gov.au/community/documents/getting-support-health-social-issue/forde-comminquiry.pdf](http://www.qld.gov.au/community/documents/getting-support-health-social-issue/forde-comminquiry.pdf)

<sup>99</sup> ATSI = Aboriginal and Torres Strait Islander

isolated. The overcrowding, lack of trained staff and lack of resources led to severe mismanagement of children. This was manifestly seen in the Neerkol orphanage, which was entirely staffed by a quite small, locally-based religious order (the Sisters of Mercy) with little expertise in managing children and without any professional or paraprofessional training. Neerkol was regarded by the State Children's Department 'as an unfailing recipient of children, no matter how overburdened or under-resourced it might have been'. In such circumstances, a certain culture evolved in this and other well-intentioned institutions, where older children might have been used to enforce discipline or even abuse. Individuality of residents was suppressed through the use of surnames or numbers, discipline was harsh, and bedwetting was severely punished without addressing the underlying unmet emotional needs. Family relationships were impaired, including the deliberate separation of siblings. The closed nature of the institution and the lack of funding led to a poor quality of education and a poor general preparation for life beyond the institution. Many residents failed to receive a basic sex education.

In the Catholic institutions, the Report describes a Dickensian world of large, underfunded institutions containing long dormitories, often with no doors on the showers and no separate toilet cubicles. Nazareth House at Wynnum was deliberately built along the lines of a monastery. In the correctional facilities for 'incorrigible' and 'immoral' girls, the punishment for 'uncontrollable' girls who resisted institutionalisation could be solitary confinement and the shaving of heads. One comment by an outsider was: 'The workers were as needy as the children'. The staff members were simply untrained. The report gives the example of an Irish Sister of Mercy at the Nudgee orphanage who had arrived in Australia with others to follow their vocations:

...young, inexperienced women accustomed to the rigorous discipline of living under a Rule. The strictness of their practice as nuns may have carried over into their ministrations to the children, although in fairness it must also be said that a number of witnesses remembered particular nuns who had shown them great kindness. Some may have been recruited too young; some were as young as 15 when they arrived in Australia, and others may not have had a temperament suited to dealing with children in need of care. Very few had seen an orphanage, let alone worked in one (Forde Report 1999: 92).

The Report (p. 88) gives the example of Fr Errol Stanaway, resident chaplain at St Vincent's Orphanage from 1959 to 1963, who abused a number of children. Several nuns became aware of this, and after some tooting-and-froing a meeting was held with Monsignor Moloney from the Brisbane Archdiocese. The Report found from its archival research that in 1952 Stanaway had been relieved from his position as parish priest by Archbishop James Duhig, but there was further trouble in 1954. The whole issue was hidden in the files under the euphemism of "health problems": 'The conclusion that the Inquiry draws is that, in the placement of Father Stanaway at St Vincent's, the Church acted with complete disregard for the interests of the children at St Vincent's' (Forde Report 1999: 88). Fr Stanaway stands as another example of a predator priest who was able to breach the weak defences of St Vincent's Orphanage because of his clerical status.

## The 2001 *Lost Innocents* Senate Inquiry

The *Lost Innocents* Senate Inquiry,<sup>100</sup> which commenced in 2000, was triggered by earlier State government inquiries into the welfare of children who had been or were still in institutionalised care, beginning with an inquiry in Western Australia in 1981. Subsequently, especially in the 1990s, other State governments conducted their own reviews, especially the 1999 Forde Inquiry in Queensland. From these reviews there emerged the realisation that the needs of a particular group of children had been severely compromised, namely the child migrants sent from Britain and Malta prior to 1965. In 1996, the Western Australian Parliament had established a select committee to report on the child migration scheme from the early 1900s to the mid-1960s.

The Senate Inquiry Committee was headed by a Labor Senator from South Australia, Rosemary Crowley, who had a professional medical and paediatrics background, together with two other ALP senators, two liberal Senators, and one Australian Democrat. The Inquiry reported to the Australian Senate on 30 August 2001. The report details various estimates about the number of children brought to Australia, but the best estimate seems to be just over 6000 - of whom about 1300 to 1500, including 310 from Malta, were cared for in Catholic orphanages, according to data supplied by the religious orders concerned. Of these, 865 went to the four Christian Brothers' farming schools in Western Australia. It seems that most Catholic children came to Australia from orphanages in the UK controlled by the Sisters of Nazareth. In Australia, there were 52 receiving institutions of which 21 were Catholic: in Western Australia (8), New South Wales (6), Tasmania (3), Queensland (2), South Australia (1), and Victoria (1). The main religious orders involved were the Christian Brothers (52% of the Catholic total), the Sisters of Mercy (20%), and the Sisters of Nazareth (13%). Other orders involved were the Sisters of St Joseph, the Daughters of Charity, the Marist Brothers, and the Salesians. The average age of the children on arrival was 9.4 years (range 5 – 13) and 69 per cent were boys. In the case of the Maltese children, they were mostly not orphans but members of large Catholic families who could not cope after World War II. This meant that the Maltese families were very involved in the actual migration and this later led to a higher level of re-unification than in the UK families.

The 2001 Senate *Lost Innocents* Report related how, in one particularly distressing case, the UK mother of a child went to the train station to remove her child from the train. But the nuns in charge forcibly restrained the mother. The child migrant recalled how he thought he was going on a holiday and called out, 'Will you be here when I come back, Mum?' He stated that 'these words still haunt my Mum to this day, fifty years on'.

Although many child migrants had positive memories of their experience, the overall key finding of the *Lost Innocents* Report is that, while well-intentioned and reflecting the values of the time, it has now been universally recognised that the child migration scheme was fundamentally flawed, and had tragic consequences:

The evidence received by the Committee overwhelmingly emphasised the dark, negative side of child migration – the brutality of life in some institutions where abuse and assault, both physical and sexual, was a daily occurrence and where hardship, hard work and indifferent

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<sup>100</sup> The 2001 Senate *Lost Innocents* Report is available from [www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Completed\\_inquiries/1999-02/child\\_migrat\\_pdf.ashx](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Completed_inquiries/1999-02/child_migrat_pdf.ashx)

care was the norm. Living such negative experiences led some child migrants into a life of family and relationship breakdown and domestic violence, of crime and violence and of substance abuse (*Lost Innocents* Report 2001: par. 1.26).

Sexual assault as well as physical and psychological abuse were also found to be rife:

Children experienced the humiliation and degradation of criminal sexual assault including extreme pain associated with sexual penetration and rape. Sexual assault was perpetrated by a range of persons including priests at the institution, regular visitors to the institution and also in some institutions by other older children. Children who were sexually abused and assaulted referred to their shame, about carrying this guilt around for a lifetime and never being able to confide in a family member, any detail of their childhood or adolescent experiences (*Lost Innocents* Report 2001: par. 4.7).

Another significant aspect of life for child migrants in Australian institutions was depersonalisation:

...their names were changed, they were lied to about the existence of their parents, possessions were removed, gifts and letters were not passed on, and they were referred to by number and not by name. Children learned to keep their heads down and so reduce the likelihood of a random beating by a brother, nun or lay carer. A lifetime lack of self esteem resulted from such actions leaving a yearning for identity and connection (*Lost Innocents* Report 2001: par. 4.7).

The four Christian Brothers' establishments in Western Australia came in for particular criticism, as did the Irish Brother Francis Paul Keaney (1888-1954), known as 'Keaney the builder', a title of which he was immensely proud. For the boys, building was their education, and they were driven relentlessly by the strong, domineering personality of Br Keaney, without any protective clothing and footwear, and with primitive and inadequate equipment and scaffolding. Apart from the considerable numbers who were injured, six boys died – the coroner seems to have been notified but no coronial investigation was carried out and all the records have disappeared.

The *Lost Innocents* Report concluded:

Whilst this inquiry is concerned with the impact of the migration scheme on all child migrants in all institutions in Australia, the four Christian Brothers institutions in Western Australia stand out as the most culpable in their duty of care in relation to the physical and sexual violence that occurred within them (*Lost Innocents* Report 2001: par. 5.43).

The Senate Inquiry seems not to have known about the Christian Brothers' own 1998 report by Brother Gerard Faulkner and certainly does not quote from it. Regarding Keaney, the *Lost Innocents* report made the following recommendation:

The Committee considers that in the knowledge that has now come to light of Brother Keaney being a particularly brutal person in his treatment of the boys under his care and that in relation to his building program, young children were exploited and subjected to unnecessary

risk of accident due to unsafe work equipment and practices, the OBE<sup>101</sup> should be cancelled and his appointment be annulled (*Lost Innocents* Report 2001: par. 117).

A statue of Brother Keaney at Bindoon was subsequently removed. In 2001, Senator Andrew Murray, the Democrat member of the Committee, described Keaney as 'a sadist who indulged in criminal assault', and who knowingly protected sexually predatory brothers.

The Report additionally devoted a considerable and scathing section to the Catholic Church (*Lost Innocents* Report 2001: paras: 5.53 – 65), concluding:

Child sexual abuse and assault within the Catholic Church is not something that can be readily swept under the carpet, although this appears to have been what was attempted in the cases involving child migrants. The Catholic Church has an unenviable reputation of attempting to suppress and avoid liability in cases of abuse. When legal action has been taken, it is unavoidable they have settled out of court (*Lost Innocents* Report 2001: par. 5.53).

### The 2004 *Forgotten Australians* Senate Report

This Senate Inquiry was initiated by a motion proposed by the Australian Democrat Senator, Andrew Murray, in March, 2003. The Report<sup>102</sup> which was submitted on 30 August 2004 saw itself as the third in a trilogy beginning with the *Bringing Them Home* Report to the Human Rights and Equal Opportunity Commission on the Stolen Generation of indigenous children forcibly separated from their mothers. The second was the 2002 Senate Report, *Lost Innocents*. Senator Andrew Murray was a member of both Senate Committees. The *Forgotten Australians* Inquiry was triggered by the notion that there was another group of children, perhaps over 500,000, who had been treated similarly to the child migrants. For whatever reason, these children, known as 'ex-residents', 'former residents', 'homies', 'wardies', 'orphans' or 'foster kids', were removed from their families and subjected to similar treatment in their care, and who now deserved equal recognition. The report noted that:

no real thought seems to have gone into the effects on children of institutional life and until the early 1960s, little attention was paid to children's emotional needs and the effects of harsh treatment on children's later life (*Forgotten Australians* Report 2004: par.2.19).

Yet, it is likely that every Australian 'was, is related to, works with or knows someone who experienced childhood in an institution or out-of-home care environment'.

According to the Report, the Catholic institutions in particular were characterised by a culture of silence, power and personal control, enclosed in quite isolated institutions, hidden behind high fences, and placed on the edges of towns or distant from them. The Report expressed its disquiet about 'congregate care':

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<sup>101</sup> Brother Keaney was awarded an OBE in 1953, 'in recognition of distinguished services rendered in the interests of school boys and youths including boys'. The recommendation to cancel the award seems not to have been followed up.

<sup>102</sup> The 2004 Senate *Forgotten Australians* Report is available from [www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Completed\\_inquiries/2004-07/inst\\_care/report/index](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Completed_inquiries/2004-07/inst_care/report/index)

In the church homes, the isolation was exacerbated by the employment of members of church congregations whether they were lay or religious members. Few 'outsiders' were employed or visited homes. This resulted in a very closed community with very few external influences being allowed. There was excessive trust in the 'goodness' of the religious administering homes and they were allowed to operate virtually without question (*Forgotten Australians* Report 2004: par. 5.15).

The Report quotes, from many similar submissions it received, one in particular regarding the Christian Brothers' institutions in Western Australia:

The brothers were unusually adept at turning loose upon society a huge number of social misfits, low in self esteem and life knowledge (except of the perverse kind), who would pay society in criminal and anti-social behaviour over many years. I personally met plenty of them in various prisons...observed a number in mental institutions and knew of the attempted and successful suicides of others (including a brother of mine).....they made us into mere ciphers, to be seized and used whenever the need for sexual gratification was upon them. We meant no more to them than the moment's pleasure (*Forgotten Australians* Report 2004: par. 4.53).

The Report quotes Dr Barry Coldrey that 'many nuns were so personally and educationally deficient that they were inadequate to care for children' (Coldrey: 2003: 32). Coldrey, who is a Christian Brother with extensive research experience of orphanages and farm schools, observed that the Church relied on the congregate care model while other agencies relied on the cottage system in which the risks were less, though not nil. He added that in some cases those entering the religious life did so under duress, through family pressure, unemployment and the financial pressures generated by the depression of the 1930s. The *Lost Innocents* Report quoted from one submission from a nun:

During my childhood and teenage years I spent time in church run institutions (in novitiates and convents). My experience of institutional life has left me with health and well-being problems. I was recruited as a child straight from school into a lifestyle of harsh living conditions, sexual repression, social isolation from my family and friends, and constant humiliating practices aimed at breaking my will and destroying my self-esteem. This Church "sanctification" process caused me much pain and disillusionment until I left the Order penniless, homeless and disorientated. I believe some answers to the abuse of children may come from the harsh, repressive religious formation of the nun, brother and priest carers, teachers, pastors and novice mistresses themselves – a cycle of harshness and abuse. (*Forgotten Australians* Report 2004: par. 5.36).

The *Forgotten Australians* Report has a most interesting section on whistleblowing, suggesting that persons in religious and charitable organisations were subject to greater vulnerability than private or public sector employees if they thought they should challenge the leaders in their organisations, because of their almost total financial and employment dependence - their livelihood, income and old age care was entirely reliant on their own religious order (*Forgotten Australians* Report 2004: par. 8.49). The Committee recommended in Recommendation Five (Par. 8.69) that the Commonwealth Government examine the desirability and feasibility of introducing whistleblower legislation for the not-for-profit religious and charitable sectors.

The Report also raised the issue of identity and losing contact with siblings:

The Committee received many submissions from people who had recollections of two, three, four or more siblings but they had not seen or heard from them in many years. Other care leavers reported that they had found that they had siblings only when, many years later, they viewed their files. Some remembered parents, but did not know why they had been placed in care....(they were) 'parentless people' feeling that they belong nowhere, isolated and being unable to establish attachments which the majority of people take for granted (*Forgotten Australians Report 2004: paras. 9.1 & 9.2*).

One chapter of the Report documents the recent and very valuable initiatives of the Catholic religious orders in helping care leavers to link with family.

## Summary conclusions from the residential care reports

The findings that have emerged from the one Irish and four Australian inquiries are depressingly similar. However, a very important point made in two of the Australian reports is that both New Zealand and the UK began much earlier than Australia and Ireland in moving towards a policy of foster care homes, beginning in the 1920s – this suggests that the offending in these countries would have been much lower. In New Zealand, while there were orphanages, including Catholic ones run by the Sisters of Mercy, these larger institutions became smaller cottage homes with the great majority of the children being raised in foster care (Glen 1997).

The reports from the inquiries present a picture of Catholic residential institutions as hermetically sealed and Dickensian worlds in which the safety and healthy maturation of children was never a priority. The principal conclusions that have emerged are:

- The large scale institutionalisation of at-risk children in Catholic residential care was, from the very beginning, a flawed venture, poorly financed by government authorities, and placed both children and their care staff in great and continuous stress.
- The intentions of the religious orders were generally altruistic and well-intentioned but flawed, although many former residents in all inquiries expressed gratitude for the way they had been cared for.
- Sexual, physical and emotional abuse was a feature of almost all residential institutions, although the sexual abuse was much more endemic in boys' than girls' institutions.
- Serious overwork and stress experienced by religious staff appears to have been a significant contributor to the rate of offending.
- The overarching culture of silence in a monastically constructed environment, combined with the Catholic taboos about sex and sexuality, made discussion of and disclosure about child sexual abuse difficult, if not almost impossible.
- The lack of training and expertise in child care of both the religious brothers and sisters resulted in only a partial recognition of the developmental, emotional and educational needs of the children in their care – in fact, the failure to adequately provide for the full schooling of the children was incomprehensible.
- A programmed culture within the religious congregations, based on submissive and deferential obedience that was also imposed upon the children in cruel and harsh ways, was inconsistent with a philosophy of openness, honesty and whistleblowing.

- The government authorities in both Ireland and Australia were too deferential to the religious congregational leaders, and the inspection system was half-hearted - they failed in the application of appropriate accountability systems.
- Funding was always inadequate, but the situation was exacerbated by the religious orders, which used government funding to cross-subsidise their other congregational activities.
- As abuse in Catholic-run residential institutions was disclosed and brought to public attention, the religious orders reacted usually, if not always, with defensive or dismissive attitudes.
- The congregations that owned and managed the residential institutions, particularly the male religious orders, unnecessarily prolonged an outdated system, being resistant to a model of small family-like residential units and de-institutionalisation generally - this was a factor in exacerbating the abuse.

The data relevant to the two main Catholic religious congregations who provided out-of-home care to children, namely the Christian Brothers and the Sisters of Mercy, are now presented. It is drawn especially from the Irish Ryan Report (2009).

## Appraising the Christian Brothers and Sisters of Mercy

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### The Christian Brothers:

As well as their many secondary schools, which have educated and successfully matriculated countless Australian Catholic boys for almost 150 years since the late 1860s, the Christian Brothers have also built and staffed orphanages for boys together with four farming schools in Western Australia. Their educational achievements have been enormous. Hundreds of brothers were attracted to join the Christian Brothers, particularly after World War II. Initially, the Congregation of the Christian Brothers operated in Australia as a single province with its administrative centre in suburban Strathfield in Sydney, where training occurred, but in 1953 this was split into four provinces: NSW and ACT, Victoria and Tasmania, Queensland, and South Australia and Western Australia. Hence, from the late 1950s when vocations were at their peak, each province set up its own training centre.

The 1960s and 1970s became a time of turmoil for the brothers – in the province of Victoria and Tasmania, 86 brothers resigned from the order in the 1960s, and 87 in the 1970s respectively, and the corresponding figures for the NSW and ACT province were 90 in the 1960s and 111 in the 1970s (Nangle 2014). Except for various histories on selected aspects (e.g. McManus 1996), there is very little research on the Christian Brothers in Australia nor, seemingly, in the rest of the world. An exception is the study of Nangle (2014), who examined the evolution of the spirituality of the brothers.<sup>103</sup> However, in recent years, studies have emerged on the functioning of Christian Brothers' schools and their transition to lay control (Angus 1986; McManus 1990; McLaughlin 2007; Finn 2013).

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<sup>103</sup> Nangle (2014) relates how in 2007 the four Australian provinces were re-unified into the one Oceania province. He notes that the Christian Brothers are committed to not aspiring to be priests, adding that 'within the congregation there is an element of hostility to the hierarchical Church'. He documents how in the pre-Vatican II period, the spirituality of the brothers was

In March 1996, long after the Congregation was first racked by many allegations of the sexual abuse of young boys and teenagers, especially allegations beginning in the late 1980s in relation to the orphanages and farming schools,<sup>104</sup> the 28th General Chapter or meeting of the worldwide Christian Brothers congregation in Rome commissioned Brother Gerard Faulkner in Perth to do a special study of child sexual abuse in the Christian Brothers worldwide. This task essentially became a review of the literature, together with interviews with key experts, plus visits to two Church treatment Centres in Ontario and in Maryland. Faulkner was asked to interview some victims but this seems not to have occurred. The project seems not to have been well financed, which is surprising, given the urgency and size of the problem facing the congregation in Australia then and since. The author comments that it is an in-house project, written 'for us brothers'. Faulkner has stated that he stands before a huge mountain to be climbed, and very aware that his report is limited, admitting that the 'sections which reflect on the background culture of church and congregation are more speculative than scientific in orientation'.

In commissioning the study, the General Chapter articulated its purpose as being: 'to assist us (i) to discover and share our own truth in regard to child abuse, (ii) to minimise the possibilities of recurrence, (iii) to be more effective in ministry, and (iv) to contribute through our own learnings to the resolution of the problem of child abuse in society'. The central question was: what have we learned from this? (Faulkner 1998)

Faulkner's report begins in the introduction with an admission that: 'I am less sure, however, of the commitment we, as a congregation, have made to answer questions of meaning called to the surface by our recent and current experience' (Faulkner 1998: 10). Its beginning meanders through reasonably interesting but eclectic information from Greek and Roman pederasty, to a consideration of Freud's discredited aetiology of hysteria, to the Kinsey report and more modern studies from the 1960s and 1970s showing how professionals were slow to recognise the issue of child sexual abuse, before quoting from the 1997 Wood Commission about child migration, and then moving onto sexual abuse in the Church. The second chapter outlines fourteen myths about child sexual abuse, rather baldly and with no academically referenced content.

Faulkner ends by highlighting several significant factors for the Congregation: (a) sexual stereotyping, (b) excessive physical punishment, (c) patriarchy in society and in the church, and (d) the role of the advertising industry in promoting the welfare of children (Faulkner 1998).

One strength of Faulkner's report is his interviews with six offending brothers, although they provide only very short, quite limited and disappointing descriptions, including two by brothers who were abused as children: one abused by religious brothers and older boys in an orphanage, and the second abused by a woman in his care family. However, the themes that emerge from these six interviews are loneliness, lack of close intimate friends, and the 'inhumane' overwork in orphanages and special schools. There is no content discussing sexual orientation and very little on psychosexual development but Faulkner does discuss cognitive distortions and denials together with recidivism and treatment outcomes. He admits to the lack of research on congregational structures, and then

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characterized by heavy reliance on external observances with (i) a sense of duty, (ii) a fear of losing one's soul, (iii) the influence of dualism, (iv) the repression of affectivity, and (v) work and community life. Following Vatican II, the elements of their spirituality became (a) individuality, (b) inclusivity, (c) freedom, (d) personal responsibility, (e) duty, and (f) work.

<sup>104</sup> In its Catholic religious offenders data released in 2017, the Royal Commission into Institutional Responses to Child Sexual Abuse found there were 271 Christian Brothers who had sexually offended against children.

writes about the influence of secrecy and Jansenism, before linking to five 'pertinent elements in Christian Brothers culture': (a) entrance into the Congregation, including lack of proper psychosexual development, (b) formation, (c) community life, (d) ministry, and (e) spirituality.

In his final chapter, Faulkner (1998) outlines 24 learnings for his Congregation which function both as conclusions and quasi-suggestions, but there is very little by way of strategies for implementation. In this document, prepared for his international congregation from an Australian base, Faulkner, as a well-intentioned, credible and committed Christian Brother, uneasily fulfils the mandate he was given but he was not sufficiently supported by expertise in psychology, or policy or organisational evaluation, and the methodology he was given in his mandate was insufficiently rigorous and systematised. Nevertheless, given the time involved and the limitations in financial and administrative support, he prepared a useful document for his confreres. It is written without authority, and without any conviction that the Congregational leadership will do much to change the culture of the organisation - he almost writes in trepidation. But there is enough in the report to have generated serious change.

What impact did it have? We do not know, but it is telling that Faulkner's report is not mentioned in Br Nangle's list of references. This highlights a lack of research and evaluative research within the Christian Brothers, which is surprising given they are an educated group of male religious with university degrees. But the six small case studies highlight the issues of loneliness, stress and lack of self-care, especially on the part of brothers working in residential contexts. The Faulkner report also highlights the dangers and limitations of in-house studies and evaluations. It is insufficiently embedded in a theological and spirituality framework. But ultimately it remains a sad document, sad in the abusive circumstances that prompted it to be written, sad in its limitations, and sad in that it pointed to a leadership that was out of its depth.

The Ryan Report in Ireland (2009) is much more informative, with a fulsome eight chapters devoted to the Christian Brothers in Volume One. The similar findings in both countries give us a high degree of confidence in extrapolating from the Ryan Report findings. As in Australia, the Christian Brothers in Ireland were the largest provider of Catholic residential care for boys. The question is asked: Why was the safety of the boys never a priority for the Brothers? Based on the data available to us, especially from the Ryan Report, the following learnings can be made, and are applicable to other religious congregations:

**The failure to accept any congregational responsibility for the myriad of child sexual abuse cases:**

Ryan was very critical of the fact that the Christian Brothers acknowledged that the abuse had taken place but refused to accept any institutional responsibility for it, and that their responses to complaints were always defensive. In the view of the Ryan Commission, the allegations by some leading Christian Brothers that they had no awareness of the possibility of brothers sexually abusing was not supported by the congregation's Acts of Chapter and other documentation (Ryan Report: 229: par. 6.93) – knowledge went back many decades. The situation was similar in Australia because, as we have seen, child sexual abuse was a recurring problem from at least 1919 with the jailing of Brother Carmody.

**The consequences of the regime of obedience beginning in the novitiate and of corporal punishment:** Ryan reported on the vow of obedience, which, in permeating every aspect of Congregational life, resulted in the reluctance of brothers to criticise their superiors and inhibited the reporting of suspicions. Humiliating punishments were handed out to brothers who disobeyed. It made it difficult for some brothers to voice their disquiet at the regime. In Australia, in his thesis on

spirituality, Br Nangle noted the key importance of the novice master, adding that one brother occupied that position in the Sydney novitiate for 30 years prior to the break-up of the province in 1953.

**The construction of a cultural environment that was devoid of the adult and child feminine:** The Christian Brothers Congregation is a very indicative case study of the consequences of a culture that avoided women. David Ranson (1997) has drawn attention to this in his explanatory model as we shall see. The brothers practised fasting and mortification of the flesh to perfect their communion with God. In particular, the brothers were obliged 'not to maintain any intercourse with externs', particularly women, without permission. 'Brothers were instructed to keep all conversations with mothers or female friends of the children to the minimum. One consequence of this was that the Christian Brothers' institutions became all-male worlds. Numerous witnesses gave evidence to the Investigation Committee about the problems caused by the lack of female involvement in the day-to-day operation of the schools' (Ryan Report 2009: 6.106). It also implies that brothers had little collective appreciation of the emotional needs of the children in their care. Their focus was merely on physical care. It was an all-male congregation without a parallel order of religious sisters; they worked in all-male schools or residential institutions; and their sports regime was heavily oriented to the masculine sports like football, cricket and Irish handball; their contact with their female relatives was usually very limited.

**The lack of education and training for residential child care combined with an anti-intellectual bias:** The Christian Brothers were professionally prepared for their task of teaching in some primary and mostly secondary school settings. But, as the Ryan Report argues, they were not trained in child care - although, to be fair, there were few courses in child care in the pre- and immediate post-World War II period, apart from some in the UK. The Report makes a further point: 'One effect of the belief that teacher training and the religious way of life were an adequate basis for training and caring for children was that the Christian Brothers never passed on their expertise in a formal way. They were experienced in dealing with boys in institutions; their own members had taught and cared for boys for years. They should have been in a position to pass on information and advice to those coming after them, yet they produced no written texts, nor did they give formal lectures on the subject even to their members' (Ryan Report 2009: par. 6.131). Although many Christian Brothers are intelligent men, they have not produced a leading expert in theology, philosophy, or pedagogy, unlike the French-founded teaching orders of brothers.

**The Christian Brothers' fear of change:** Underlying all this, according to the Irish Ryan Commission, was a fear of change, which ensured that the residential institutions remained in all essential respects unchanged from their foundation in the nineteenth century until their closure in the 1950s to 1970s. The Christian Brothers, as an institution, were locked into an unchanging world-view. In the terms of Ranson's framework (Ranson 1997), the Order was not only devoid of the feminine, it was also devoid of eros, the spirit of imagination and creativity.

**The problem of institutional memory:** Another problem raised in the Ryan Report was that of institutional memory, because every 12 years there was a complete change of leadership. This meant that information about systemic and individual issues was not passed on from decade to decade. This was combined with a particular reluctance not to pass on embarrassing but critical information out of deference to the offending brothers and their reputations.

**The problem of the capitation system and cross-subsidisation:** Another issue was money, insofar as the capitation system (i.e. State funding was calculated on the basis of the number of residents)

meant there was always pressure to maintain and even increase numbers in the orphanages. This is clearly seen in the Neerkol case (Forde Report 1999). Also, funds were drained away to pay for the support of the whole Congregation, charged under the euphemism of 'visitation fees' (Ryan Report 2009: par. 6.48 – 51), so the orphanages essentially became cash cows for the Order.

## The Sisters of Mercy: an appraisal

The Sisters of Mercy are highly respected within the Catholic community in Australia. Yet, as in Ireland, the various reports have highlighted the physical and emotional abuse that occurred in their orphanages. Except for various references to the Sisters of Mercy in the three Australian residential care reports, and Coldrey's fine research, there has been no focused analysis of child sexual abuse in institutions run by the Sisters of Mercy in Australia. In Ireland however, the Ryan Report has provided such a focus, and there are very strong parallels between the Australian and Irish contexts - in the very decentralised method of governance and the formation of a teacher training college, such as the former Mercy Teachers' College at Ascot Vale in Melbourne. In Ireland, by 1994, the Sisters of Mercy came under one centralised administration (Ryan Report 2009: Vol. II, 6.06), something that their Australian counterparts have still not fully achieved.

The Forde Report in Queensland singles out the Sisters of Mercy, whose institutions were staffed by relatively small, locally-based religious communities (e.g. the Rockhampton Congregation of the Sisters of Mercy) which had little expertise in childcare and whose management was often in the hands of overbearing personalities.

As has already been suggested, right from the very beginning in Ireland, in organisational terms the Sisters were essentially a large number of separate communities, which were called Congregations although they were only united by their adherence to the same discipline and Rule. Regarding leadership, the Ryan Report notes that the smaller the Congregation, the less easy it was to find a person with the necessary skills (Ryan Report 2009: Vol. 11, 6.22). As in Australia, the orphanages were minimally staffed and there was only a basic understanding of the emotional needs of children. The sisters were specifically directed not to show affection to the children, allegedly in order not to favour one child over the other, although it could be surmised that the real reason was not to stimulate the maternal yearnings of the young nuns (Ryan Report 2009: Vol. II, 6.45). Another impact of their three vows was that the routinised rigidities of the life of prayer, simplicity, and work meant that during their prayer times, children were left in the hands of lay staff, including males, with predictable results. The emphasis on silence had the effect of reducing communication about children between the nuns to a 'strictly need to know' basis. The strict routine of the nuns, which was often interpreted as 'harsh and demanding,' was also imposed upon children, with early rising, daily Mass, chores, and special times for meals and recreation (Ryan Report 2009: Vol. II, 6.42). The Report also noted the consequences of the vow of obedience, especially when some nuns remained in positions of authority for far too long.

The Ryan Report noted that the Sisters of Mercy had the same problems as the Christian Brothers with capitation and cross-subsidisation, and found that, although they moved more quickly than the Christian Brothers, the Mercy Sisters were slow to move towards group homes, unlike the Sisters of Charity, who had begun to see the need to change from the late 1940s, because of their experience attending a childcare course in England at that time:

Had the Sisters of Mercy seen the fundamental flaws in the system of childcare operated by them in the late 1940s and introduced change accordingly, much of the abuse recounted to the Investigation Committee might not have taken place (Ryan Report 2009: Vol. II, 6.66).

## Chapter summary

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This chapter has illustrated the dangers and dilemmas of Christian altruism. Good Christian intentions are not enough, although it must be acknowledged that the religious orders, led by the sisters, have become much more professional in recent decades as they gained knowledge and skills through university and other professional training. Nonetheless, the Catholic Church still operates over 10,000 orphanages worldwide. If the patterns of sexual, emotional and physical abuse documented in this chapter on the basis of government and Church inquiries in Australia, Ireland and the Netherlands hold true, then one must fear for the safety of orphaned and at-risk children in Catholic residential institutions in other countries, especially the developing world – the Holy See does not seem to be aware of the issue or chooses to ignore it.

Besides the issues of corrupt founders and failing religious orders, which both point to underlying systemic issues, this chapter has identified the proliferation of religious orders as an issue in itself, particularly if they are diocesan-based. The data also raise issues about the financial viability and capacity for growth of many of these small religious orders in the Australian socio-religious context, and also raises questions about the quality of religious order formation in Australia and elsewhere, and about monitoring and accountability. Pastoral visitations do occur, but is that mechanism sufficient? Abused members, or potential whistleblower members, will remain silent if they feel that they are trapped in a religious group, perhaps like members of religious cults, with no viable security or future in the outside world and possibly with family members resident far away in other countries.

# 7. THE PREVALENCE OF CHILD SEXUAL ABUSE IN THE AUSTRALIAN CATHOLIC CHURCH IN COMPARATIVE PERSPECTIVE

With the major exception of the two John Jay studies commissioned by the United States' Catholic Bishops' Conference and the Deetman Commission sponsored by the Dutch bishops, bishops and heads of religious orders across the world have shown great reluctance to scope the scale of child sexual abuse by their priests and religious under their jurisdiction, or to attempt to make reasonably accurate estimates of its prevalence. The Catholic Bishops of England and Wales illustrate this point very clearly with a paucity of precise data on clerical and religious order offending, despite the precise recommendation of the 2001 Nolan Report that such data should be collected. However, they did establish the Catholic Safeguarding Advisory Service (CSAS)<sup>105</sup> in 2008 following the Cumberlege Commission and it is overseen by the National Catholic Safeguarding Commission (NCSC). The 2012-13 NCSC annual report revealed that between 2004 and 2011, 618 allegations were made against priests, religious and lay personnel in Catholic agencies in the UK, of which 78.6 per cent concerned sexual abuse. The 2016-2017 annual report, released in May 2017, 403 new child safeguarding allegations were made against 145 perpetrators, including sex abuse against 32 diocesan priests, 29 religious priests, 10 male religious and three female religious with a significant number since 2000 but many occurring in the period 1970 – 1989. Some of it involved watching child pornography on the internet.

However, in the UK, data on the number of priests and religious convicted of offences against children have not been published on a regular basis. In the UK, there is also no official or even unofficial database, such as those compiled by Broken Rites in Australia, bishop.accountability in the US, or Sylvia's Site in Canada where it is possible to obtain a meaningful understanding of the current situation.

In this chapter, the guiding question to be addressed is:

**What has been the actual prevalence of child sexual abuse by priests and religious in the Catholic Church, both in Australia and across the world, including an assessment of its reported peaking in the 1960s and 1970s and the alleged reasons, and whether and why there has been a subsequent abatement?**

Embedded in this broad question are many sub-questions, which we will address in our endeavour to answer in our review of the literature and the other available evidence:

- What is the general prevalence of child sexual abuse in individual countries across the world?
- What is the prevalence of child sexual offending by priests and religious?

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<sup>105</sup> For further information the reader is referred to the relevant website [www.catholicsafeguarding.org.uk](http://www.catholicsafeguarding.org.uk)

- Are there different offending rates between diocesan and religious order priests? And if so, why?
- Are there different offending rates between dioceses? And if so, why?
- What was the probability of Catholic or other children being abused by a priest or religious or other Catholic employee in a Catholic or associated setting?
- Is the sexual offending rate against children by Catholic priests and religious lower or higher in comparison with other Christian and non-Christian groups, and with comparable professional groups?
- Has there been a decline in the offending rate since the peak in the 1970s? If so, why is this and what is the prognosis for the future?
- Is the cohort of child sex offenders a unitary group or is there a typology of offenders?
- Given the alleged rise in offending between the 1960s and late 1970s, was this caused by the social changes driven by the 1960s sexual revolution, and/or the ecclesiastical changes of the Second Vatican Council?
- Have there been false allegations of child sexual abuse made against priests and religious?
- Why did many religious offenders stop offending?

## General prevalence of child sexual abuse

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### What is the general prevalence of child sexual abuse in individual countries across the world?

It must first be acknowledged that prevalence rates are difficult to determine. Prevalence describes a proportion or percentage of a population with a particular characteristic, for example, obesity in children within the national population. It can be gained by a snapshot approach at a particular point in time – e.g. obesity in children in the year 2015. Estimating the incidence and impact of child sexual abuse is beset with technical issues, including definitional problems, use of specialised populations, the problem of retrospective reporting, cultural and gender problems in disclosing and, lastly, disentangling other confounding individual, family and social factors that might have contributed to long-term outcomes (Cashmore & Shackel 2013). An early British prevalence study of 2019 adults found 12 per cent of females, and 8 per cent of males had been sexually abused before the age of 16 (Baker & Duncan 1985). The best data on the incidence of child sexual abuse in the US comes from the National Child Abuse and Neglect Data System, which in 2008 found an estimated 777,200 children were victims of abuse or neglect that had been reported to a protective service agency - of these, 9.1 per cent (n = 69,184) were found to have been sexually abused (US Department of Health and Human Services 2010). An earlier study published in 2009, based on data collected between 2001 and 2003, found that five in every 100 women and about four in every 100 men had experienced forced sex when they were 17 years or younger (Basile et al 2007). Other studies, though with more questionable methodologies, give much higher figures.

In New Zealand, the Christchurch Health and Development study began a study in 1977 with a birth cohort of 1,265 children. It found that 85.9 per cent of the cohort had no sexual exposure before the

age of 16, 2.7 per cent had non-contact sexual abuse involving indecent exposure, public masturbation and unwanted propositions, 5.1 per cent had contact sexual abuse not involving attempted or completed sexual penetration, and 6.3 per cent had suffered attempted or completed vaginal, oral or anal intercourse (Boden et al. 2007; see also Cashmore & Schackel 2013).

In the Netherlands, the 2011 Catholic Deetman Commission into sexual abuse of minors in the Catholic Church conducted a prevalence study on the general Dutch population. With a sample of 34,234 persons aged over 40, the Commission found that almost one tenth (9.7%) of the very large sample had experienced unwanted sexual contact with an adult non-family member as children, with a greater incidence amongst those with a Catholic rather than a non-Catholic upbringing. The risk for children in residential institutions was twice the national average, with no significant difference between Catholic and other institutions. Depending on the measurement mechanism, between 0.3 and 0.9 per cent of the Dutch population had been abused in Catholic settings. The Dutch have noted that during and immediately after World War II there were many orphaned children in The Netherlands who were placed in various types of care (Deetman Commission 2011).

General Australian prevalence studies began in 1988, with one study including 'hugging in a sexual way' in its definition. Later, in a random telephone survey of 4,449 adults aged 18 – 59 on the electoral roll, Dunne et al. (2003) found that 34 per cent of females had experienced unwanted non-penetrative sex with a person at least five years older than themselves before the age of 16, and 12 per cent of females had experienced unwanted penetrative sex with a person at least five years older before the age of 16. The equivalent figures for the males were 16 per cent and five per cent. In a similar study of Victorians, the prevalence of 'any unwanted sexual abuse with/without contact before the age of 16' was 17 per cent for girls and 7 per cent for boys (Moore et al. 2010). It would seem that, allowing for sociocultural differences between the different countries, in the developed countries 8 – 15 per cent of the total population have been sexually abused as children, girls much more so than boys.

## Prevalence of child sexual abuse by priests and religious

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### What is the prevalence rate for child sexual offending by priests and brothers?

Child sexual abuse by Catholic clergy and religious, however, has different characteristics, not least that many studies estimate that 70 – 85 per cent of all victims are young males. In estimating the prevalence of child sexual abuse within a national or diocesan workforce of priests over time, it is necessary to combine lifetime prevalence and period prevalence. The first John Jay College study published in 2004, in the USA, chose to survey the period from 1950 till 2002. From a research perspective, this was a legitimate and defensible decision. About fifty years seems a suitable benchmark for lifetime prevalence, since most priests, if they went to the seminary after high school, would have been ordained at about age 25 and then retired 50 years later at age 75.<sup>106</sup> Selecting the

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<sup>106</sup> Of the current Australian archbishops, most (Cardinal Pell, Archbishops Coleridge, Hart, Porteous and Wilson) fit the 50-year assumption whereas three do not: Archbishop Fisher of Sydney worked as a lawyer before entering the Dominicans, Archbishop Prowse of Canberra-Goulburn did a B.A. as part of his priestly training being ordained at 27 while Archbishop

baseline year of 1950, an unweighted prevalence rate would give equivalent weighting to a priest who retired in 1952 even though he was ordained in 1902 and may have offended in the 1920s, and a priest who worked in ministry from 1952 to 2002. According to probability theory, the reasonable statistical assumption is that a priest has an equal chance of offending during each year of his priesthood. Hence, the best prevalence measure is a weighted measure based on:

1. an accurate measure of the total number of priests who served in the Catholic presbyterate in a nation, a diocese, or a religious order, over a set time period
2. an accurate measure of the total number of priests, who have been the subject of credible allegations of an incidence of child sexual abuse committed within that defined period
3. the result is weighted according to the number of years served by each priest in active ministry, as a proportion of fifty years.

The weighted measure thus rests on the probability assumption that a priest had an equal chance of offending in each of his years spent in active ministry. Prevalence rates are also impacted by under-reporting and delayed reporting, both of which lead to underestimation. There are very few reliable sources for answering the fundamental question: **What proportion of priests and religious brothers and sisters have sexually abused children during their years of ministry in the Church?** It must be clearly stated that child sexual abuse has been overwhelmingly committed by men within the Church. A relatively small number of religious sisters, as we shall see, have been accused of sexually abusing a child, although many more have been accused of emotional and physical abuse of children, especially in residential care situations. This was shown especially in Ireland in the 2009 Irish Ryan Report and the subsequent auditing of most religious congregations.

Until the Australian Royal Commission into Institutional Responses into Child Sexual Abuse published its data in February 2017, the previous best estimate had come from the US John Jay 2004 and 2011 studies. Some more ambivalent data had also come from the various Irish diocesan inquiries, and a Spanish survey. There was also an estimate from the Melbourne Archdiocese provided by Archbishop Denis Hart in his testimony to the 2012-13 Victorian Parliamentary Inquiry. However, the Inquiry's report, *Betrayal of Trust* (2013), did not publish any estimates of Catholic priest and religious offenders or the number of their victims.

## USA John Jay data

The first authoritative answer comes from the sophisticated and comprehensive 2004 and 2011 John Jay studies, commissioned by the US Catholic Bishops' Conference. It should be noted that the studies were reliant on the integrity of all US dioceses in providing accurate information, unlike the Dutch and Irish inquiries, which conducted their own inspection of diocesan archives.

At the time of the 2004 study, 4.3 per cent of diocesan priests in the US and 2.9 per cent of religious priests had had credible allegations made against them. However, as more cases came to light in the intervening seven years between the first and second John Jay studies, and by 2011, the estimated unweighted offending ratio for the total priest population in the US had risen to 5.9 per cent (Terry & Freilich 2012). It is very likely that data for the subsequent period, 2011 – 2017, has raised the figure above six per cent, suggesting that about one in sixteen Catholic priests who worked in

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Costelloe of Perth was ordained at 31 after training and working as a young teacher before his priesthood training with the Salesians.

ministry in the US between 1950 and 2002, have had plausible allegations made against them (John Jay Report 2011; Terry 2014). For the period 1950 – 2002, credible allegations of sexual abuse that were not withdrawn or known to be false, were found to have been made against a total of 4,392 priests and deacons, including 143 priests (3.3%) with allegations in more than one diocese, eparchy or religious community. The 2004 John Jay study estimated that only 1.5 per cent of allegations were false.

The percentage of all priests with allegations of sexual abuse, as outlined above, was difficult to derive, because there is no definitive aggregated number of priests who were active in ministry between the years of 1950 and 2002. The John Jay research team used two sets of numbers to estimate the total number of active priests, and then calculated the percentage against whom allegations had been made. A total of 109,694 priests were reported by dioceses, eparchies and religious communities to have served in an ecclesiastical ministry between 1950 and 2002. Using this number, the 2004 report found that 4.0 per cent of all priests active between 1950 and 2002 had allegations of abuse made against them. The Center for Applied Research in the Apostolate (CARA) in Washington DC reported a total of 94,607 priests in ministry for the period 1960-2002. For this time period, the number of priests with allegations of sexual abuse was 4,127, resulting in a figure of 4.3 per cent who had been the subject of credible sexual abuse allegations. But many victims have subsequently disclosed their abuse since 2002.

The alleged abuse sometimes extended over many years. While in more than one third (38.4%) of cases, the abuse was alleged to have occurred within a single year, in just over one fifth (21.8%) of cases, the alleged abuse lasted more than a year but less than two years. In 28 per cent of cases, the abuse lasted between two and four years, in 10.2 per cent between five and nine years and, in under one per cent of cases, 10 or more years (John Jay Report 2004).

Approximately two-thirds of all allegations were reported to a Church authority after 1993, with one-third of all allegations reported in the peak report years of 2002-2003. Thus, prior to 1993, one-third of allegations were known to Church officials, even though the offences had occurred many decades previously, some even prior to World War II. Almost two-thirds of the priests against whom allegations had been made were born before 1940 and, extrapolating from the data, very close to half of the priests were ordained before the start of the Second Vatican Council (1962-1965). Data further suggested that the percentage of priests ordained from 1960 to 1980 who had credible allegations made against them, hovered between 6 – 8.5 per cent of the total number of ordinations. From 1980, the percentage of priests who had credible allegations made against them started to decline and was close to zero by 2000 (John Jay Report 2004: Figure 2.3.3. p 35). Note, however, that the John Jay figures have not been controlled for length of service in the priesthood to give a weighted prevalence rate.

In assessing the US offending profile, it is important to recall that, in comparative terms, there are far fewer Catholic schools in the US than there are in Australia. This is because in the US there is no government support for private or religion-based schools because of its rather extreme model of religion-state separation. In 1965 in the US, there were 10,667 Catholic primary schools and 1,527 Catholic secondary schools, declining to 5,302 primary schools and 1,200 secondary schools in 2015 (Center for Applied Research of the Apostolate 2016). In Australia, because of government funding for private schools since the late 1960s, and especially since 1973, the number of Catholic schools at the end of 2016 totalled 1736, 1249 primary schools, 343 secondary schools, 133 combined primary and secondary schools, and 11 special schools (*Official Directory of the Catholic Church in Australia*, 2017–2018). Related to this is the number of religious brothers. In the US, in 1965, there were

12,271 brothers, whereas by 2015 the number had declined to 4,200 (Center for Applied Research of the Apostolate 2016). At the end of 2016, there were 689 religious brothers in Australia (*Official Directory of the Catholic Church in Australia, 2017-18*). In the US, according to the Official Catholic Directory, the number of parish-connected Catholics in 2010 was 68.1 million, whereas the number of self-identified Catholics according to survey estimates in 2010, was 74.6 million (Center for Applied Research of the Apostolate 2016). This would imply that currently the US Catholic population is about 14 times larger than the Australian Catholic population. The conclusion to be drawn from this data is that compared with Australia, during the 50 years since 1965, the US Catholic Church had far fewer schools by a factor of about five, and far fewer religious brothers by a factor of three. This strongly suggests that the sexual abuse of children in US Catholic schools and residential institutions could be expected to be much less than in Australia, because comparatively fewer schools and residential institutions meant less access to children.

## Ireland and Spain

Data published by the Irish reports into the dioceses of Ferns and Cloyne, and the Archdiocese of Dublin do not provide a prevalence rate for offending priests within the dioceses. The 2005 Ferns Report does not provide a prevalence rate for offending priests within the diocese. Extrapolating from internal evidence contained within the 2005 Ferns Report, it would appear to suggest that the unweighted rate was as high as 8.9 per cent in the second half of the twentieth century (Ferns Report 2004). In the Diocese of Cloyne, 430 priests were incardinated between 1932 and 2010, which represents a putative offending rate of 4.4 per cent, but again, the actual rate is likely to be significantly higher given the limits imposed on the Cloyne Commission. The Cloyne Report (2009: 1.7) itself presents the figure of 7.6 per cent, which was calculated based on the total number of priests in the diocese in 1996 divided by the number of offending priests, resulting in a possible overestimation of prevalence. The real offending incidence is probably in the 5 – 6.5 per cent range (Cloyne Report 2009). The 2009 Murphy Report into the Archdiocese of Dublin gives an approximate unweighted figure of 6.14 per cent, based on 2,800 priests having worked in the archdiocese in the post-World War II period (Murphy Report 2009). Relying on US and Irish figures, this implies that the prevalence range for offending diocesan and religious priests is about 6 – 9 per cent. However, an unweighted prevalence figure, which gives equal weight to each priest irrespective of whether they served in ministry for one, or twenty, or fifty years, is more likely to be in the lower, rather than the higher, part of this range.

In his independent survey, the Spanish sociologist Pepe Rodriguez (1995) estimated that about seven per cent of priests in Spain had sexually abused children, with an estimated 262,600 male and 44,800 female victims. Rodriguez attributed the sexual abuse by priests to unresolved psychosexual tensions exacerbated by inadequate seminary formation.

## Victorian Parliamentary Inquiry

In testimony to the Victorian Parliamentary Inquiry in 2012, Denis Hart, Archbishop of Melbourne, stated that 1,748 priests ‘have held an appointment in the Archdiocese’ since 1935, and that 50 incardinated priests and 9 religious order priests were known to have sexually abused children and teenagers. These figures imply that the offending incidence within the Archdiocese of Melbourne was 3.375 per cent. While this figure is helpful in providing a baseline figure, it is insufficient from a strict social science perspective, due to the technical definitional and statistical details that were not given. Archbishop Hart did not provide the data that differentiated the total number of incardinated

and religious order priests, and the figure does not address the likelihood of underreporting in the 1935 – 2012 period.

## Royal Commission into Institutional Responses to Child Sexual Abuse

In February 2017, in a very thorough data gathering and interpretation process the Australian Royal Commission into Institutional Responses to Child Sexual Abuse delivered its findings on prevalence using the time period 1950 – 2010 with a ‘cleaned’<sup>107</sup> total of 5174 diocesan priests and 3,777 religious priests. The average length of ministry of diocesan and religious priests was 25.8 years and 22.8 years respectively. There were 344 diocesan priest perpetrators with an unweighted offending rate of 6.6 per cent and a weighted offending rate of 7.9 per cent – this suggests a slightly higher offending rate than in the United States. Regarding the religious order priests, there were 167 offenders with unweighted and weighted rates of 4.4 per cent and 5.7 per cent, somewhat higher than the US rate.

## Diocesan clergy and religious order offending in comparative perspective

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### Are there different offending rates between diocesan and religious order priests and brothers? And if so, why?

Until the Australian data became available in early 2017, the John Jay study was the only adequate data set that was able to provide a satisfactory answer to this question. The 2004 John Jay study found that 4.3 per cent of diocesan priests had credible allegations of abuse against them, compared to 2.5 per cent of religious priests. The CARA numbers yielded a total of 5 per cent of diocesan priests from 1960 - 1996 with allegations of abuse, compared to 2.7 per cent of religious priests from the same period. This suggests that the diocesan priest rate of offending was considerably higher than the offending rate for religious priests. Analysis of the data on the Canadian database Sylvia’s Site, suggests there were many more diocesan offenders than religious offenders (Sylvia’s Site 2016).

The Australian Royal Commission found offending was also greater amongst diocesan than religious priests but it also published figures for individual religious orders. For the priests, the unweighted and preferable weighted rates respectively were, in rank order for the worst offending groups, the New Norcia Benedictines (18.9%, 21.5%), Salesians (13.8%, 17.2%), Pallotines (11.1%, 13.7%), Marists (10.5%, 13.9%), Vincentians (8.8%, 8.0%), Jesuits (4.2%, 6.2%), Missionaries of the Sacred Heart (MSC) (3.9%, 5.3%), Franciscans (3.9%, 4.7%) and Dominicans (2.0%, 2.1%) (see Table 7.1)

Spanish Benedictines had begun a mission to local Australian indigenous peoples in 1846 and eventually it became Australia’s only monastery town, operating orphanages and schools for Aboriginal children and the children of the European settlers. The schools were closed at the end of 1991, and the two Aboriginal orphanages (St Mary’s for girls and St Joseph’s for boys) were closed in the early 1970s. In the time lag series data provided by the Royal Commission, offending was at its

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<sup>107</sup> Cleaned data refers to the process whereby the researchers removed the names of priests from the data set because they served overseas or where full data were not available or where data could not be reliably imputed from other data. It removed 183 names (3.4%) from the original data set.

highest in the 1950s closely followed by the 1960s. There was no offending after 1980. The main offenders seem to have been Spanish Benedictines living in a remote monastery far from their native country with very easy access to vulnerable children. The Australian offending rates against indigenous children correlates with the situation unveiled by the Canadian Truth and Reconciliation Commission in 2015. The Pallotines also worked in the remote regions of Western Australia.

**Table 7.1: Comparative Analysis of Data for Claims against Religious Order Priests and Brothers/Sisters: 1950 - 2010**

Name of Religious Order	Total No. Of Religious 1950-2010	Total No. Of Religious (cleaned*)	No. of Religious Perpetrators	Unweighted % of Religious Perpetrators	Weighted % of Religious Perpetrators
Dominicans	160	151	4	2.0	2.1
Franciscans	323	311	12	3.9	4.7
Marist Fathers	241	237	25	10.5	13.9
M.S.C	369	363	14	3.9	5.3
New Norcia	56	53	10	18.9	21.5
Pallotines	69	63	7	11.1	13.7
Salesians	162	159	22	13.8	17.2
S.J. Jesuits	381	380	16	4.2	6.2
Vincentians	153	147	13	8.8	8.0
AUSTRALIA	3893	3777	167	4.4	5.7
<b>RELIGIOUS</b>	<b>BROTHERS</b>	<b>and</b>	<b>SISTERS</b>		
Christian Bros	1680	1610	271	16.7	22.0
De La Salle Bros	659	492	58	11.8	13.8
Marist Bros	1074	1055	151	14.3	20.4
M.S.C. Bros	705	522	15	2.9	3.3
Patrician Bros	140	129	10	7.8	12.4
Salesian Bros	399	247	36	12.1	21.9
Josephite Sisters	3131	3122	14	0.2	0.3
Mercy (Brisbane)	956	955	2	0.2	0.3
S.J Jesuit Bros	545	503	13	2.6	4.8
St John of God	113	112	34	30.4	40.4

Source: Royal Commission into Institutional Responses to Child Sexual Abuse. Proportion of priests and non-ordained religious subject to a claim of child sexual abuse 1950 – 2010, February and June 2017, p. 6.

\*The cleaned data refers to the process where priests were removed from the data set because they served overseas or where data were not available or where data could not be reliably imputed from other information.

However, a much darker picture emerged from the data on offending for religious brothers (See Table 7.1). By a considerable margin, the St John of God brothers with their charism to mentally disabled children amongst other health care activities had the worst offending rate in unweighted and weighted terms (30.4%, 40.4%) followed by the Christian Brothers (16.7%, 22.0%), the Marist Brothers (14.3%, 20.4%), Salesian Brothers (12.1%, 21.9%), De La Salle Brothers (11.8%, 13.8%), Patrician Brothers (7.8%, 12.4%), MSC Brothers (2.9%, 3.3%) and the Jesuit Brothers (2.6%, 4.8%). The Christian Brothers had 271 perpetrators while the Marist Brothers had 151 offenders. In those congregations with both priests and brothers, generally the brothers offended less.

It must be noted that many religious congregations have had no reported offenders or only one offender. This reflects, at least partially, the fact that some religious orders have no or little ministry to children and thus limited or even no access to children. Extrapolating from the data, it would seem that evidence of a lower offending rate among religious order priests may be attributable to their custom of living in small communities that provide psychological support and mitigate loneliness. They may have less access to children, and therefore fewer opportunities for abusing than diocesan priests in parishes. This is especially true of the monastic orders though the Benedictines have always established schools and subsequent abuse has occurred as has been evident in the UK and at New Norcia. Religious order priests with psychological disorders are also more likely to be quickly identified in a community setting. It is also probable that religious order superiors are able to be more discerning, discrete and selective in admitting candidates to the priesthood, since they do not have the same pressures as bishops to provide priests for new and emerging parishes, especially in times of national population growth.

## Diocesan offending rates in comparative perspective

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### Are there different offending rates between dioceses?

In addressing this sub-question, the John Jay study claimed to have found little variability in the rates of accused priests across the fourteen geographical regions of the Catholic Church in the US — the percentage of priests accused in all regions averaged between 3% and 6%. The study suggested that ‘the consistency of the findings in dioceses across the United States is remarkable’ (2004 John Jay Report: 27).

The RMIT research team respectfully begs to differ. In fact, according to the John Jay data the range across the areas represents a considerable variation – a three per cent variation is not small. More significantly, the John Jay study’s own data suggest that the range was from nil priests accused in seven dioceses to 24 per cent in the worst diocese, with 19 per cent in another. The identities of the latter two dioceses were unknown to the research team. However, one may likely be the US Diocese of Fairbanks in Alaska, where there was considerable abuse by priests (often Jesuit priests) of indigenous children, as there was in Canada, in the areas inhabited by the Canadian First Peoples as documented in the Canadian Truth and Reconciliation Commission report.

The John Jay data draws attention to the comparatively low offending rates within the Catholic Eastern Churches such as the Ukrainian, Maronite and Melkite rites, where there is a tradition of married clergy. Historically, the Holy See has forbidden the Catholic Eastern churches to bring married

**Table 7.2: Comparative Analysis of Data for Claims against Diocesan Priests: 1950 - 2010**

Name of Diocese	Total No. Of Priests (cleaned*)	No. of Priests Perpetrators	Unweighted % of Priest Perpetrators	Weighted % of Priest Perpetrators
Adelaide	222	9	4.1	2.4
Ballarat	199	17	8.5	8.7
Brisbane	403	29	7.2	9.3
Bunbury	69	6	8.7	7.8
CanberraGbn	211	14	6.6	8.4
Lismore	129	15	11.6	13.9
MaitlandNwc	207	16	7.7	7.9
Melbourne	842	58	6.9	8.1
Parramatta**	111	3	2.7	2.2
Perth	358	20	5.6	8.3
Port Pirie	74	20	9.5	14.1
Rockhampton	132	8	6.1	8.0
Sale	82	11	13.4	15.1
Sandhurst	133	16	12.0	14.7
Sydney	735	47	6.3	7.0
Townsville	106	7	6.6	5.7
Wollongong	106	9	8.5	11.7
<b>AUSTRALIA</b>	<b>5174</b>	<b>344</b>	<b>6.6</b>	<b>7.9</b>

Source: Royal Commission into Institutional Responses to Child Sexual Abuse. Proportion of priests and non-ordained religious subject to a claim of child sexual abuse 1950 – 2010, February and June 2017, p. 6.

\*The cleaned data refers to the process where priests were removed from the data set because they served overseas or where data were not available or where data could not be reliably imputed from other information.

\*\* Parramatta was formed as a diocese only in the early 1980s as a break-off from Sydney. Its figures should be treated with caution. It would have been preferable to have calculated a figure for Greater Sydney amalgamating figures for Sydney, Broken Bay and Parramatta.

clergy into the celibate Latin-rite countries, including the US and Australia. However, in 2014, Pope Francis reversed this policy in the decree *Pontificia Praecepta de Clero Uxorato Orientali*.<sup>108</sup> An extremely small number of eparchial priests of the Eastern Catholic Churches (14 altogether representing 0.3% of the total number of abusing priests) had allegations made against them, including one from the Syro-Malabar rite<sup>109</sup> in the Chicago archdiocese. In Canada, Sylvia's Site

<sup>108</sup> Available in the *Acta Apostolicae Sedis* 106, 6 (June 14th, 2014), 496 – 499.

<sup>109</sup> This fact comes from the lists of offending priests on the bishops.accountability website.

revealed two offending Syro-Malabar-rite and six Ukrainian-rite priests (2.1% of total number of priests). The Syro-Malabar and Ukrainian figures are important because they have had, until 2014, compulsory celibacy for their priests in the Latin-rite countries although the Syro-Malabar rite has always had compulsory celibacy. The Australian Royal Commission figures released in 2017 show that the Ukrainian and Maronite eparchies had one claim against each while the Chaldean and Melkite eparchies had none. Although the cultural and socio-religious context of the Eastern Church may hinder disclosure, there have been only a small number of publicly known Eastern Church cases in Australia, Canada and the USA.

The Royal Commission figures are very telling for Australian dioceses. The two dioceses with the highest number of priest offenders were unsurprisingly Melbourne (58) and Sydney (47) though the Sydney figures must be treated with caution because in 1986 Sydney was divided into Sydney, Parramatta and Broken Bay. The highest offending rates were in the regional dioceses led by Sale (13.4%, 15.1%), Sandhurst (Bendigo) and Lismore (11.6%, 13.9%) followed by Port Pirie (9.5%, 14.1%), Bunbury (8.7%, 7.8%) and Ballarat (8.5%, 8.7%). Amongst the seven archdioceses, Brisbane had the highest rate (7.2%, 8.7%) whilst the stand-out result was the very low offending rate in Adelaide (4.1%, 2.4%). The following dioceses had only between one claim: Broome, Darwin, and the Military Ordinariate and only the Opus Dei prelature had nil claims. Nine other dioceses did not reach the threshold of 20 claims used by the Royal Commission in its further analysis as presented in Table 7.2; those were Toowoomba (19 claims), Wagga Wagga (17), Broken Bay (17), Hobart (14), Armidale (11), Wilcannia Forbes (10), Geraldton (9), Cairns (9) and Bathurst (9).

The reasons for the differential rates are not easily explained. The offending rates seem to have been quite high in the Victorian dioceses (Melbourne with Ballarat, Sale and Sandhurst). One explanation could be that the recycled seminarian was a more common phenomenon in Victoria. There were a greater number of religious houses of formation, especially in Melbourne, which resulted in dioceses accepting candidates who had previously studied at another house of formation. Many of the most serious offenders were recycled seminarians, having attended two or three different seminaries, including in Italy and in Ireland. During the 1950s in Melbourne, there was an intense campaign for priestly vocations in the face of a rapidly expanding immigrant population and the birth of the baby boomers. This culminated in the Catholic Life Exhibition at the Exhibition Buildings in Melbourne in 1955, where many religious orders promoted themselves and their work, whether in Australia or overseas. It may be that the highly visible campaign for priestly vocations in the 1950s and 1960s resulted in some quite unsuitable candidates being ordained or becoming brothers. In their quest for vocations, the brothers had a special advantage inasmuch as they had direct contact with their young Catholic pupils in their schools when they were deciding on their future in life. Of course, among these were some who had already been abused in their boarding or farm schools. Ballarat with its beginnings in the gold rush of the 1850s had a particular concentration of orphanages and boarding schools quite unlike any other Victorian and probably Australian regional city.

In regard to the archdioceses, it is known that the Brisbane archdiocese had as its archbishop an Irish prelate from 1917 to 1965 who is a known abuser with one female victim still alive. Adelaide is the diocese with the lowest offending rate. It was an archdiocese that had a high proportion of religious priests (in 1993, almost one quarter of the parishes were served by such priests) and it was heavily influenced by the Cardijn YCW philosophy and tried mightily to implement the spirit of the Second Vatican Council. Another major reason may have been that its archbishop from 1939 to 1971 was Matthew Beovich whose thinking would have been seared by the Thebarton saga during World War II and perhaps was very careful in his selection of seminarians. But it must be admitted that all this is

indicative, if not speculative until further evidence is forthcoming. A better understanding of the differences in offending rates between dioceses awaits further evidence and research.

## Probability levels of Catholic children being the victims of Church sexual abuse

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### What was the probability of Catholic or other children being abused by a priest or religious, or other Catholic employee, in a Catholic or associated setting?

This issue has been neglected in the literature due to uncertainty over estimated victim numbers that are complicated by underreporting. The *Betrayal of Trust* Parliamentary Report in Victoria deliberately did not enter into any prevalence estimates. The Deetman Report in the Netherlands has, however, addressed this issue. Notwithstanding all the technical issues surrounding any estimate of a probability rate, in a supplementary paper for the full Report, Langelands (2011) concluded that 'sexual abuse of minors within the Roman Catholic Church is not a widespread or common phenomenon'. As previously noted, between 0.3 – 0.9 per cent of the Dutch population aged over 40 had been abused in Catholic Church settings (Deetmann Report 2011). An Irish study has found that about one per cent of the population reported being abused as children in a Catholic setting (Goode et al. 2003) though not necessarily by a priest or religious. The data of Rodriguez (1995) would suggest that about one per cent of the Catholic population of Spain were victims of religious sexual abuse but the study has some technical difficulties.

According to data compiled in a report entitled *Catholic Ministry in Australia: The Crisis Deepens* (Wilkinson 2012), approximately 2.525 million students attended Catholic schools in the 1950-2010 period though throughout this period only between 45 – 60 per cent of Catholic children attended Catholic schools though there were variations across the States. The Royal Commission into Institutional Responses to Child Sexual Abuse (2017a & b) received claims from 4,444 Catholic claimants. Hence, the offending rate can be estimated to be .176 of one per cent, thus under one in 500. Children in Catholic schools were much more likely to have contact with priests and religious than Catholic children in government or other private schools. However, we need to make several considerable caveats. Both figures are likely to be underestimates. The student figure is based on the assumption that each student attended a Catholic school for 12 years which is far from being the case. And the claimants' number is also an underestimate due to death and non-reporting. Any precise estimate will never be known, but it would seem that it is certainly above one in a hundred, and more likely to be under one in two hundred to one in four hundred. Thus, the risk was far from being very low or nil.

The other caveat relates to the figure given by the Royal Commission (2017b) that sexual abuse occurred in 546 'educational facilities' over the 60-year period of 1950 – 2010. This generally refers to schools. In August, 1960, there were 1,459 primary schools, 323 girls' secondary colleges and 168 boys' secondary colleges. By 1970, there were 491,254 pupils in 1,469 primary schools, 337 girls' secondary colleges and 238 boys' secondary colleges. Because there were many more boys abused (four boys to one girl), the risk factor for boys, especially altar boys, was very considerable for those attending Catholic primary schools and the boys' secondary colleges. The Royal Commission (2017b) figures suggest that sexual abuse occurred in 89 Catholic residential care institutions. Whilst there

are clearly definitional problems, the relevant Catholic Directories suggest that there were 53 'orphanages' in 1960 and 67 'children's homes' in 1970. This highlights that the risk factor was very high for children in Catholic residential facilities though some of this type of abusing was done by lay people as well as priests and religious.

As a general conclusion, the sexual abuse of minors by priests and religious within the Catholic Church has not generally been a common phenomenon for girls though it did happen, and they suffered much emotional and physical abuse, particularly in Catholic children's homes. The risk factor for boys was quite high, and it was extremely high for children in Catholic residential care, especially boys) as the Dutch study found. The figures of the Royal Commission further suggest that the risk was highest in the 1960s immediately prior to, during and immediately after the Second Vatican Council when their first offence was committed by the perpetrators (see Figure 4, p. 24 of Royal Commission (2017b).

The probability also increased if the child was in the pastoral care of a psychosexually immature, poorly prepared priest, unable to deal adequately with his sexual desires, his exercise of power and his obligations to chastity and celibacy. The greater the contact with the Catholic Church and its male functionaries, the greater the risk for the child. A large majority of the Catholic population has never been at risk of being abused by a Catholic priest or religious brother. However, the ripple effect and its impacts on secondary and tertiary victims have been very considerable.

## Priesthood offending rate vs other religious and professional groups

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Is the sexual offending rate against children by Catholic priests and religious lower or higher in comparison to other Christian and non-Christian groups, and other comparable professional groups?

### Comparison with other religious groups

Child sexual abuse has existed in all ages, cultures, and religions, invariably shrouded in secrecy and silence, and characterised by inadequate responses by religious authorities determined to keep their institutional reputation pristine, and irreproachable, in a religiously competitive market. All major religious traditions without equivocation condemn child sexual abuse. Child sexual abuse also is embedded in child prostitution, child labour, child soldiers, the trafficking of young males and females and child kidnapping, which are not generally part of the Australian scene.

In Australia, the higher incidence of child sexual abuse within the Catholic Church compared to other religious groups, was demonstrated by the Deputy Commissioner of Victoria Police, in his evidence to the Victoria Parliamentary Inquiry. He provided figures that, between 1956 and June 2012, Victoria Police dealt with 514 victims abused in religious settings. Of these, 71 per cent had been abused in Catholic settings, with the next highest group abused within the Anglican Church - (18 per cent). It should be remembered, that in the period up until the early 1980s, the Anglican Church

population in Australia was greater than that of the Catholic Church.<sup>110</sup> While indicative, the problem with police figures is that less than a majority of child sexual abuse cases actually are ever reported to police.

The Chair of the Australian Royal Commission into Institutional Responses to Child Sexual Abuse, Justice Peter McClellan has presented data relating to the total number of notifications the Royal Commission has received. A total of 16,361 notifications have been received by the Commission, in relation to 3,566 institutions. Of these allegations, 7,049 relate to faith-based institutions. Table 7.3 shows the religious group profile of these allegations, revealing that close to two-thirds (62.7%) of the faith-based allegations occurred in Catholic Church institutions or settings, commensurate with the Victorian Police figures. This is a high figure, mitigated by the use of the ratio in the right-hand column, measuring the number of allegations divided by the religious group's 2011 population (McClellan 2015).

Such ratios are only indicative, as ratios themselves are very blunt instruments. However, the ratios in Table 7.3 show that the religious group with the highest incidence of child abuse allegations is, by a very considerable margin, the Salvation Army, followed by the Jehovah's Witnesses, and the Exclusive Brethren. It needs to be noted that the sexual abuse within the Salvation Army was not committed so much by Army officers but by employees in their residential institutions – the fundamental issue was oversight, accountability and infiltration by paedophiles. The 2011 John Jay study also draws attention to the high offending rate within the Jehovah's Witnesses in the US. The

**Table 7.3: No. of notifications relating to faith-based institutions x religious group**

Religious Institution	Number	Percentage of Total	Group % of 1961 Population	Group % of 2011 Population	Ratio to 2011 Pop.
Catholic	4,418	62.7	25.9	25.3	.812
Anglican	871	12.4	34.9	17.1	.237
Salvation Army	519	7.4	0.5	0.3	8.627
Uniting Church	480	6.8	20.2	5.0	.450
Jeh. Witnesses	137	1.9	n.a.	0.4	1.600
Presbyterian	123	1.7	9.3	2.8	.205
Jewish	80	1.1	0.6	0.5	.822
Baptist	59	0.8	n.a.	1.6	.167
Seventh Day Ad	56	0.8	n.a.	0.3	.889
Lutheran	32	0.5	1.5	1.2	.127
Brethren	30	0.4	n.a.	0.1	1.381
Church LDS	18	0.3	n.a.	0.3	.301
East. Orthodox	6	0.1	1.5	2.8	.011
Other	220	3.1			
TOTAL	7049	100.0			

<sup>110</sup> Deputy Commissioner Ashton's evidence is available from [www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child\\_Abuse/htm](http://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child_Abuse/htm)

Sources: Royal Commission: Speech given by Justice Peter McClellan on 15<sup>th</sup> September 2015 and Australian 2011 census data

focus, whether in Australia or the US, is mainly on the poor handling by elders of familial sexual abuse within the closely knit Jehovah's Witness communities. This was because of their literal interpretation of Deuteronomy 19, 15 and its two-witness requirement whereby an allegation can only be verified if the abusive act is witnessed by two people. The Catholic Church incidence ratio is comparable to those of the Jewish and Seventh Day Adventists. Further analysis based, firstly, on the number of perpetrators in each group and, secondly, on their role and type of employment in the institution would be useful.

## Overseas comparisons

In making overseas comparisons,<sup>111</sup> child sexual abuse is also embedded with issues such as migrant orphan children, teenage brides, and the age of marriage (Cahill 2012a). In today's Saudi Arabia, for example, there is no marriageable age, and in small rural and impoverished villages it is common for 13 to 14 year old girls to be married, while in urban areas, girls usually marry at about 17 to 18 years.

**Buddhism:** Buddhism is Australia's second largest non-Christian religion, with 563,700 followers in 2016. Like Christianity, in the eyes of Buddhism, all children are precious. In the area of child sexual abuse, academic and public interest in Buddhism has focused on the sexual abuse of young boys and girls resulting from the misguided and distorted pretext that sexuality with the spiritual master can be utilised to achieve spiritual fulfilment (Simpkinson 1996; Fogler et al. 2008a & b). In Buddhist thinking, all forms of sexuality and desire must be transcended in the quest for enlightenment.

Academic historians of Buddhism such as Leonard Zwilling suggest that sex between monks and boys has been an ongoing and damaging phenomenon for centuries in Buddhist monasteries, not least in China, Japan and Tibet. When caught, abusing monks are supposed to be expelled from the *sangha*, although this does not always happen (Zwilling 1992, 1999, 2001). In Thailand in December 2011, much coverage was given to one well-known Buddhist abbot who was imprisoned for 12 years for child abuse, while his accomplice suicided by drinking poison. In July 2017 Thailand saw the similar coverage of another high profile monk. Thailand's Centre for Child Violence reported that in 2010 there were almost 9,000 sexual assaults against children, an increase of 47 per cent over the previous year, perhaps partly due to a rise in disclosures (Vate-U-Lan, Assumption University, Bangkok, personal communication, 2012).

In recent years, attention has focused on Sri Lanka, where the Children Affairs Minister has suggested that child abuse is rampant in Buddhist monasteries, where thousands of young Sinhalese Buddhist children attend temples as novices and helpers. In June 2012, the Sinhala Service of the BBC, in a report titled 'Sri Lanka's Hidden Scourge of Religious Child Abuse', reported that over the previous decade 110 monks have been charged for sexual abuse of children, including a monk who had previously been a parliamentarian. In April 2012, a leading Sinhalese monk was charged with the abuse of a 10 year old girl in the late 1970s. However, when convictions do occur,

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<sup>111</sup> Much of this section was presented by the lead researcher to the Victorian Parliamentary Inquiry on October 20th. 2012 and has been slightly updated. The initial evidence is available from [www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child\\_Abuse/htm](http://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child_Abuse/htm)

sentences tend to be light. The phenomenon, which is taboo in the social and religious context of Sri Lanka, rarely receives public attention.

In the Australian context, there seem to have been no formal studies. Anecdotal evidence within the Vietnamese community suggests there was the rape, several decades ago, of young female refugees by infamous Thai pirates, and on some occasions by Buddhist monks in Thai and Cambodian monasteries, providing haven for the escaping Vietnamese boat people. Concern has been expressed about some large monastic Buddhist communities in Australia, usually led by a Buddhist spiritual master with young male and female celibate monks. It must be stressed, however, that there is absolutely no empirical evidence to underpin these concerns.

**Hinduism:** With the huge growth in the number of Indian-born immigrants arriving in Australia over the past two decades, Hinduism is one of Australia's fastest growing religions with 440,300 adherents reported in the 2016 Commonwealth census. In India, the cradle of Hinduism, *The Hindu*, a Delhi daily newspaper has been documenting and publicising the issue of child sexual abuse. One respected health writer has described child sexual abuse as 'India's time bomb'. In May 2012, the Indian Parliament passed *The Protection of Children from Sexual Offences Act*, which legalised consensual sex between 16 – 18 year olds. The bill was triggered by a study in thirteen states by the Indian Minister for Women and Child Development that found 53 per cent of children claimed that they had been sexually exploited. The Indian debate has especially focused on the plight and vulnerability of street children, which led to frenzied debate following the rape and murder of a female student in New Delhi on 16 December 2012.

Subsequently, Human Rights Watch produced a report, *Breaking the Silence: Child Sexual Abuse* (2013) which focused on a residential care facility for orphans and other vulnerable children in the northern Indian town of Rohtak. The report stated:

girls of all ages told them [National Commission for the Protection of Children's Rights] that they had been made to have sex with strangers for money, that the son-in-law of the director had molested them, that they had been stripped naked and beaten on their vaginas (Human Rights Watch Report 2013: 1)

India is still at the very beginning of a long journey to address child sexual abuse, both within and outside the family. Regarding Hinduism outside India, there are various press reports of child sexual abuse from the US, but there is no reliable study.

#### **Islam:**

The 2016 Commonwealth census has revealed that Islam has now bypassed Buddhism to be now Australia's largest non-Christian group with 604,200 followers constituting 2.6 per cent of the total Australian population.

In the Islamic traditions, no strong tradition of monasticism or celibacy exists in Sunni or Shi'a Islam. Professor Youssef (1998) suggested that in Saudi Arabia up until the 1990s, child abuse and neglect had been ignored as an issue, despite its presence. A Moroccan study (Alami & Kadri 2004) of a representative sample of females aged over 20 found that 9.2 per cent reported childhood sexual abuse, inside or outside the family. In Bahrain, the criminal law stipulates that punishment of the sexual abuse of a girl under 14 is life imprisonment or death, whereas for a boy under 14, the sentence is 10 years in prison. In a ten-year study at a Bahraini medical centre, 150 victims of child abuse were treated, of whom almost two thirds had been sexually abused, almost all by males and

by persons trusted by the child (Al-Mahrous et al. 2005). In Indonesia, there have been issues with Islamic religious officials sexually and physically abusing students in village boarding schools known as *pesantren*.

In a 2005 Turkish study of 1262 male and female university students, 28 per cent reported at least one instance of sexual abuse during childhood (Eskin, Kaynak-Demir & Demir 2005). In early 2016, Turkish society was shocked by reports of a teacher who had sexually abused ten boys, all born in 2002 and 2003, who had been abused between 2012 and 2015, including one who was forced to watch animal pornography, presumably bestiality. The abuse occurred in an illegal dormitory accommodation house, in a central Anatolian town, and established by the Ensor Foundation. The various media reports suggest the case is the tip of the iceberg and the issue has become highly politicised. In March 2016, the Turkish Parliament decided to appoint a commission of inquiry.

In the UK, Siddiqui (2006 quoted in Gilligan (2009), in a Report to the Muslim Parliament of Great Britain suggested that:

The Muslim community [in Great Britain] is at present in a state of denial – denial of the fact that child abuse takes place in places of worship including in mosques, madrasas (mosque schools) and families (Gilligan 2009: 97).

Issues of child sexual abuse have been found in South Asian Muslim families in the UK, with disclosure being a major problem (Gilligan & Akhtar 2006). A US study has focussed on domestic violence against wives by husbands and wives against co-wives in Islamic polygamous families, but not on children (Hassounah-Phillips 2001). In Australia there is some anecdotal evidence about the emergence of informal Muslim polygamous families over the last fifteen years.

In summary, aside from information presented above, there is little research evidence to make any meaningful or valid comparisons with non-Christian groups in Australia or in other countries.

## Comparison with other professional groups

In regard to comparisons with other professional groups, Keenan, from her extensive survey, concludes tentatively that 'sexual abuse of minors is more often reported against Catholic clergy than against other caring frontline professionals' (Keenan 2012: 11). It is almost impossible to make comparisons with other professional groups, although there have been several attempts in regard to boundary violations with adults. A worthwhile exercise would be to compare the offending rate of Catholic priests and religious with that of male lay teachers in Catholic schools, who are in daily contact with children under 18. However, we do not have precise figures on the number of Catholic lay teachers who have abused children. The anecdotal evidence suggests that it is relatively small but not negligible, apart from the offending religious teaching brothers who technically are lay people.

If we take Victoria as an example, in 2012, there were in Victoria 486 Catholic schools educating 194,219 primary, secondary and special students, representing 22.6 per cent of all Victorian school students. The 2010 figures show that these 486 Catholic schools employed 22,216 (effective full-time 17,534.7) persons, both teaching staff (71.5%) and support staff (28.5%). The gender ratio is 5,585 male (25.24%) and 16,631 female (74.86%). If the offending rate among male Catholic school staff were about the same as for the priests (e.g. 5%), then over the past 20 – 30 years, 279 male staff in Catholic schools would have been credibly accused, if not convicted, of child sexual abuse. This is far from being the case (Cahill 2012). Parents continue to send their children to Catholic

schools, both Catholic parents (72.5% for all Australia according to the 2011 census) and other parents from a variety of religious and non-religious backgrounds (27.5%) (Cahill 2012).

In summary, among the various religious groups in Australia, the available evidence shows that the incidence child sexual abuse is numerically higher within the Catholic Church than other Christian Churches and other faith groups in raw numbers, but not necessarily in terms of prevalence. Several groups have higher ratios, but special factors were operating in these instances. There is no credible quantitative data available to be able to make comparisons with overseas non-Christian communities and their Australian diasporic communities. The prevalence of child abuse by other professional groups would seem to be far less than for Catholic priests and religious brothers, although clerical misconduct studies point to boundary violations by both Protestant and Catholic clergy involving adult partners.

## Evaluating the decline in offending rates in the past three decades

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### Has there been a decline in the offending rate since the last peak in the 1970s? If so, why is this and what is the prognosis for the future?

All the relevant data sets across all the major English-speaking countries, as well as the Northern European countries, show that there has been a substantial decline in clerical child sex abuse by Catholic priests and religious since the 1980s. Based on a close reading of the literature, it would seem to this research team that there are ten reasons for the decline:

- the high and sustained public visibility given to the issue by the media since the early 1980s, which has had a severe mitigating impact upon the presbyterate and religious institutes
- the better child protection mechanisms now in place, including through state legislation requiring mandatory reporting, together with various Church initiatives, especially in Catholic schools
- the greater vigilance of Catholic parents and Catholic Church employees generally, as a result of the publicity
- the declining number of active priests over the past four decades and the associated aging of the remaining cohort
- the resignation of many at-risk priests and brothers from clerical life to enter marriage or same-sex relationships
- the almost total collapse of the former high-risk altar server system
- the very substantial decline in the number of Catholics who regularly make use of the sacrament of confession, thereby reducing the risk of solicitation
- the closure of many, if not most, Catholic boarding schools, farms schools, orphanages and other Catholic residential institutions, particularly in the developed world

- the lessened interaction of Catholic priests with students in Catholic schools, as schools have become more professionalised and managed by lay persons
- the reform of the selection and screening processes for seminaries and houses of formation, especially in developed countries, and the inclusion of human formation elements in seminary curricula.

Although the decline in offending is apparent in Australia, the Catholic Church authorities have not emulated some other major comparative countries in putting transparently in place safeguarding mechanisms in every parish, establishing a professional accreditation system of all clergy in active ministry, insisting on ongoing training for annual accreditation with professional mentoring and monitoring programs, or adopting special initiatives such as hotlines, as in Germany and Ireland. Till now the leading three countries in respect of such initiatives are Ireland, the UK, and the USA.

## Safeguarding children

In Ireland (the Republic and Northern Ireland), the Catholic bishops have established the National Board for Safeguarding Children in the Catholic Church ([www.safeguarding.ie](http://www.safeguarding.ie)). Its recent focus has been on religious orders. In September 2015, it published the review of child safeguarding practices of 43 religious orders (8 male, 35 female), making detailed recommendations as appropriate. In its overview, it referred to 325 recent allegations against 141 priests and brothers, mainly in relation to offences that occurred between 1941 and 1995, although one case had been committed after 2000. Since 2011, the Irish bishops have established the *Towards Healing* process, with the Towards Healing Counselling and Support Service, to replace the Faoiseamh Counselling Service. From 1996 until 2011, this service provided 316,358 counselling sessions to 4,820 clients, including secondary victims, with €27.13m funding support from the dioceses and religious congregations. In 2012, the Service received 19,000 calls on its Helpline, provided face-to-face counselling in 29,000 sessions to 1,492 clients, including 517 new clients. Its advocacy service dealt with 117 different matters, connecting clients to a variety of services, including financial, homelessness and educational services, while 23 clients engaged in the Restorative Justice process. It also commissioned two reviews to assess the effectiveness of its services and its governance and organizational arrangements (National Board for Safeguarding Children in the Catholic Church 2015).

Again, in Ireland, a special role is being played by the One-In-Four organisation, founded in 2007 by a senator who had himself been abused by a friar in the early 1980s as a teenager. It is so-named because about one quarter of the adult Irish population has experienced child sexual abuse, mostly in the family. In 2010, an in-house survey by the organisation found that one quarter of the organisation's clients had been abused in church settings.

In the UK, the National Catholic Safeguarding Commission has been operating since 2008 following the 2007 Cumberlege Report. Included in the initiatives was the appointment of a safeguard representative in every UK parish – 96 per cent of parishes were compliant by 2013. There is also a national training program. In the US, an extensive system of child safeguarding has been put in place, reaching into parishes and schools. In March 2015, the annual report of the Secretariat of Child and Youth Protection of the USCCB and its US National Review Board was published. The data are compiled by the Center for Applied Research in the Apostolate (CARA) at Georgetown University in Washington DC, and it uses two auditing and reporting mechanisms. One audit found that in the 2013 – 2014 audit period, 620 survivors made 657 allegations: 130 were substantiated, 62 unsubstantiated, 243 under investigation, 210 unable to be proven or disproven, and 12 were listed

as 'other'. The CARA survey data of the dioceses found that there had been six substantiated cases of sexual abuse in 2013 – 14. In the same year, 511 clerics had been accused, of whom 41.1 per cent were dead, 13.5 per cent had been permanently removed from ministry, and 8.0 per cent were still in ministry. Of the remainder, their status was unknown in 11.7 per cent of cases, while others had resigned or were temporarily removed from ministry. Victims were 75 per cent male and 25 per cent female, with most in the 10 – 14 age range. Of the 277 offences by diocesan priests, the decades were represented as follows: 1950s – 5.4%; 1960s – 20.9%; 1970s – 37.2%; 1980s – 23.8% and 1990s – 6.5%, while another 6.5 per cent of the offences had taken place since 2000 (CARA 2015). Just over a third had not been the subject of previous allegations. The patterns are similar with religious order priests subject to far fewer allegations and none since 2000.

In the United States in 2013 – 14, 4,484,609 US Catholic children (92.9 per cent of the total cohort) had participated in safe environment training, as well as 160,757 Catholic educators (99.4%), 250,087 (97.4%) other Catholic employees, and 1,931,872 (98.0%) volunteers. Background checks, now to be done every five years, were also carried out on these different categories of employees in Catholic institutions. Safe environment training was given to 35,319 priests (99.6%), 16,089 deacons (99.5%), and 6,503 candidates for ordination (98.5%). The report of the Secretariat of Child and Youth Protection of the USCCB and its US National Review Board noted that one diocese (Lincoln)<sup>112</sup> and five eparchies (Armenian, Chaldean, Maronite, Syrian and Ukrainian) were not in compliance with the Catholic Charter for the Protection of Children and Young People.

In their 2016 Annual Report *The Implementation of the Charter of the Protection of Children and Young People*, the US bishops' National Review Board and its Secretariat of Child and Youth Protection revealed the results of their audit which showed:

- 98.7 per cent of priests, 96.6 per cent of educators and 97.1 per cent had undergone background checks
- 99.1 per cent of priests, 98.0 per cent of educators and 96.4 per cent of volunteers had received safe environment training
- 94.0 per cent or 4.5 million children had received safe environment training in parishes and schools
- Almost 250 new victims had been identified and ongoing support was being offered to 1,510 survivors
- 25 allegations had been made by current minors in 2016 with two substantiated, eleven unsubstantiated and eight still under investigation
- The two priest offenders against current minors had been removed from ministry as had another 25 for historical abuse

The US data suggests that offending continues, although it is now quite small in its dimensions. However, CARA reported that there has been an increase in boundary violations, although this was attributed to the greater likelihood of children reporting behaviours that made them feel uncomfortable. These violations were said to be not criminal, but probably contravened the diocesan code of conduct.

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<sup>112</sup> It was announced in September 2015 that the Lincoln diocese has decided to become compliant – a new bishop has recently taken over.

Data of the kind collected by the Irish, UK and US episcopacies are not available in Australia, and are seemingly not collected. In fact, it is difficult to find details about child protection and safeguarding policies and practices on the various websites, with the exception of that of Catholic Religious Australia. The Australian National Committee for Professional Standards is jointly sponsored by the Australian Catholic Bishops Conference and Catholic Religious Australia. There are no published figures concerning new allegations and safeguarding education and training, such as in the UK and the US. The Australian episcopal conference has thus far not put in place an education and training strategy reaching every priest and religious order member in every one of the 1,359 parishes. The exception is the Catholic schools, where lay principals have implemented safeguarding education and training. The anecdotal evidence is that priests are unwilling to participate in briefing seminars and full training sessions. In 2016, the Australian Bishops Conference announced that it was forming a company, called Professional Standards Limited.

The question then becomes: is the phenomenon of child sexual abuse by priests and religious likely to re-appear and increase in the short- or long term? The answer is unclear. The Irish and American evidence is that sexual abuse by priests and religious is still occurring, although the number of incidents is small. One hypothesis is that child sexual abuse will re-appear as a problem after several decades, when the current crisis has receded into the past, because the underlying systemic and institutional issues have not been addressed. It might happen, despite even the most stringent checks, that an offending priest or religious might be recycled to Australia from an overseas country. In the US, not a few overseas priests, especially from the Philippines and India, have been charged and convicted. Another hypothesis is that clerical dysfunctionality may appear in different ways in different historical epochs and cultural settings, such as in various forms of mental illness, alcoholism, or sexual abuse. Clericalism which Pope Francis has described as ‘an evil’ can also produce perverse effects. The historical or contemporary data to be able to make a determination about this question are not available. Moreover, the issue of child sexual abuse by clergy and religious needs to be expanded beyond children to misconduct with adults, especially with vulnerable adults, in the same way the bishops of England and Wales did when they commissioned the 2001 Nolan report.

## The issue of a typology of priest and religious offenders

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### Is the cohort of child sex offenders a unitary group or is there a typology of offenders?

Typologies are useful heuristic devices often used by social scientists to map a particular issue and to identify different types of actors in a social field. Many, if not most, of the studies consider the priest and religious offenders as a simple unitary cohort. Plante (2014) has rightly warned against such simplification. The issue of different types of offenders has not received sufficient attention, except in terms of location of the abusive incident and the number of victims, as given in the John Jay Reports. In a subsequent analysis of the John Jay data, Mercado, Tallon and Terry (2008) analysed a subset of the data for which perpetrator and victim information was available (3,674 or 83.7% of the total). There were four groups: (i) perpetrators with one alleged victim ( $n = 1915$ , 52.1%), (ii) two or three ( $n = 1082$ , 29.5%), (iii) four to nine victims ( $n = 540$ , 14.6%), and (iv) those with ten or more victims ( $n = 137$ , 3.7%). Those with a greater number of victims were generally younger at the time of the first incident of abuse, showed abusive behaviour over a longer period, and their victims were predominantly male. In terms of the Catholic Church’s response, the study indicates that action was more likely to be taken when a greater number of alleged victims was involved, and that such action

generally took the form of a referral for treatment. The study found no clear differences in the nature of the sexual acts, or in the use of grooming, coercion or reward (Mercado, Tallon & Terry 2008).

The Australian Royal Commission data analysis report released in June 2017 shows in Tables 44 and 45 that one priest had 80 separate claimants against him while one religious brother had 78 claims and the highest for a religious nun was four claimants. One lay person had 42 claimants. The Australian figures for the number of claims per alleged perpetrator are not directly comparable but there is a strong congruence. Five per cent of priests offenders and eight per cent of religious brothers as serious predators had 10 or more claims against them. No religious sister had 10 claims against her. As well, it is very important to note that 64 per cent of priests, 54 per cent of religious brothers, 87 per cent of religious sisters and 91 per cent of lay perpetrators had only one claim against them (Royal Commission June 2017). The Royal Commission does give data on the seminaries attended by the diocesan priest perpetrators – however, it is difficult to interpret because of missing data on one third of the cohort and for other technical reasons.

It is important to draw attention to two types of priest and religious offenders as well as the issue of female religious offending.

## The serial priest predator

In the John Jay study, priest offenders with at least ten victims accounted for abusing at least one quarter of the total number of victims. The John Jay figures show two things about the serial abusers: they made up a small percentage of the total number of priest abusers, perhaps 1 – 5 per cent, but their victims were many, perhaps in the hundreds. Secondly, the profile showed that during the time studied (1950 – 2002), their number and proportion remained much the same, irrespective of the peaks and troughs in offender numbers that occurred in the late 1950s to 1970s. This suggests that there were, throughout the twentieth century, a small group of serial priest offenders who were regularly, if not continuously, abusing children.

Serial priest offenders, who have abused at least ten children, at severe levels, and over extended periods of time, can also be found in the history of the Catholic Church in Australia. Extrapolating from the John Jay figures into the Australian context would suggest that approximately 15 to 35 serial priest perpetrators in Australia committed about a third of the total number of offences. The Royal Commission data would strongly support this. The Australian serial priest offender Father F of the Diocese of Armidale provides such an example. Episcopal hubris, driven by the pressing need for more priests, resulted in his ordination, in spite of warnings by seminary staff as to his personality and suitability to the priesthood. The heightened visibility in the media of serial priest offenders, and the constant re-dredging of their cases in media reports and public inquiries, has magnified a situation, bad though it always was, in the public mind. It is likely that these men would have been screened out if such a test as the MMPI-II had been used during their application and screening process.

## The recycled seminarian, brother and priest

Nested within the overall cohort of priest and brother offenders were (i) those who were recycled through different seminaries, (ii) those who were brothers and then were recycled to become priests, and (iii) those who were recycled through different countries before any offending was committed, or any offending became public knowledge. This recycled sub-group, which has much overlap with

the serial priest offender sub-group, is to be differentiated from those who were moved through different dioceses and even different countries after the offending became known to Church authorities.

From early on, the Holy See was very aware of the phenomenon of applicants 'shopping around' until they found an unwary, accepting bishop. The Council of Trent had warned against 'bishop shopping', and the issue was picked up very explicitly in the 1917 Code of Canon Law. Canon 1363 §3 stated that candidates dismissed from one seminary or religious institute were not to be admitted unless the responsible bishop had apprised himself (secretly, if necessary) of the cause of the dismissal, and he was satisfied that there was nothing in the morals, character and temperament of the applicant inconsistent with the priesthood. In addition, those in charge of the dismissing seminary were to provide their information to the bishop with 'a gravely burdened conscience'. The issue was also picked up again in the very detailed 1961 Instruction *Religiosorum Institutio*, just before the beginning of the Second Vatican Council. Several Australian serial priest offenders had been recycled:

- One offending priest entered a Redemptorist seminary then subsequently went to a diocesan seminary,
- A second offending priest completed his priesthood studies at an overseas Redemptorist seminary before being recycled to an Australian diocese
- A third offender priest transferred from a UK diocese to Melbourne,
- A fourth serial offender was recycled through three seminaries in Australia, Italy and Ireland,
- A fifth offender was a Marist brother who transferred to become a priest and
- A sixth offender was, for a short time, a Columban seminarian before switching to become a diocesan seminarian.

There are many other examples. It is probable that the precise canonical processes would seem not to have been followed, or that those in the dismissing seminary were not fully honest or open in the information they provided. But these are very difficult judgements. Unfortunately, the research data does not allow development of an expanded typology of other priest and brother offenders beyond those who desisted, as we shall see (John Jay 2011, Winship 2012).

## The female religious offender

Across the world, very few nuns sexually offended against children though there are many cases of physical and emotional abuse, especially in residential care institutions as the 2009 Irish Ryan report and the 2015 Irish church audit of most religious orders by its Catholic safeguarding body ([www.safeguarding.ie](http://www.safeguarding.ie)) attest. For example, the Irish audit found that that allegations had been made against 61 nuns (40 now deceased) of the Irish Sisters of Nazareth, but all were of emotional and physical abuse. The Irish audit of the Sisters of Mercy found 17 sisters had had allegations made against them but none was ever convicted. In the US, the bishops.accountability website contains the names of some female religious e.g. the Los Angeles archdiocesan list contains the names of two nuns who died in 1971 and 2005 while the Chicago listing contains the name of a nun who was known to be mentally ill and who sexually abused a child in the 1950s. Extrapolating from the data, the sexual offending incidence by US female religious was about one or two in every thousand nuns.

In June 2017, in the sexual offending data released by the Australian Royal Commission into Institutional Responses to Child Sexual Abuse, 96 female religious sisters had claims of sexually offending against children under 18. This came as a surprise because it was higher than expected

and it contrasts strongly with the figure of 93 given in data held by the United States Bishops' Conference as at July 2017. The Royal Commission data outlines the unweighted claims against "non-ordained religious" but not including priests, religious brothers or lay people: Sisters of Mercy (37 claims), Sisters of St Joseph (31 claims), Good Shepherd Sisters (11 claims) and Sisters of Nazareth (9 claims). This suggests that the Australian female religious offending rate was about three or four in every thousand nuns, approximately twenty or thirty times lower than the offending rate for priests.

However, as the Royal Commission data clearly show, a much more significant issue for the female religious congregations was the naïve willingness to allow adult men, often priests but also male orphanage workers and tradesmen, to access the vulnerable children in their care. The 1999 Queensland Forde Report into institutional care was very aware of this issue, describing it in terms of 'a dangerous naivete' often resulting from the profound ignorance of religious sisters about sexual matters.

## Evaluating the claims that Vatican II and/or the sexual revolution were recent causes

Given the claimed rise in offending between the 1960s and late 1970s, was this rise caused by the ecclesiastical changes of the Second Vatican Council, and the social changes driven by the 1960s sexual revolution?

Especially after the publication of the two John Jay reports, it was claimed that the outbreak of child sexual abuse during the 1960s and 1970s was a direct result of the changes and turbulence of the Second Vatican Council, and the so-called sexual revolution beginning in the 1960s. These two factors were said to have led priests and religious to experiment in sexual activity following their previous sexual deprivation. Another explanation given was libertine 'liberalism'.

The evidence is strong that the offending rate in Australia and elsewhere increased very markedly from the late 1950s, although this should not be exaggerated, if only because we have very little data about the offending rate in the first five decades of the twentieth century. Data in Austria found that offending dated back to the 1930s and peaked in the late 1950s and early 1960s before the Second Vatican Council (Lueger-Schuster et al. 2014). The relevant studies, especially the John Jay studies (2004 & 2011) and the Dutch Deetman Commission report (2011), document that the offending rate before the late 1950s was not insignificant, although there is no way of quantifying it. As previously mentioned, the John Jay studies found that very close to half of the offending priests in its data set were ordained before 1962 even though the study made 1950 as its baseline. There was a significant level of offending during the 1950s, an era when there would have been much underreporting. The rise in offending from the late 1950s, several years before the Second Vatican Council, to the late 1970s/early 1980s would seem, on the basis of the data available to the RMIT research team, to be attributable to the following factors:

- the greater access to vulnerable children in the aftermath of the Second World War, including the increased number of such children in well-intentioned and altruistic Catholic residential care institutions, including migrant children and children orphaned, abandoned and displaced as a result of the war and wartime dalliances
- the marked increase in the Catholic population, particularly in the migrant-receiving countries such as Australia with resultant pressure on bishops to fill empty vacancies in

parishes, especially working-class parishes, sometimes with less than suitable priests who should not have been ordained

- the changing lifestyle of the priest with (i) the proliferation of one-priest parishes from the 1960s (ii) greater and easier mobility after the horse (and cart), with free access to cars together with (iii) less monitoring of priestly activity and (iv) less accountability
- the increasingly positive image of the Catholic clericalised priesthood during the first half of the twentieth century, which attracted altruistic young men prepared to accept the mandatory celibacy as part of the package without fully understanding the commitment
- the episcopal hubris and irresponsibility in ordaining some psychologically immature and even disturbed candidates against the advice of seminary staff
- the greater access to children through the growth of Catholic schools, especially boarding schools, and youth clubs such as altar servers' groups and the Boy Scouts<sup>113</sup>
- the greater general turbulence in the Catholic Church during and immediately after the Second Vatican Council, with the celibacy debate masking the deeper crisis about the role of the priest in a globalising, technologically advanced and more professional world, together with the resignation of many, often highly talented, priests
- the impact of the sexual revolution, particularly on psychosexually immature men, whose sexual immaturity and deprivation led to distorted cognitive thinking about children and whose repressed sexual curiosity led to greater sexual experimentation
- a deep rejection by the Catholic faithful of the Church's theology of sexuality based on the interlinking of sexuality and procreation, especially following *Humanae Vitae* in 1968, with the result that the Church was unable to offer a credible and acceptable theology of sexuality
- an expectation during the 1960s and 1970s, especially among Catholic clergy and religious, and documented in the Deetman Report in the Netherlands during the 1960s and 1970s, that the law of celibacy would soon be changed. 'Young priests unilaterally abandoned the obligation to remain celibate, while some people opted for the priesthood in the expectation it would be abolished', leading to a conscious rejection of the celibacy rules by many clergy, and possibly to inappropriate behaviour with children, especially by those who were psychologically immature.

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<sup>113</sup> In 1960, there is a known case of a scoutmaster being summarily dismissed from an upper-class Catholic scout troop in Melbourne's inner east. He had formerly been a St. John of God Brother and then worked in the government mental health system with children. He was never jailed and died several years ago.

## Sundry issues: false allegations, sexual harassment and desistance

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### Have there been false allegations of child sexual abuse made against priests and religious?

The Holy See has always been concerned - arguably over-concerned - about false allegations, and for this reason it has maintained and continues to maintain that canon law procedures should be strictly followed, thereby having the unintended (or intended?) sidelining of the testimony of the child. However, the research literature is adamant that children do not lie about what has happened to them. Unlike Ireland and the USA, the issue of false allegations has not been as publicly visible in Australia, except for the court exoneration of an Australian military bishop in a very clear case of mistaken identity. It is difficult to scope the dimensions of the problem. The 2011 Deetman Commission in The Netherlands found that of the 1,287 complaints that it received and investigated, a high 28 per cent were unfounded. On the other hand, as previously mentioned, the 2004 John Jay study estimated that only 1.5 per cent of allegations were false.

In the USA, Cardinal Bernardin (1928–1996), Archbishop of Chicago, was accused by a former seminarian of sexual misconduct, but the charges were withdrawn because the accuser was unsure about the accuracy of his memories, which had been recovered through hypnosis. In Ireland, a former Mercy nun, Nora Wall was sentenced to life imprisonment in 1999 for not intervening when witnessing the rape of a child by a layman but the conviction was soon squashed. Of the two female accusers, one had a history of psychiatric illness and the other had a prior history of making false allegations (O'Brien 2006).

In Australia, among the Italian Scalabrinian priests, there was one case of a priest, now deceased, placing a child on his knee, which was wrongly interpreted by the mother – this was never public knowledge (Cahill 2004). Other cases of false allegations are often talked about among Australian priests.

### Sexual harassment and seduction of priests

The issue of false allegations also raises another issue, namely, the sexual harassment of Catholic clergy. Anecdotal evidence suggests that it does occur occasionally. There are no empirical studies on its incidence. McDuff (2008) studied the clergy of two liberal Protestant Churches in the USA. She found that female pastors were more likely to be sexually harassed and propositioned than their male counterparts, and that being older and married were protecting factors.

Another aspect that needs to be recognised is that some women can become romantically attracted to priests. Drewermann (1990) draws attention to this phenomenon, as have Spanish novelists such as Leopoldo Garcia-Alas y Urena (1852 – 1901), also known as Clarín, in his novel *La Regenta* (Mitchell 2000). Haliczzer (1996) also draws attention to sexually frustrated older women or sexually deprived young women who targeted Spanish priests as documented in the files of the Spanish Inquisition.

In his interviews with priests, Rodriguez (1995) relates how one priest was propositioned by an attractive mother who stated: 'I know that you priests have a rough time of it and that it's not easy

for you to get along without some help but I'm a good parishioner and I'm willing to satisfy you with whatever you need'. The priest commented that because she is a committed Catholic the relationship is above suspicion and any pregnancy could be attributed to her husband. There is a minimum of affective commitment and the relationship is purely sexual (Rodriguez 1995, Mitchell 2000).

## Religious offenders and desistance - Why did many religious offenders stop offending?

Only two studies examined desistance or offenders stopping themselves from further offending. Criminologists have studied why abuse has stopped, often years before the perpetrator is reported to the police. As outlined in the 2011 John Jay Report, Gove (1985) suggested that desistance resulted from five internal changes: (a) shifting from self-centredness to consideration of others, (b) developing pro-social values and behaviours, (c) increasing ease in social interaction, (d) expanding consideration for other members of the community, and (e) a growing concern for 'the meaning of life' (quoted in 2011 John Jay report). Among the subjects in Winship's study (2012), the decision and resolve to stop was partly based on the fear of being caught, and partly on realising the harm being done to children. If and when the offenders were caught, many felt being 'knocked rotten' but for some it was 'a strange relief'. Part of the desistance was maturation and, in some cases, it was simply age ('no kids would relate to me now. I'm just an old man') or loss of libido ('I have physically not had an erection for so long – it would be 20 years').

But the overarching factor was the decision to avoid situational triggers. This squared with the findings of the 2011 John Jay report, which found that the explanation for desistance was situational. Over half of the priest offenders stopped because a report had been made against them, although many denied that any abuse had ever taken place. While the literature places the emphasis on internal reasons, only a very small group (2.4%) stopped for internal reasons. More commonly, they were shifted to another parish or they had earned a disgraceful reputation (John Jay 2011).

## Chapter summary

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Extrapolating from data from comparable countries would suggest that the prevalence (i.e. rate of offending) of child sexual abuse by priest perpetrators in Australia is likely to hover in the 5.5 – 8.5% range, using unweighted figures and a little higher using the weighted figures. The Australian evidence is clear that the prevalence amongst religious brothers who are teaching or caring for vulnerable children in residential care varies from 15 – 40%. The evidence is also conclusive that diocesan priests offended at a significantly higher rate than religious order priests, and there seems to have been significantly higher rates in some dioceses than others, although the reasons are not fully clear. The answers may lie in the quality of training in the different seminaries and better selection processes, or a more collaborative and supportive diocesan clergy environment in some dioceses, or a greater rapport between priests and their bishop, or a less stressed work life. But we do not know.

Catholic clergy in Australia had very significantly higher offending rates than the clergy of other Christian Churches and of other professional groups such as teachers. Where there were comparable rates such as with the Jehovah's Witnesses and the Salvation Army, it was related to intrafamilial offending or poor monitoring by religious leaders. The lack of credible data means it is impossible to

make comparisons with religious personnel from non-Christian groups such as Buddhist and Hindu monks, although the unsystematic evidence suggests there are significant child sex abuse problems in their home countries amongst celibate monks.

Child sexual abuse in Catholic settings has certainly abated since the 1980s for the reasons which have been presented, but isolated cases are still occurring in those countries for which we have evidence. The claim that the peaking in the 1960s and 1970s resulted from the Second Vatican Council and the sexual revolution is not well founded and is built on over-simplifications, since the offending rate was already significant before the 1960s and the majority of priests had been trained before the Council. Certainly the 1960s was a turbulent time for the Catholic priesthood, perhaps caused more by the resignations of their priest colleagues, the turbulence in the seminaries and the failure to address not just the celibacy issue but the more fundamental question about the role of the priest in a more complex, professional world. As well, the *Humanae Vitae* episode created much turbulence within the presbyterate, especially for confessors advising married couples.

Our analysis has also showed that the Catholic Church in Australia has lagged significantly behind other comparable countries in relation to developing safeguarding policies and protocols to safeguard children and vulnerable adults. It is yet to develop and put into practice many of the initiatives that have been implemented in Ireland (regular audits), appointing a safeguarding representative in every parish (England and Wales) and delivering safe environment training to all Catholic employees including priests and religious as well as children (USA). Any suggestion that the Catholic Church in Australia has led the way in child protection is not sustainable in face of the initiatives in other countries nor has there been much accountability or evaluation in Australia. If it were not for the work of the Victorian Parliamentary Inquiry, the Royal Commission into Institutional Responses to Child Sexual Abuse, other State-sponsored inquiries, the mainstream media and the determination of the victim survivors themselves supported by their families and advocacy groups, there would most likely have been minimal movement on the part of the official Church. Much, much more remains to be done.

Further to the review questions, there is still no study that has examined what happened to the offenders and perpetrators after they were charged, after conviction without a jail term and after they were released from prison.

# 8. UNDERSTANDING CHILD SEXUAL ABUSE IN CATHOLIC SETTINGS: THEOLOGICAL AND PASTORAL PARAMETERS

This review of the literature has been much guided by various attempts at understanding the clerical sex abuse phenomenon. As researchers began to grapple seriously with the tragedy of child sexual abuse by consecrated religious personnel in the Catholic Church, various theories, models and frameworks began to emerge, all with their strengths and limitations. Other recent empirical studies have focused on the minds of priest and religious perpetrators and their use of cognitive distortions in committing offences, and of neutralising techniques in grooming and maintaining the silence and compliance of their young victims. These distortions had a heavy theological and pastoral underpinning. The guiding question for this chapter was: **What theological frameworks and pastoral practices have been associated with the perpetuation of child sexual abuse by priests and religious, and the lacklustre response of the Holy See, bishops and leaders of religious institutes?** The chapter is structured around the presentation of the six major explanatory models for the child abuse phenomenon, followed by a consideration of the cognitive distortions of the offending priests and religious, which will lead into a consideration of the eleven theological and pastoral factors that emerged from the literature.

## The major explanatory models in comparative perspective

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The explanatory models that have emerged since 1990, have been designed to understand and explain why perpetrators sexually assaulted children, and why Catholic Church leaders responded so equivocally and disastrously over many decades. The models have been developed by researchers based on their own research, clinical experience with perpetrators and/or their reading of the research literature. The models have focused both on individual and systemic factors.

The first model to emerge was that of Richard Sipe (1990, 1995), a psychotherapist and former priest, [and a member of the Department of Psychiatry at John Hopkins University who had started gathering data in 1960. One of his favourite axioms is that of Solzhenitsyn: 'Evil is not a division between groups of people, us and them. It is a line that runs through each human heart'. Sipe's 1990 and 1995 books were very important milestones in understanding the sex abuse catastrophe. His model, based on his extensive clinical and survey data, revolved around four categories of sexual offender, each captured by a different 'lock':

1. The genetic lock, referring to biogenetic factors such as sexual orientation and level of sexual desire or libido
2. The psychodynamic lock, whereby factors within early object relationships coupled with early sexual overstimulation and experiences work together to lock priest offenders at one level of

psychosexual development, or make them extremely vulnerable to regressing to a sexual attraction to minors

3. The social/situational lock, which focuses on the ecclesiastical institutional factors which foster a preadolescent stage of psychosexual development when boys prefer associating with their own gender, denying sex rigidly while exploring it secretly. If sexually activated and then disclosed, it can lead to possible suicide
4. The moral lock, which refers to another group of offenders who coldly and calculatedly divorce what they teach from what they stand for and how they act.

Sipe's model is interesting because he distinguishes between different groups of offenders, although he does so without sufficient elaboration (Sipe 1995). As we have already seen, the literature generally has been averse to developing religious offender typologies.

A second model is that of American priest psychologist, Monsignor Stephen Rossetti (1996). In his book, *A Tragic Grace*, based on his clinical experience with priest perpetrators, he outlines six psychological flags for identifying signs of possible offending in a priest. The flags are:

1. Confusion about sexual orientation
2. Childish interests and behaviour
3. Lack of peer relationships
4. Extremes in developmental sexual experiences
5. Personal history of childhood sexual abuse and/or deviant sexual experiences
6. An excessively passive, dependent and conforming personality

Rossetti's work emphasised salient issues about failures to resolve satisfactorily issues of sexual orientation and the centrality of personality deficiencies.

Another series of learnings came from another much published psychologist, Thomas Plante, again on the basis of his work over 25 years treating about 50 sex-offending priests. These learnings are that not all clerical sex offenders are the same; not all offenders receive the same treatment; that they are very human with many human troubles, challenges and pathologies and, lastly, quoting Senator Daniel Moynihan, 'everyone is entitled to his own opinion but not to his own facts' (Plante 2014), illustrating the difficulties priest perpetrators have in making complete and honest disclosures.

In a literature review in *Theological Studies*, Hogan (2011) found empirical consensus did not support the proposition that individual pathology was the cause of offending and that the answers must be found elsewhere. She nominated three core explanatory elements: (a) a mistaken theology of the body and sexuality that has framed Catholic ethics, (b) the related endemic patriarchy that cultivated a cavalier neglect of children, and (c) an ecclesiology that is flawed in its concept of authority, the nature of priestly ministry and the subservient role of lay people.

Six major explanatory models characterised by greater complexity and powerful insight were identified in our review of the literature. In chronological order, they are:

1. the 1990 German Drewermann model

2. the 1997 Australian Ranson model
3. the 2008 USA Boston model
4. the 2012 Irish Keenan model
5. the 2012 Australian Winship model
6. the 2014 Ulm-Rome model

## The Drewermann psychospiritual model of the clergy ideal

In 1990 in Germany, just after the clerical sex abuse scandal had come to public attention in the English-speaking world, the renowned dissident Catholic theologian, depth psychologist and psychoanalyst, Eugen Drewermann, published *Kleriker: Psychogramm eines Ideals* (Clergy: Psychological Profile of an Ideal), arguing that the Catholic Church's priesthood ideal was very likely to produce an infantile clergy susceptible to sexual repression and acting out, including assaulting children, inasmuch as priests are forbidden to love and to be themselves. He viewed clerical sexual abuse of children as a direct consequence of a deeply flawed psychospiritual model of the clerical ideal of the Catholic Church. His model is more a critique of clericalism, but more recently he has given extended comments about priestly paedophilia (Drewermann 2002).

Born in 1940 and ordained in 1965, Drewermann is said to be Germany's greatest living theologian, but better known as an anti-war activist, and it is beyond the scope of this study to present the breadth and depth of his theology. He of course has had his critics.<sup>114</sup> In 1996, he was silenced by the Archbishop of Paderborn with the approval of the Congregation for the Doctrine of the Faith, and forbidden to preach. His work is largely unknown in English-speaking circles, although Beier's monograph (2006) upon which we have largely relied is a fine introduction to his thinking.

Partly based on his own clinical work with priests, his psychoanalytic study focuses on the impacts of the prevailing clericalised ideal of the Church on the mental health of priests and religious brothers and sisters through the ossification of the underlying psychospiritual structure, founded on an externalised interpretation of Catholic doctrine. His task is to understand through his theological and psychological frameworks Catholic priests 'in their struggles to live with inhuman ideals'. He describes his book as a 'collective psychotherapy of the whole system of the Church' but he insists that the issue is so important that it needs to be publicly debated since healthy religion is related to a healthy society. 'The mental hygiene of the leadership of a religion especially is of immediate interest even for that part of the population which has no religious ties' (Drewermann 1990: 32 translated and quoted by Beier 2006: 276).

## The sacrificial psychology of the clergy ideal

The problem, in Drewermann's view, lies in the structures by which the Church quarantines the way of life of its most committed followers. At the core of his analysis of the current crisis in the Catholic Church is the notion of clerical sacrifice. The sacrificial psychology of the clergy is underpinned by the psychological element of the vocational call, whereby the aspirational dream is displaced by the

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<sup>114</sup> Among his critics is the French scripture scholar, Pierre Grelot (1994) who is critical of his exegetical methodology.

conscious 'decision' to follow Christ, and then by the replacement of the personal nature of the communicated calling through 'an objectification of the office' (Beier 2006).

The question of the calling to priesthood is embedded in the tension between the divine chosenness and individual human freedom. The Catholic Church insists that the cleric must have chosen the priestly or brotherly life, while God through his grace must 'co-perform' that decision. In this, the externalised nature of the calling implies that the unconscious is repressed and ignored. Henceforth, as a priest, his duty is to work with the grace of God through the priestly educational and pastoral structures. This, in his view, has very negative repercussions not only for the priests themselves but for the whole Catholic community (Beier 2006), by fostering not only psychic alienation and distortion, but also religious alienation through a violent God-image. In psychoanalytic terms, the repressed part of the priestly unconscious is simply transferred onto God and results in a bifurcated psychogenetic development. Of course, many priests have escaped this because they did not fully internalise the current clerical ideal type with their partial or full dissent. He describes the current black-collar ideal that has personified the Catholic clergyman for centuries as:

a permanently divided mentality through which God appears ambiguous to the highest degree. Since the problematic, frightening (*angstigen*) contents of the unconscious especially are cut off from one's own human ego during the defensive process of projection, all the feelings of ambivalence and contradiction which once lay unresolved in the biography of the cleric are henceforth placed upon the person of God (Drewermann 1990: 54 translated by and quoted by Beier 2006: 282)

The all-powerful God can do anything and forgive everything! Secondly, in the same psychodynamic process, the divine has to be found, in principle, outside or beyond the human, thus contradicting the axiom of St Irenaeus (130–202), Bishop of Lugdunum (Lyon) in France, that 'The glory of God is man (and woman) fully alive'. The transmission or communication of God's revelation has to be demonstrated as historical facts in time and space, and disallows or neglects the myth, the metaphor and the poetic.

### Blocks to resolution of the psychospiritual conflicts

In Drewermann's view, as interpreted by Beier (2006), three factors prevent an appropriate resolution of the psychospiritual conflicts of the Catholic clergy. Firstly, because of the transference of the unconscious onto God in answering the divine calling, any attempt of a post-hoc revisiting of one's motivation to be a priest or religious brother or sister would be perceived as leading to serious doubts about one's faith. Secondly, in the reshaping of psychic alienation into religious alienation, the resulting God-image appears as an overpowering opponent and prevents any kind of risk-taking ever again after accepting the risk of the vocational call, albeit into a comfortable personal lifestyle, and never putting a further trust in God (Beier 2006). The priest or religious brother or sister with their high community status is psychospiritually trapped in their way of life, whatever their sins and offences may have been. And God always forgives!

Thirdly, solving these psychospiritual dilemmas is further prevented by the separation of and contradiction between God's demands and the human needs, desires and aspirations of the human person. God's will is not to be resisted, and God and God's calling is externalised, resulting in the reduction of the *persona* of the priest to his community role and his priestly or episcopal office (see Beier 2006: 283). The office becomes 'the truth of the self', and the priest becomes a mere uncritical functionary. In Jungian terms, this identification of office and person allows the *persona* to take the

place of the ego. In Freudian terms, the superego becomes dominant in the psyche of the cleric (Drewermann 1990; Beier 2006). And the sacrificial mentality accepts all this, including a lack of independent, critical thinking that may diverge from the Church's theological and moral traditions.

In Drewermann's thinking, religious exceptionalism with its absolute claim to truth allows the Church to officially proclaim that it can never err even though it is an *ecclesia semper reformanda*. This leads to a 'spiritless' Church where neither the human spirit or God the Holy Spirit can truly flourish, as was observed by the second 2001 John Jay report in its observation about the lack of innovation in the Church. Nor can authentic healing take place.

## The hatred of authentic masculinity

Deep within the Catholic Church's thinking of pious devotionism are buried three factors: (1) the authoritarian centralism of paternal power, (2) the restrictive severity in the regulations of sexual morality, and (3) the expansive veneration of the Virgin Mother, forever an unattainable female ideal. This results in a fundamental hatred of authentic masculinity among the male clergy. Drewermann comments and it is necessary to quote him at length:

Only thus can we explain the curious attractiveness of the Catholic Church especially to *women*. They are the ones who are most oppressed by the Catholic Church, but at the same time they are the ones who alone make it possible that daily mass is celebrated to some purpose...that on Sundays a sermon can be delivered before somewhat filled pews. In the midst of the patriarchal structures of the Catholic Church one has to recognise the *latent hatred of masculinity* as the real core of the oppression of women: the men who want to rule here do not want to be men, and it is precisely their latent homosexual aura which makes them seem to many women in a certain sense better, more cultivated, more sensitive and considerate "men". They are mothers who themselves were barely allowed to be women and who perceive in priests with their nice mamma's boy and perfect-boy behaviours their true dream children or who discover in them something of the father whom they would have wanted (Drewermann 1990: 589 translated by and quoted by Beier 2006: 317 – 318).

As a child of the Second World War, Drewermann has been obsessed and haunted by the German clergy's general acceptance of Nazism which required absolute, unconditional obedience to the Fuhrer, as well as the acceptance of the German people (Beier 2006). As a response, his integration of theology and depth psychology is an attempt to overcome the soullessness of today's theology, and the theoretical atheism of today's psychology.

## Explaining clerical sexual abuse of children

Clearly Drewermann is not surprised by the clerical sex abuse scandal which he would interpret in terms of the sacrificial nature of the divine calling, the repression of the unconscious, the over-identification of the persona with the office and the factors preventing a resolution of the psychospiritual conflicts embedded in the psyche of clericalism. This results in the bishops not knowing what to do. It also means that 'ideal priests' have a particular vulnerability to child sexual abuse.

In Beier's interpretation of his thought, the young seminarian is expected to sacrifice all heterosexual contacts with young women in the celibate cause. 'Often, according to Drewermann, this leads to a compensatory form of homosexuality which the parents and the Church naively

disavow as impossible in the first place' (Beier 2006: 278). The loneliness of the young seminarian and young priest and the absence of the feminine mutates into an initial friendship with a young boy, although this first friendship does not break into the 'taboo zones of genital sexuality', but allows him to break away from his mother. The homosexual form of child sexual abuse in priests usually results from fixation on the earlier pubertal experience of first love:

Even at a later date in the life of homosexual priests there is a preference in love relations with boys or youths whose age corresponds to the age in which they (the priests) had their first 'experiences' of love.....since marrying a woman is excluded as a possibility anyway but the fear of a breakthrough of homosexual acts and of relationships still persists, the sexually repressive attitude of the Roman Catholic Church promises something like a redemption from the whole dilemma. Reality, of course, looks quite different. Theological seminaries are filled with scores of people who have the same experience and who attract each other according to rules which are no less mysterious than the hidden signals of heterosexual lovers. In other words, anyone who thought he would be out of the woods has to realize, to the contrary, that, in reality, he has jumped from the frying pan into the fire' (Drewerman 1990: 598 translated by and quoted by Beier 2006: 278 - 279).

In Drewermann's view, the Catholic Church needs 'a collective therapy' and it is an immense task. On his 65th birthday, he resigned from membership of the Church.

## The Australian contribution – Ranson's model

Although it does not appear to have had much impact on Australian episcopal policy and praxis, the major Australian contribution came early in 1997 with the model of the former Cistercian monk, now diocesan priest in the NSW diocese of Broken Bay, theologian David Ranson. He has produced one of the best models to explain the sexual abuse phenomenon, which he presented to Australia's Catholic Social Welfare Commission at that time. It had an impact upon the work of Faulkner (1998) in his review for the Christian Brothers, and on the work of Keenan (2012) as a result of her study sojourn in Sydney. Ranson's elegantly constructed model takes a more theological approach than the other models, eschewing simple causal factors. He suggests that the sexual abuse emerged from a dysfunctional ecclesiastical milieu that resulted from the interweaving of three matrices (theological, pastoral and social) and their dysfunctional elements, all of which must be addressed simultaneously (Ranson 1997).

## Patriarchal imagery of God

Within the first and theological matrix, the dysfunctional elements are: (i) the patriarchal imagery of God, and (ii) the Church's ambiguous tradition of sexuality. Ranson suggests that much of the Church's recent patriarchal language about God originated in the third century with a central notion of Lactantius (c. 250 – c. 325), advisor to the first Christian emperor, Constantine I, and regarded as the Christian Cicero. Lactantius's image of God was over-influenced by the notion of the father or *paterfamilias* of the Roman household, whose authority is regarded as lordship, and power as control. This was at variance with Jesus's notion of 'father', or '*abba*', which was suffused with intimacy and with authentic Trinitarian understandings. The Church's God-imagery ought to be formulated with different emphases on community, collaboration, participation and empowerment. Instead, no matter how benevolently ministry is exercised, domination and subservience are subliminally embedded in the Church's structures and 'the horizon of abuse is established' (Ranson 1997).

Ranson suggests the patriarchal imagery of God had another repercussion in regard to 'failure' and 'accountability' because it legitimated, in the cause of religious superiority, a public perfectionist tendency in which vulnerability is disavowed and systemic failure hidden:

Such imagery is unable to encourage 'process' and tends towards a confusion of idea and facts. It cannot invite persons to share their struggle toward maturation. Rather it will favour a compartmentalisation of a person's interior struggle and their public persona. Likewise, operating from such inadequate theological imagery, the ecclesial institution will not only work to distance itself from an individual's failures, particularly of a sexual nature, but also deliberately hide such vulnerability in favour of maintaining the public collective persona of 'perfectibility' and 'invulnerability' (Ranson 1997: 5).

## The Church's ambiguous theology of sexuality

In regard to the Church's notion of sexuality, Ranson suggests that the Hellenistic influence on Christianity resulted in sexuality being associated with the notion of perfection which, in turn, was associated with concepts of passionlessness (*apatheia*) and asexuality. Since then, the dominant Church discourse in its moral theology has been a divorce between 'matter' and 'spirit' and the exaltation of virginity. Its most recent expression has been in French-derived Jansenism that has resided at the core of Anglo-Irish spirituality. 'Inadequate theologies of sexuality become institutionalised in celibate cultures which hitherto have been idealised as the perfection of sanctity. In these cultures, sexuality is something 'dark', 'secretive' and 'troublesome'. It becomes split from the individual's primary goals and possibly assumes a life of its own' (Ranson 1997: 6).

The second matrix is the psychological, where the dysfunctional elements are (a) the failure to deconstruct the religious experience/vocational impulse, (b) the denial of eros, and (c) the denial of the feminine. In Ranson's view, religious experience, as an ambiguous reality, contains the ability to sublimate an unresolved tension between the emotional needs of dominance and abasement. The person internalises the awesome majesty of God, but its cost may be a certain servitude. This religious sublimation may be an accessible intrapsychic defence against strong feelings of insecurity and anxiety associated with inadequacy and guilt. Spiritualisation provides one safety exit point whereas sexualisation is a much less respectable safety exit. And the sublimation may also rigidify into increasingly defensive personality patterns seen in traditional Catholic restorationism. He adds:

It also runs the risk of being substituted by sexualisation when the 'religious' adaptation of the tension is no longer experienced in satisfactory ways. It is the unresolved tension at the heart of situations of abuse (Ranson 1997: 6).

Eros as the source of desire, passion, imagination, dreaming and prophecy is the life impulse, connecting people and affirming creation in the engagement with the sensate. In the Church's sexual morality, eros has very often been denied or treated fearfully. 'Celibacy in many, many cases has been regarded almost as the vanquisher of eros. But the failure to cultivate eros in life denudes *caritas* of its natural warmth and spontaneity, it robs *agape* of its specificity' (Ranson 1997: 6). Without a mature affirmation of eros, the life of desire becomes distorted and, at worst, perverted.

The denial of eros is closely associated with the denial of the feminine. On this point, Ranson says:

Exclusion of the feminine, particularly in celibate culture, augurs an hermetically sealed culture in which there is an overdeveloped masculine ethos. Masculine energy is centrifugal; it is competitive in calibre and is inherently compartmentalising. In cultures built on a masculine

energy which is not balanced by the feminine, there is a growing incapacity for genuine interior reflection, the inability to relate with intimacy, a dependence on role and work for self-identification, the loss of a humanising tenderness (often illustrated in architecture and design of living space). Men grow in a forgetfulness of how to relate to peers (men and women) in healthy, adult and truly generative ways. Clericalism is a particular expression of such a culture. Needs for intimacy cannot be quashed, however. They simply seek their expression in covert and distorted ways and are often sexualised (Ranson 1997: 7).

Within the third intersecting matrix of the social and the institutional, the dysfunctional elements relate to (i) the formation of the celibate or virginal person, (ii) a dysfunctional community life and (iii) professional accountability. Ranson is convinced that sexual dysfunctioning among priests and religious has resulted from poor formation in celibate sexuality. He reiterates in strong terms that while in theory the Catholic Church ordains only those men to the priestly ministry who have first discerned the gift of celibacy, in practice in the distant and recent past men have chosen priestly ministry with celibacy as 'part of the package', and as an ambiguous component at that. This results in the strong possibility that the individual's sexuality will be split from the person's other motivations and perhaps develop a distortive autonomy of its own.

Ranson (1997) is also critical of religious order communities. He regards them as largely dysfunctional, having become 'conflictual forums' where emotional illiteracy abounds and effective communication is severely limited. He has developed the most comprehensive model to explain clerical sexual abuse of children, very focused on the multiple layers of dysfunctionality within Catholic religious culture.

## The Boston model

The third model to explain the sexual abuse phenomenon comes out of the Archdiocese of Boston scandal triggered in early 2002 by a series of Pulitzer-winning investigative articles in the *Boston Globe* focused on an Archdiocesan diocesan priest, Fr John Geoghan, and which eventually led to the transfer of Cardinal Bernard Law to Rome. At the time, James Fogler was working on a joint research program for the Boston Medical Center and the National Center for Post-Traumatic Stress Disorder, together with researchers from the Department of Psychiatry at the Boston University School of Medicine. Together they published an article on the theoretical foundations for understanding clergy-perpetrated sexual abuse. Their Boston model (Fogler, Shipherd, Rowe, Jensen & Clarke 2008a) was based on three earlier models for child sexual abuse generally developed by Summit (1983), Finkelhor and Browne (1986), and Pyszczynski et al. (1997). It sees clergy-perpetrated sexual abuse, both of adults and children, as an interactive, dynamic process incorporating three themes.

The first theme of the Boston model which is more directed at the abuse of adults than children concerns the relationships between perpetrators and survivors. It is comprised of four primary mechanisms. The first relates to adult women parishioners who can develop sexual feelings for a pastor out of admiration, although they admit it may be difficult to recognise the abusive quality of such sexually inappropriate relationships. Given the exalted status of clerics and their pedestalisation, the relationship is inherent with unequal power. In this, a second mechanism may come into play, with some clergy perpetrators grooming their victims with a distorted representation of a punitive, all-seeing God, or by the notion that the victim has been especially singled out by God, or that the victim will earn the spiritual reward of going to heaven, or by giving an instant absolution in the confessional as part of a comprehensive silencing strategy. The third mechanism influencing the relationship between the child and priest victim, relates to the corrosive

damage of sexual abuse on children's sense of self-worth and the capacity to trust adults to keep them safe, and their growing sense of powerlessness. The fourth mechanism pertains to predatory clergy, described as 'a small but clinically significant subgroup', who are characterised by their ego-syntonic anti-sociality or extreme narcissism and their remorseless willingness to use physical threats and aggression to satisfy their sexual needs (Fogler, Shipherd, Rowe, Jensen & Clarke 2008a).

## Survivors and their communities

The second theme of the Boston model focuses on the relationship between survivors and communities, beginning with the impact on the victims and the disbelief of other parishioners, especially when the disclosure is delayed and unconvincing. The survivor has previously been under pressure to maintain secrecy in order to avoid social catastrophe and alienation from the community, whereas disclosure is usually a cry for help.

The third theme, and an important mediating variable, is the proneness to shame, which is a predictor of mental dysfunctioning. In the view of Fogler's team, shame is a much under-studied trait and can lead to exclusion from the community as a result of the disbelief.

The fourth and final theme is focused on the clerical perpetrator and the community – an aspect that is unresearched. Extrapolating from other studies, Fogler et al acknowledge the quite common ambivalence of the Church community to the clergy perpetrator, ranging from a desire to protect the priest to a hopeful plea for his rehabilitation to a zero tolerance approach both at individual and general community levels. Their model also raises issues of cognitive style, cognitive adaptability, and cognitive distortions used by offending clergy (Fogler, Shipherd, Rowe, Jensen & Clarke 2008a).

The Boston model does not claim to be empirically based, although it has a very strong clinical base. Nonetheless, it contains many insights about both the victims and the offending priests themselves, and especially in relation to the parish community impact, where there may be factions defending or opposing the accused priest.

## The Keenan model

Marie Keenan, the Irish psychotherapist and academic, has provided a more gender-oriented perspective, partly focused on 'hegemonic masculinity' (Keenan 2012). Based on her long experience working with offending priests, and with victims and their families, and her in-depth qualitative research study of nine such priests, her focus is on the clerical perpetrator. She grounds her model in the flawed Catholic theology of clerical sexuality and episcopal power. Her thesis is that:

Some of the factors that contribute to a climate in which men could sexually offend also contributed to the conditions that made it possible for the Church hierarchy to act as they did in handling the abuse complaints. In essence, they were both part of the same institutional culture. However, within this culture not all priests were abusive, and so it was important to determine the particular dynamic circumstances that gave way to sexual offending on the part of some clerical men, without forgetting the larger landscape within which this abuse took place (Keenan 2012: 4).

The sexually deprived priest offenders, unable to control their sexual desires and activities, have been led to sex-obsessed lives of terror in which the body is disavowed and a problem to be overcome.

Their sexual deprivation and childlessness became a burden that is never internalised or grieved over as a loss. The loss of sexual intimacy was buried during their seminary training under a theology of sacrifice and self-mortification.<sup>115</sup> Here Keenan echoes the thinking of Drewermann (1990). And this is reinforced by the clerical silence that is demanded in relation to matters of sexuality. While celibacy is presented as God's gift, it is still presented in terms of a degendered version of Christ and the impossible female model of Mary, simultaneously Mother and Virgin. Compensation for the lack of intimacy takes the form of heavy drinking, gambling, lording it over others, and having relationships with consenting adults. For the psychologically immature, it can metastasise into an unhealthy relationship with children (Keenan 2012).

### Power and powerlessness in the autocratic clerical system

A second element in Keenan's model examines the interplay between power and powerlessness in the Catholic clerical and hierarchical system. From their individual biographies, Keenan's priest subjects felt structurally powerless even though they had the strong sense that, as priests, they were set apart. These Catholic priests were imbued with the dangerous idea that they had been ontologically changed at ordination. This, from Keenan's data, led to a culture of autocratic clericalism. Yet they felt personally powerless and lacked a sense of autonomy within a governance system that was neither transparent nor accountable. Moreover, this was framed within a theology of obedience, especially to their bishop, on whom they were dependent for accommodation and salary. They themselves were working in a pastoral worksite where power was unregulated and where they themselves were unsupervised, unsupported and unchallenged. They were both powerful and powerless, and like children, devoid of deep introspection. They had an 'emotional congruence' with children, whom they saw as their equals and therefore as capable of saying 'yes' or 'no' to their sexual advances. They had no idea of children's vulnerability and sexuality, nor did they comprehend the power imbalances.

Keenan's qualitative data pointed to a third element, that of clerical role and sense of identity. In the minds of the priest perpetrators, there was no boundary between their sacred identity as priests and their human identity as male human beings, which led to a denial of the reality of their sexual and emotional lives. It also led to an inability to distinguish between their work as priests and their personal lives. They had been told at ordination that 'Thou art a priest forever in the order of Melchizedech'. In Keenan's view, this over-identification with priestly role is a major problem, and it can lead to individual and institutional hypocrisy. At the same time, these priests hid their depression, burnout and loneliness (Swinburne 1991, Keenan 2012).

The fourth element in Keenan's model was their training in moral theology and consequent lack of moral judgement. Good moral judgement based on a silent dialogue with oneself requires the capacity to live with others and with oneself, as well as being able to imagine different perspectives and to have empathy. Their moral theological training was overly intellectualised and lacked a relational ethic - rape was a "natural" mortal sin, whereas masturbation was an "unnatural" and more serious mortal sin. They found relief from their guilt by regular confession. At the beginning of their abusing behaviour, they justified it in their distorted thinking by not ejaculating, or by convincing themselves that their abusive actions on the child were "right", or that the child was enjoying it. Their focus was never really on the child.

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<sup>115</sup> Several of Keenan's subjects had flagellated themselves.

## Emotional loneliness and isolation

The last major element of Keenan's explanatory framework is the emotional loneliness and isolation of her priest interviewees. Priests belong to a supportive priestly brotherhood, yet many lived lives of emotional loneliness. This was exacerbated by regular residential changes as they were moved from parish to parish, often living on their own. Away from the support and constraints of family and seminary, they were immersed in secrecy, silence and self-neglect, 'devoid of tools to develop appropriate sexual and emotional health'. All her priest-perpetrator subjects had been placed in charge of adolescents, developing particular friendships with some, and eventually crossing the sexual barrier (Keenan 2012).

Towards the end of her ground breaking book, Dr Keenan summarises her findings about the Irish Catholic clerical abusers whom she had interviewed in depth:

All the men who participated in my research tried to remain good and faithful priests as they lived in a battlefield of opposing forces of denied sexuality, emotional need, learned rationality, and intellectualisation of physical, sexual, and emotional life. When the numerous strategies employed to resolve this war failed, including a spiritual and prayer life of surrender to and belief in God, the men in my research engaged in a complex web of psychological and moral bargaining, built on a rigid adherence to rules and regulations, untouched by human love, to justify "stealing" sex from children, making children the sacrificial lambs in the continuance of this performance of priesthood. In choosing children and young people as sexual and emotional "partners" in some instances, and opportunistically for sex in others, the public image of celibate priesthood or religious brotherhood remained intact, priesthood was preserved, the private emotional and sexual turmoil was temporarily settled, as silence was guaranteed by the 'voiceless' and in some cases 'unaware' children.

Such an approach to life found a way to prevail within a gendered culture of institutional hypocrisy and secrecy. In such a climate of institutional denial there was inadequate preparation for clerical power and its moral limits, inadequate support in living the celibate life and inadequate vocational supervision and accountability. When the children began to speak out and the public persona and the private worlds of the perpetrators collided, only then did many of the clerical perpetrators surrender to the impossibility of their conflicted lives. When the adult children began to speak through the help of the media, only then did the institutionalised Church begin to really listen. The institutional Church has yet to address the necessary institutional and structural issues that the sexual abuse crisis has brought to the surface (Keenan 2012: 256 – 257).

Keenan's model remains a very powerful contributor to our understanding of child sexual abuse by mostly, but not exclusively, diocesan priests. It does not explain or pretend to explain the context of religious brothers working in schooling and health care contexts, especially in residential settings, even though there are many close parallels. Nor does it sufficiently explain the attitudes of bishops, even though she gives some very helpful insights.

## The Winship cursedness model

Australian psychologist, Jacqueline Winship, is the only other model out of the six selected here, apart from Keenan's, to be based on a formal empirical study rather than a reading of the literature and/or long clinical experience. Like Keenan, she adopts a grounded theory approach, using the

nVivo software package to analyse her transcript data from her in-depth interviews with seven religious brothers and five priests who participated voluntarily from an initial forty who had undergone therapy at a Sydney treatment centre. It is the only study to include religious brothers in a sample, although Winship did not find any differentiating characteristics to distinguish between the two groups of brothers and priests. Her PhD thesis, supervised through the Department of Psychiatry at the University of Sydney, is entitled *Cursed: Constructing the Experience of the Catholic Clergy Child Molester*, and takes a deep psychological, if not psychiatric, approach. As a non-Catholic, she eschews institutional issues. She observes that 'The Church's traditional views on sexuality and the link it makes between sexuality and mortal sin clearly encourages a lack of integration of sexuality', adding that 'in addition to causing a great deal of suffering, this increases the risk of unintegrated sexual feelings being acted out inappropriately' (Winship 2012: 303).

Like Keenan in Ireland, Winship had the advantage of working with offenders. She worked at the Encompass Australasia treatment centre, funded by the Australian bishops from 1997 until it closed in 2008. Her study is more targeted than Keenan's, focusing on 12 priests and religious who had offended against pre-pubescent children aged 13 or under.

Winship describes her subjects as 'romantic paedophiles', because their lives and affections were centred on children. Their minds did not contain conscious sadistic fantasies of children, and none engaged in penile penetration so she describes them as sexual molesters, vilified by society, rather than paedophiles. Her model is built around two theoretical categories, 'cursed desire' and 'cursed identity', and her sympathetic account is driven by the attempt to identify a causal event or trigger that cursed these offending priests and brothers. In understanding their cursed desires, her data highlight the lack of intimacy in their family upbringing ('no cuddles and so on'), distant father figures, and close but dependent or 'enmeshed' mothers, where sex was a completely taboo subject. Almost all her subjects had been sexualised at an early age by an older adolescent or an adult, usually a priest or religious brother. They all had entered religious life at an early age (range 13 – 18), and they themselves noted their lack of formation with regard to sexuality and boundaries.

Their cursed desire to abuse children involved the psychological mechanisms of dreaming about being held and craving for physical affection. This was combined with a sense of being repugnant - that is, they were low in self-esteem but had a sense that children liked them and appeared to want their company and affection. They also felt deeply ashamed about masturbating - they were terrorised by these mortally sinful acts and their consequent fear of eternal damnation in hell, some seeing masturbation as more sinful than 'acting out' with a child. Their sexual shame was significantly compounded by their homosexual orientation - two thirds (8) were gay. Their strong desire for children became at times compulsive, giving them a high. Most stopped offending in their thirties out of fear of being discovered and because of the growing realisation of the harm they were doing (Winship 2012).

### Cursed identity and leading a double life

As well as experiencing their libidinous desire as cursed, these priests and religious brothers constructed their own cursed identity. They knew they were living a lie and a double life, carrying their dark secret which they found 'deeply shaming', and recognizing the incongruity between their public pedestal identity and the reality of their identity as a child molester. Several spoke of a desire to have children of their own, but were thwarted by their celibate commitment. Because their offending did not involve penile penetration, they downplayed its wrongfulness and stepped back

from considering themselves as gay. For some, religious life was a sanctuary where dealing with their sexual desires and confused identity could be avoided.

Winship's framework is centred on the abusers having a less than satisfactory upbringing in which sex was a taboo subject. They felt a deep guilt and a fear of hell resulting from their regular and secretive masturbation, they had an immature and unintegrated resolution of their sexual orientation, believing their identity was cursed with their double lives. Hence, they found themselves trapped in a religiously committed life which they felt they could not change or lacked the courage to leave. This model is more focused on the individual offender than the ambivalent dynamics of Catholic culture.

## The Ulm-Rome model

The most recent model has come from a continental European collaboration between Bettina Bohm and her more senior colleagues from the University Hospital in Ulm, together with Hans Zollner, a Jesuit priest who heads the Institute of Psychology at the Pontifical Gregorian University in Rome, where he has been instrumental in establishing the Centre for Child Protection and oversees the implementation of a global e-learning program on the prevention of child sexual abuse. This research group and its model are important because it probably has much influence on the thinking of the Holy See. It developed a framework based on a quite limited review of the literature since 1981 (Bohm, Zollner, Fegert & Liebhardt 2014). The group members felt that a strict meta-analysis was not possible due to the heterogeneous contexts of the studies. They reviewed the various English- and German language academic sources as well as news media items for 2010 – 2013. They included some but not all the government and Church inquiries, failing to include any of the Australian, Canadian and UK inquiries and relying too much on the John Jay findings without any critical analysis. Hence, it is a very limited review of the literature – for example, they do not include Keenan's very important study (Keenan 2012).

Bohm and Zollner rightly dismiss the prevalence figures of the Holy See's Congregation for the Doctrine of the Faith, which are based on the cases that have been notified to it by dioceses around the world. They suggest that there is a high 'dark' prevalence figure of clerical sexual abuse within the Church. Their focus is on hebephilia since, in their view, most priest offenders abuse pubescent children and the majority of offending is not caused by a chronic pathology, since the majority of offending priests have had only one allegation of abuse, and offending began later in life. The review unfortunately neglects the underlying theological, pastoral and institutional elements, as we shall see in this chapter.

The incipient framework of the Ulm-Rome model focuses on three individual factors in sexual offending, namely, (i) static risk factors such as age of ordination and age at first offence, (ii) deviant sexual interests, and (iii) various personality factors. They cite Rossetti's six flags, although they rightly suggest that creating a profile of a potential abuser is 'difficult', but they do not discuss the possibility of developing a typology. Their other focus is on institutional factors, although their treatment is limited. The factors are opportunity (they rightly highlight the priest's residence as the most likely site for abuse), and social dynamics. They compare the working environment of the priest with that of the police and their experience of cases of crime and brutality, and usefully draw attention to the failure of Church management and governance, and the difference in environments between the parish and residential institutions. The Ulm-Rome model lacks explanatory power and either the breadth or depth of the models of Keenan, Drewermann and Ranson, but their emphasis on situational access and opportunity is important.

## Summary

In answering part of the guiding question for this chapter, six important systemic models for understanding and explaining the “what” and “why” of child sexual abuse by priests and religious have been set out in some detail. All these models are to a greater or lesser extent focused on systemic institutional issues. The models of Drewermann (1990, 2002), Ranson (1997) and Keenan (2012) were found to be the most useful in understanding the individual and institutional factors that impinged on the religious offender. Sipe (1995) highlights the biogenetic factors with his typology of ‘locks’ such as sexual orientation, level of sexual desire, and early child sexualisation. The strengths of the Boston model are in the place it gives to cognitive distortions and to the divided and divisive impact on the local (parish) community. Winship’s 2012 thesis is quite original in taking the perspective of the offender and how he now feels cursed.

The major strengths of Ranson’s model are its theological emphases, as well as his consideration of the need to deconstruct the vocational calling and the consequences of the exclusion of eros and the feminine. Keenan’s model, based on her in-depth interview data, is centred upon the flawed Catholic theology of clerical celibate sexuality and the offenders’ sexual deprivation and lack of intimacy, leading to a feeling of being terrorised by their unfulfilled sexual thoughts and desires. Her other major contribution to the collective understanding of clerical child sexual abuse is her attention to the mechanisms of power and powerlessness embedded in the Church’s secretive and hierarchical structures. The strength of Drewermann’s model, while some might eschew its heavily psychoanalytic base, is its incorporation of the underpinning theological dimensions, particularly the Church’s God imagery and theology of sexuality.

## Cognitive distortions, denial mechanisms and neutralisation techniques

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Each priest and religious brother or sister offender had his or her own personal narrative of sexual and emotional immaturity, cognitive and moral distortions and repeated denials. Abel, Becker and Cunningham-Rathner (1984) on the basis of their empirical work with all kinds of offenders identified various cognitive distortions and denial mechanisms used by many types of child abusers as:

- Children really want to have sex as they do not physically resist advances
- Having sex with children is a good way for adults to teach them about sex
- Children do not tell others because they really enjoy sexual activity
- Only feeling their genitals is not really having sex, so no harm is being done
- When children asks questions about sex, it means they want to see the adult’s sex organs
- Relationships with children are enhanced by having sex with them

These distortions were validated by the various studies of priest offenders, together with the evidence from the international and Australian inquiries. The child victims found it quite difficult to resist the physical sexual advances, although many were able to successfully use avoidance techniques to ensure they were not alone with a priest or religious offender. A favoured grooming process, as seen in the Father F case at Moree in western NSW (Whitlam Father F Report, 2012), was

to use the pretence of sex education. The victims did not disclose to their parents or their teachers or significant adult others, because they did not grasp the seriousness of what was happening, or they thought they had been complicit, or they thought (often correctly) they would not be believed, or they were in awe of or frightened by the priest or religious brother and the power of his clerical pedestal.

## Cognitive distortions in clerical offenders

Several studies of clerical offenders have drawn attention to additional cognitive distortions and neutralising techniques that have a unique theological and pastoral overlay. Priest abusers generally have significantly higher levels of education and higher IQs than other sexual abusers of children (John Jay Report 2004, 2011, Winship, Straker & Robinson 2011). Ryan, Baerwald and McGlone (2008) found sexually abusive clergy had significantly higher distorted thinking styles than other Catholic clergy. In the UK, Saradjian and Nobus (2003) studied cognitive distortions based on the self-report statements of a small sample of 14 clergyman, 11 of whom were Catholic priests, who had been residents at an assessment and treatment centre for child molesters. They found that the Catholic priests held many similar cognitive distortions to other types of child offenders such as those listed above. But the taxonomies were also quite different insofar as the priests used many religion-related distortions to facilitate their sexual offending. Amongst the pre-offence cognitions to justify and rationalise the possibility of sexual acts against children were:

- 'I need sexual gratification.'
- 'I can go to a priest and confess my sins and promise not to do it again.'
- 'Touching is not sex.'
- 'When God called me, he knew what I was like, what my needs were.'
- 'How could it be that bad if God allows it?'
- 'I have a right to love and affection because I spend my life doing good for others.'

Interestingly, at the peri-offence stage, there was no reference to religious considerations at all ('It is not really abuse, because there is no actual penetration and no violence. The children are not harmed or affected'). It would appear that at the very moments of offending the priests suspended their usual moral and personal standards. At the post-offence stage, the cognitive distortions partly involved attributing blame and responsibility to God ('I believed that as God forgave me my sins, he would one day perform a miracle and change me: this "responsibility" was his, and he had called me and accepted me how I am'). Other distortions included that God would allow no harm to come to the victim ('God will look after this particular child and see that it comes to no harm; it will have its special protection'), or that God understands ('God allows the good and the bad; he allows the offending because of all the good I do'). It was thus found that religious beliefs, principally from their theological and pastoral formation, played an instrumental role in facilitating their offending (Saradjian & Nobus 2003).

## Techniques of neutralisation

Akin to cognitive distortions are the techniques of neutralisation used to justify illegal behaviour. The two best studies have used the theory of Sykes and Matza who classify the techniques as the

denial of responsibility, injury and victim, as well as condemnation of the condemners and an appeal to higher or other loyalties (Sykes & Matza 1957). Vollman (2011) found that the 16 priest offenders she studied used all of these five techniques to deflect harmfulness inflicted on their victims and to minimise harm, by downplaying what had happened and how often it happened. In a study of the case files of 42 Catholic priests credibly accused in the Archdiocese of Milwaukee dating back to 1976, Spraitz and Bowen (2015) found that 18 of the files contained 106 neutralisation statements of the priests themselves, containing condemnation of the condemners (39.5%; 8 priests), denial of responsibility (31.1%; 13 priests), denial of the victim (15.1%; 7 priests), denial of injury to the child (10.4%; 7 priests), and appeal to a higher or other loyalty (3.8%; 3 priests).

Regarding the denial of responsibility, 13 priests blamed their offending behaviour on such things as alcoholism, mental health problems, their parents and their sexual orientation. Blaming their alcoholism was particularly prominent, leading to a reduction in self-control and then poor decision-making. Others blamed their need for intimacy and companionship as well as emotional deficits. One blamed child pornography websites which 'he bumped into (but) wasn't looking for'. Only eight priests blamed their condemners, usually the diocese for the way they had handled the allegations. Their claims were of unfair treatment, breach of confidentiality, the violation of their canonical and civil rights, including the Church's statute of limitations, and kowtowing to the public. Interestingly, two of the priests had written letters complaining about their treatment to Pope John Paul II and the then-Cardinal Joseph Ratzinger (Spraitz & Bowen 2015).

Seven priests made statements denying or minimising the severity of their actions – e.g. 'I denied, and I continue to deny, that I ever intentionally touched the breasts of those two girls'. High degree sexual assault was dismissed as 'not the end of the world...worse things have happened and are happening'. Besides this denial of harm to the victim, was questioning of the character of the victim, or assuming the role of victim. Several claimed the victim had initiated the sexual activity – e.g. the victim unzipped his own pants and then the pants of the priest to engage in mutual fondling. Only a few priests appealed to higher loyalties. None claimed that God had called them to offend, but one wrote that God was his true judge and appealed to the Final Judgement, while others said they had been supported by some of their parishioners, so leniency was required (Spraitz & Bowen 2015).

## The mechanisms of denial

The Milwaukee case study and the other studies have highlighted that denial is likely to be associated with persistence in offending. Overall, the distortions, denials and neutralisations clearly indicated that the priests' lack of understanding of children's cognitive, emotional and sexual development, the trivialisation of the penitential and confessional process, the power of the priesthood to access and groom, the bargaining with an all-seeing God, a narcissistic self-absorption, and the consequences of intimacy and sexual deprivation.

Denial is a process where persons are engaged in protecting their self-esteem and coping with the dissonance between their self-image and their behaviour (Yates 2009). Kennedy and Grubin (1992) divide sexual abusers into four groups: rationalisers who try to justify their offences, externalisers who blame the victim or others, internalisers who mostly blame their abnormal mental state, and the absolute deniers who deny any offence took place at all.

In their study of denial in twelve Australian abusing priests and religious brothers, Winship, Straker and Robinson (2011) found three themes emerging: (1) denial of impact or minimisation ('it happened but it didn't hurt them'), (2) denial of personal saliency or depersonalisation of the child

victim ('I abused them but it doesn't mean I am a child abuser'), (3) denial of meaning, whether as disbelievers ('I touched them sexually but I don't believe it was sexual') or as disallowers who refused to consider their behaviour as sexual because of their commitment to consecrated celibacy. Some were in denial because of the implication that they would be classified as homosexual, which they saw as aberrant, perverse and sinful (Winship, Straker & Robinson 2011).

In concluding this section, the Queensland Forde Report (2007) gives a very illustrative example of the underlying theological issues from the perspective of a young victim:

Father told me it wasn't a sin as I was one of God's chosen children and that God made boys to be special so that those who did God's work were not led into the temptation of sinning with women. I was told by him that I was to say nothing to anyone because God would be very angry with me for revealing his secret ways'.

## Theological and pastoral factors in clerical sexual abuse

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Except for researchers such as Sipe, Drewermann, Plante, Ranson and Keenan, with their in-depth knowledge of the Catholic Church, researchers have given insufficient attention to the under-pinning theological and pastoral factors which have formed priests and religious operating within the Catholic Church's organisational culture, and which have played roles in the patterns of offending and the responses by bishops and religious superiors. Our review of the literature suggests that the following variables were part of the Catholic Church culture that underpinned the cognitive distortions of the individual offender already discussed, and episcopal responses. These eleven factors are:

- A patriarchal imaginary of God as the all-seeing God
- Sacramental confession and cheap forgiveness
- Child sexual abuse and the seal of confession
- A Catholic clericalist imaginary of religious power and exceptionalism
- A theology of priesthood and clericalism based on ontological change
- Powerlessness and the theology and praxis of obedience
- An essentialist theology of sexuality, marriage and the family
- Masturbation as the great sexual terror in the struggle for sexual purity
- Homosexuality and the Catholic moral theological tradition
- The place of women and gender in the Catholic tradition
- The lack of a theology of the Child

### A patriarchal imaginary of God as the all-seeing Lord

The first variable concerns the patriarchal theology of God as lordly, loving, forgiving and judgmental, watching every action of the human person as Catholic moral theology as taught in the seminary is

about human acts, not ethical relationships. This impacted on both sexual offenders and victims, as an all-seeing God watched both protectively, judgementally and perhaps malevolently from above, ready to commit the sinner to eternal damnation, even for secret, non-harmful mortal sins such as masturbation (Collins et al. 2014). The Canadian Winter Report drew attention to how the dominance of patriarchal values of power and control influenced the abuse itself and the lack of response to the problem:

Patriarchy, generally defined as male domination, is a form of social order based on inequality, subordination and dependence. The persistence of incest, violence and rape in modern society bears witness to the persistence of patriarchy (Winter Report (Vol. 2) 1991: A22)

Ranson (1997) suggests that the patriarchal, *paterfamilias* image of God lording it over men, women and children perhaps kindly, perhaps misogynistically, perhaps violently, is at variance with a Gospel-based notion of God as *abba* (father), which is suffused with intimacy. This latter image of God's fatherhood emphasises human community and the aspiration for collaboration in creating a new heaven and a new earth, a calling to participate in both God's mystical inner world and the ever-continuing creation of a better world, and an invitation for each person to empower themselves in union with God (Ranson 1997). The God revealed in the scriptural readings, is not a God of domination and subservience – unfortunately, in Ranson's view, over many centuries this God of domination and subservience has become subliminally embedded in a Church caste clericalist culture and hierarchical structure. He observes that the Catholic Church needs a more radical evangelical language about God – one that invites attendance to vulnerability and process, participation and empowerment (Ranson 2015).

The patriarchal image with its emphasis on power, control and lordship, legitimated a strong tendency towards a public image of perfectionism on the part of the Church, because it was necessary for the Church to be seen as an all-holy institution. Here, systemic failure was to be ferreted away throughout the twentieth century through the various mechanisms of ecclesiastical secrecy and through the failure to address negative and poisonous realities, such as clerical sexual abuse (Ranson 1997). Since the Second Vatican Council this public perfectionist tendency has been somewhat mitigated through the re-emergence of the notion of *Ecclesia semper reformanda* (literally, the Church always requiring itself to be reformed).

Drewermann (1990) would go further than Ranson in arguing that evil, and evil structures, are the result of the formation of an adversarial and violent God-image without mercy or compassion, which alienates the person from self and from others. This image of God supports a sacrificial mentality which can be easily harnessed by absolutist clergy and religious as they die literally or psychospiritually in the name of religion. This creates fears of worthlessness and insignificance which, in compensation, leads to the absolutisation of their work, or their sexuality, or their leaders, or to aggression. This distorted sacrificial mentality leads to the priest or religious feeling that they cannot fill the 'lack' in their own existence or address the feeling that they will be annihilated by the 'look' of God the wholly Other (Drewermann 1990; Beier 2006).

## Theology of scandal

All large organisations such as universities and churches are always concerned about branding and organisational reputation. The Catholic Church's episcopal lack of response to child sexual abuse was strongly driven by fear of scandal and the need to protect the Church's reputation as most government and Church inquiries have highlighted. The theology of scandal has a long pedigree in

Christian theology. Senander (2012) has linked patriarchalism to the theology of scandal, which the official 1994 *Catechism of the Catholic Church* in par. 2284 frames in terms of the respect for the dignity of persons. Scandal is described as 'a grave offence if by deed or omission'. Avoiding the creation of scandal is paramount. The Catechism states firmly that 'scandal is grave when given by those who by nature or office are obliged to teach and educate others', and they become 'guilty of scandal and responsible for the evil that [they have] directly or indirectly encouraged'. It refers to how Jesus reproached religious leaders such as the Scribes and the Pharisees, likening them to wolves in sheep's clothing. It quotes from Pope Pius XII's (1939-1958) discourse given on 1 June 1941, in which he said that: 'They are guilty of scandal who establish laws or social structures leading to a decline of morals and the corruption of religious practice' (*Catechism of the Catholic Church* 1994: par. 2285 & 2286). Senander points out how the Church has been so compromised in its integrity by the child sex abuse and other scandals that it can no longer speak with integrity about other scandalous realities such as social injustice, gender inequality and business and political corruption.

## Sacramental confession and cheap forgiveness

The 1997 *Towards Healing* Report drew attention to the issue of confessional forgiveness. Religious and spiritual practice within Catholicism is centred on the seven sacraments: Baptism, Confirmation, Eucharist, Penance, Matrimony, Holy Orders and Anointing of the Sick. The sacrament of Penance, in which one is forgiven and reconciled with God after sinning and repenting, is now known as the sacrament of Reconciliation. The role that the sacrament of Penance and the confessional play in Catholic sacramentality and ritual is difficult for an outsider to understand. Confession has had a positive part to play in Catholic spirituality and the confronting of one's sinful mistakes. Only a priest or bishop can hear a sacramental confession.

Patriarchal theology also includes the notion of an ever-forgiving God in accordance with Jesus' dictum of forgiving 'not seven times, but seventy-seven times' (*Mt.* 18, 22). Forgiveness is thus a central theme in the Christian tradition, although the German Protestant pastor and theologian Dietrich Bonhoeffer (1978) warned of 'cheap grace' which includes 'cheap forgiveness'. Catholic bishops, when confronted with an abusing priest, have been very ready to forgive, usually in the name of priestly solidarity and the canonically required episcopal care for priests. A very illustrative example comes from the 2015 autobiography of the retired Archbishop of Westminster, Cardinal Cormac Murphy-O'Connor:

In the early 1980s when I was Bishop of Arundel and Brighton I had received a complaint about one of my priests, Michael Hill, and his behaviour with a minor. After sending him away for counselling and then receiving another account, I removed him from his parish and sent him to a therapeutic centre to Stroud in Gloucestershire. Sometime later he came to see me. He cried with remorse and begged me on his knees to be given some work as a priest. I remember after he left, going back through the files, I'd received reports on him from different psychiatrists and counsellors, and the assessments were inconsistent.

Hill, trapped in his clericalist world, was appointed as chaplain to Gatwick Airport. The cardinal adds poignantly: 'Of course I was very wrong and he went on to abuse another child. Instead of giving him another post, I should have reported him to the police and the social services. I will always look back on my decision with sorrow and shame' (Murphy-O'Connor 2015).

Psychologists have recently turned their attention to forgiveness (McCullough, Pargament & Thoresen 2000). They define forgiveness as an inner process by which the aggrieved party is released

from the anger, resentment and fear that are felt as a result of psychological, emotional, physical, moral or spiritual harm (Denton & Martin 1998). The Australian academic, Peter Horsfield (1994), has suggested that forgiveness has lost its meaning in contemporary society because it has become separated from its theological and moral framework. The exact meaning of forgiveness has become unclear with variation in its meanings, ranging from the forgetting of the evil that has happened to the making of everything okay as though nothing has happened (Casey 1998). The findings of empirical studies strongly suggest that the offending priests and religious brothers used confessional forgiveness as an easy and cheap way to assuage their guilty consciences (Keenan 2012, Winship 2012).

Another consequence of cheap forgiveness is that the expectation is placed on the abused to forgive their abusers, although not necessarily empowering them in the process. This is sometimes expressed in the phrase: 'Why don't they (the abused and family) just move on?'

### Forgiveness and the confessional

In this narrative of child sexual abuse in Catholic settings, the confessional has a significant role. Abusing priests have used the sinful lapse–confession–contrition–redemption process to excuse, wipe the slate, allay guilt, and not face up to their behaviour and its criminal nature. Keenan with her deep knowledge of Catholic culture has written most perceptively on this. 'Receiving confession played a role in easing the men's consciences in coping with the moral dilemmas following episodes of abusing, and it provided a site of respite from guilt. For some of the men, it also helped them think they were making an effort to change' (Keenan 2012: 162 – 164). The offending priests never stopped believing in God, for God was always available in the confessional to forgive their sinful and criminal misdeeds, even though Catholic theology has always conditioned confessional absolution on the penitent making amends and resolving not to commit the sin again.

For the priests in her empirical study:

The confessional was the main place of respite and support from their emotional conflicts and loneliness. Non-offending clerics have said that confession was suggested as the most appropriate site to bring their sexual and emotional concerns. The confessors were carefully selected for their important job....For all the clerical perpetrators, the confession made bearable what was for them, at times, a complex site of paradox, contradiction and ambiguity in which their self-identity and performance were at odds, and the performance of integrity was undermined. As the gap between their self-identity and the performance of their ministry widened, and their sense of personal integrity deteriorated, the men continued a pattern they had learned early in their lives in their Irish Catholic homes and schools, a pattern that was reinforced during their formation: they turned to the confessional and their God. Interestingly they did not turn to spiritual direction. The anonymity and confidentiality of the confessional became an important avenue for disclosure of sexual and emotional distress and ultimately for disclosure of sexual offending. Eight of (the nine) disclosed their abusing in the confessional. The confessional became a space for them between the ideal and the reality. It was a secret conversational space, not only of forgiveness but also of "externalising" the issues "in safety" (Keenan 2012: 162 – 163).

The role of confession in clerical child sexual abuse was exacerbated by another feature of the confessional process: all priests are trained to forget what they hear in the confessional as the information properly belongs, not to the confessor priest, but to God. Because of the secrecy of the

confessional seal, the information about abuse obtained in the confessional was not able to flow back into the system where it might have been identified as a major Church issue. Keenan (2012) suggests that the very process of the confessional allowed the abuse to continue.

There is an additional aspect in understanding the Church's response. As illustrated in the story told by Cardinal Murphy-O'Connor, studies have found that strongly religious people such as religious leaders are much more likely to forgive (Edwards et al 2002). While Mullet et al (2003) found that priests and religious were more likely to forgive clerical sexual abusers than Catholic lay people, Luzombe and Dean (2008), using a non-representative sample, found that priests were equally as unforgiving as lay people of Church leaders and their mistakes. A once-occurring harmful action was more likely to generate forgiveness than a repeated one. They further found that an apology has a positive impact only if the offender is committed to change. Apologies without change are useless, compounding more anger.

In a Catholic setting, God's forgiveness cannot be disassociated from the confessional. The religious taboos surrounding the Catholic confession and its hyper-secrecy have resulted in virtually no empirical research on confessing and the truthfulness of confessing. Keenan's Irish priest subjects have cast light on this element. One told her:

In all the times I have confessed to abusing a minor I can remember only one occasion when I got reprimanded or advice not to do this thing. In a strange way the sacramental confession let us off the hook rather lightly and allowed us to minimise what was really happening....not confronted adequately we experienced only a short duration of guilt and no sense of responsibility for how we hurt others, only the alleviation of our own guilt and shame (Keenan 2012: 164).

The clerical abuse scandal has put into major focus the trivialisation of the sacrament of confession and its reparative aspects. It has highlighted that there were serious issues over centuries relating to soliciting for sex in the confessional by priests, not least in the twentieth century as seen in the 1922 and 1962 versions of *Crimen Sollicitationis*. Priests often identified potential victims and their vulnerability in the confessional, leading them to begin the grooming process. This is not a recent problem. In 1741, Pope Benedict XIV issued the Apostolic Constitution *Sacramentum Paenitentiae*, outlining forcefully and publicly the Church's position on soliciting sex in the confessional.<sup>116</sup> In 1867, the Holy Office, with the approval of Pope Pius IX, imposed absolute secrecy on all ecclesiastical proceedings related to such offences. In earlier centuries, for such serious crimes as child sexual abuse, priests were usually handed over to civil authorities, but this changed. By the time of the 1917 Code of Canon Law, the Church had discarded this practice, and the 1922 Instruction *Crimen Sollicitationis* reinforced this. Bishops were instructed to conduct a preliminary canonical investigation of credible allegations, notify the Holy Office, and conduct a penal trial, all under the 'secret of the Holy Office'. Any reporting to civil authorities was expressly forbidden with no exceptions (Tapsell 2015). Various sanctions were available but not reduction to the lay state, although this was included in the 1962 version.

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<sup>116</sup> Full English translation of this Papal text available online at <http://www.documentcloud.org/documents/282914-b-01-1741-sacramentum-poenitentiae.html>.

## Clerical child sexual abuse and the seal of confession

In all the studies, Keenan (2012) was the only one to raise the issue of the seal of confession. She noted that the seal may have allowed the clerical abuse to have continued longer than it should have because the information of abuse by priests was emerging in the confessional. There was, however, no pathway for this information to flow back into the system to identify it as a serious issue to be addressed by the hierarchy (Keenan 2012). The question thus is raised: *Should the seal have been broken by confessors in their duty of care for Catholic children?* Related to this is a second question: *Is the confessional seal absolute or have there been instances in Church history where the seal was allowed to be broken?* In Appendix Two, we have prepared a history of the seal of confession and its interface with civil and criminal law of nation states. What follows in this section summarises the material in this appendix.

After the first three decades of the twentieth century, no attention was given by sacramental theologians to the seal and to the soliciting of children in the confessional, especially after Pope Pius X (1903–1914) lowered the age of first confession and first communion to the age of seven. There were various attempts by German and American cardinals in the 1970s to delay first confession until well after first communion through appeals to Rome. The fine 1927 monograph by the German Franciscan, Bertrand Kurtscheid (1877–1941), outlines how private, secret confession was not the praxis of the early Church. The norm in patristic times was public confession. Only gradually did private confession enter Church pastoral practice and by the time of St Augustine, the dispute about whether serious sins committed in secret (e.g. adultery) needed to be publicly confessed had been resolved. Alongside this, confessional secrecy passed into pastoral practice (Kurtscheid 1927).

### The inviolability of the confessional seal

As seen in Chapter Two, the key moment in the history of the seal of confession was the Fourth Lateran Council at Rome in 1215, which legislated that the seal of confession rested on the confessor though not on the penitent. However, the absoluteness of the seal continued to be disputed and in his *Summa Aurea*, William of Auxerre supported by others maintained that the seal could be broken for grave reasons, although the support against breaking it was overwhelming.

There are three instances in Church history where the confessional seal was allowed to be broken (Kurtscheid 1927). The first was in France, following a decree of King Louis XI in 1477 requiring every citizen under pain of death to report any known plot against the king or the state. In response, the canonical position was that the confessor is obliged to denounce conspiratorial and seditious plots as the theologians strove to accommodate Church practice with the civil law. Kurtscheid gives several examples where the seal was broken.

The second instance was triggered in England through the Gunpowder plot that had brought about the execution of the Jesuit priest, Henry Garnet (1555- 1606), because he had not broken the seal by denouncing the conspiracy, which he knew about before the plot was discovered through the confession of Thomas Winter. Horrified at Winter's revelation in the confessional, the priest consulted his superior, who urged Fr Garnet to do all in his power to dissuade Winter from carrying out the plot. But to no avail. This episode generated much antipathy against the Jesuits during the controversy that followed. King James I intervened, claiming that the Jesuits had instituted a new doctrine, for the Scholastic theologians had taught that the seal could be broken when necessary to prevent a heinous crime, although the name of the penitent should not be revealed. Fr Garnet's actions in upholding the strict view of the Jesuits of the inviolability of the seal, was defended by

Cardinal du Perron and Cardinal Robert Bellarmine. In France, the stricter view was not popular, and King Henry IV became very agitated in the very early 1600s when his confessor said the seal must never be broken, not even to save the king's life. Much pressure was put on the Jesuits, and in 1612 they accepted, probably very reluctantly, the Sorbonne teaching that it was permitted to break the seal of confession in order to protect the king's life. There were subsequent cases where the secrecy of the confessional was broken, when priests were revealing conspiracies against the king. Gallican canonists such as Durand of Maillane, expressly exempted the crime of *lese-majeste* from the confessional seal. In documenting all this, Kurtscheid (1927) states very explicitly that he sees the French Gallican teaching as an aberration.

The third instance related to the question of whether confessors could reveal confessional material in any posthumous process to beatify or canonise some holy person or martyr. In *De Servorum Dei Beatificatione et Canonizatione*, Pope Benedict XIV (1740–1758) ruled in the affirmative, but the Church's Magisterium changed its mind on this in the 1917 Code of Canon Law (Canons 2027 §2, no. 1 and 1757 §3, no. 2).

Throughout the centuries-long debate, a central question directly related to this issue was, in the words of Kurtscheid: *How can the obligation of the seal be reconciled with the precept of charity, which mandates that we should shield our neighbour against physical and spiritual injury to the best of our ability?* The issue here is about the confessor making use of knowledge gained in the confessional to the detriment of the penitent. The usual response was that confessional knowledge was beyond human knowledge, belonging only to God. However, Thomas Aquinas does allow that a priest, while keeping the integrity of the sacrament intact, must take measures to stop 'an impending calamity'. The matter was discussed in the context of elections within religious orders, and whether a confessor could use his sacramental knowledge to influence the election, or in the case of bishops making appointments (Kurtscheid 1927). Another issue that was discussed was whether the inviolability of the confessional seal is a matter of divine law (thus not subject to change) or ecclesiastical law (thus subject to change by a pope) – Kurtscheid held the former view.

None of these issues was the subject of discussion or debate in the years after Kurtscheid's forensic study of the theological and Church sources. In this review of the literature, only one article was found which discussed confession in the context of child sexual abuse. Joe Grayland, a New Zealand liturgical theologian, has reflected on the fact that Catholic confession grossly underplays restitution to the victim: 'The present rites' critically underdeveloped theology is due in part to its overdeveloped emphasis on the individual penitents' confession of sin and their immediate absolution effectively limits our understanding of restitution' (Grayland 2004: 156). Grayland insists that while the actual confessing of one's sins is necessary, the core element of the confession is 'the process of penance'. He is critical of the Roman-Irish monks who spread the practice of confession throughout Europe in the tenth century. He concludes that the present rite of sacramental reconciliation in dealing with a very grave public sin such as child sexual abuse is seriously inadequate, because it undervalues and ignores the need for a just and interrelational act of restitution (Grayland 2004). However, it must be acknowledged that the Church through its various dioceses and religious orders, has made financial restitution by offering considerable sums in compensation even in cases where liability was not legally proved.

The name change at the time of the Second Vatican Council from the Sacrament of Penance to the Sacrament of Reconciliation should have presaged greater emphasis on the issue of reconciliation and restitution to victims. But it did not, as the Holy See concerned itself instead with fierce culture debates over general absolution and the other introduced rites of reconciliation and lamented the

precipitous decline in confessional attendance as Catholics stopped going to confession. While all this was happening, countless children were being abused by predator priests and religious brothers.

## Interface of the confessional seal with civil and criminal law

After Kurtscheid's encompassing and thorough research, little attention was given to the issue of the confessional seal. Several canonists (Moriarty 1998, Connaghan 2011, Coronelli 2013, Daly 2013) have written about the inviolability of the seal, as the highest and most rigorously protected form of secrecy within the Church (Coronelli 2013). Some attention has been given to a comparison of the Eastern and Western codes of canon law regarding the sacrament of penance (Abbass 2011), but much more attention since the Second Vatican Council was given to the third rite of reconciliation and general absolution, where the penitent is not required to make an individual confession unless they have committed a serious mortal sin.

However, much attention has been given to the intersection of the seal and the common law in the context of legal history and the right to religious freedom. Zubacz (2009) has examined the issue in the Canadian context, while the New Zealand legal scholar, S K Thompson, has provided a focused and well-researched account of the privileging of the confessional seal in the major common law countries.

Thompson (2011) broadens the debate beyond religious confession in the various Christian traditions, to a religious communications privilege analogous to that between a lawyer and client and physician and patient. He is very dismissive of evidence law textbooks as being misdirected and misinformed in accepting the conclusion that no religious confession privilege at common law existed. He goes back to when the first such texts began to appear at the beginning of the nineteenth century, with Peake in 1801, Phillips in 1814, and Starkie in 1824. These admitted no such policy. However, there were some exceptions: Best in 1849, Nokes in 1950, and Winchworth in 1952.

Thompson (2011) notes that except for Queensland, South Australia and Western Australia, the other five jurisdictions in Australia have religious confession privilege statutes. In New Zealand, the privilege was accepted in 1885 and broadened in 1895 with the Evidence Further Amendment Act. The 2006 Act broadened it even further making New Zealand 'one of the most generous expressions in the common law world' (Thompson 2011: 374).

In the legal debate, the priest-penitent privilege has received its most straightforward justification in terms of the principle of freedom of religion and freedom of conscience. Thompson lists five other justifications beginning with the argument that confidential religious communications should be protected because of their special nature, together with the privacy interests of the penitent. A third reason is the futility principle insofar as the priest confessor would always be prepared to be imprisoned if required to give evidence about his confessional knowledge. As an extension of this, the legitimacy principle, based on Benthamite utilitarianism, suggests that the legitimacy of the courts would be undermined if priests chose to go to prison rather than give evidence based on their confessional knowledge. Finally, there is the idea, originating in the eighteenth century, that no one should be compelled to give evidence.

Thompson (2011), who supports the common law privilege, suggests that no single argument suffices, but only an aggregation of all the reasons. In his view, the strongest argument for a religious communications privilege is society's interest in the preservation of the principle of religious freedom.

In conclusion, Bertrand Kurtscheid would have been well aware of Pius X's 1910 Instruction, *Quam Singulari*, which lowered the age of first confession. While he does not make reference to it in his treatise, he was well aware that soliciting in the confessional had been an issue for many centuries. Younger children were now at risk. It is surprising, perhaps even reprehensible, that canonists and sacramental theologians throughout the whole of the twentieth century, including Kurtscheid himself, failed to alert themselves and discuss the seal of confession and the duty of care that was intrinsically being placed on the confessor if young children disclosed that they had been abused.

There were serious issues at stake regarding information given by children during a confession. It is likely that this did occur but the confessor priest would have felt obliged to not act on the information even though the actual sin was not that of the child. This left the child in danger of further sexual assault. The other issue concerned confessions made by offending priests and religious brothers themselves to a confessor priest and his response. Both Keenan (2012) and Winship (2012) refer to this issue - no confessor seems to have withheld absolution on condition that the perpetrator penitent first make a confession to criminal justice authorities or (as had happened in the past) to church authorities.

## A Catholic clericalist imaginary of religious power and exceptionalism

A further theological and pastoral issue relates to clericalism and the use of clerical power in the abuse of children. Both the 1997 *Towards Understanding* Report and the 2013 Victorian *Betrayal of Trust* report, as well as others, made reference to power and the exercise of authority. The American psychotherapist, Rollo May, in his 1972 study of power and violence, explained that while power can be facilitative and integrative, it can also be competitive, manipulative and exploitative. Power is the ability to cause or prevent change. May's clinical work led him to see the relationship between powerlessness, distorted thinking, and psychosis, as seen in sexually violent offenders. He saw how the blocking of self-affirmation by deferential obedience led to aggression and violence (May 1972).

The literature that was examined has highlighted the themes of power and powerlessness, and how these are encased within cultures of religious exceptionalism or supremacism and clericalist solidarity (Keenan 2012). Power, as a topic, receives very little attention in the Catholic Catechism, nor is there an entry on it in the *New Catholic Encyclopedia*. It also has become too exclusively identified with papal power (Pasewark 1993, Collins 1997): 'Limited attention to power in ecclesiological literature also suggests there is a poorly developed awareness of power's role and an inadequate insight into its meaning and dynamics' (Kearsley 2008).

## The theological basis of Catholic exceptionalism

The Catholic Church describes itself as the One, True, Holy, Catholic and Apostolic Church centred around the Bishop of Rome, and as the supreme representation of the apostolic tradition among all the Christian Churches. The Church sees itself as the 'universal sacrament of salvation, the sign and instrument of the communion of God and men' (*Catechism of the Catholic Church* 1994: para. 780). There is a theological debate about the nature of the relationship between the Catholic Church and the other Orthodox and Protestant Churches. According to the Catechism, 'This unity, we believe, subsists in the Catholic Church as something she can never lose' (*Catechism of the Catholic Church* 1994: no. 820), with theological argumentation in relation to the meaning of the word 'subsists'. It is difficult to overstate this sense of religious pre-eminence and paramountcy that is inherent and grafted into the Catholic Church's self-perception.

In a religiously competitive market place, Catholic exceptionalism and the commitment to it has the potential to be a dangerous commodity in supporting risky practice and policy failure. Two relevant examples suffice. One reason among several for mandatory celibacy since the Catholic Counter-Reformation was its rejection by the Protestant reformers, led by Martin Luther's own personal example of marrying a nun. A celibate priesthood suggests that the Church is more holy than its Christian rivals and more apostolic in keeping to the tradition that Jesus was celibate and that celibacy is a sign of God's coming kingdom. The strategy to out-rank the Protestants in holiness implies that the commitment to mandatory celibacy by the Latin-rite Church is culturally and theologically deep-seated.

The second example concerns the condemnation of artificial contraception by Pope Pius XI in his 1930 Encyclical, *Casti Connubii* (Of Chaste Wedlock). This was a direct response to the 1930 Lambeth Conference of the Anglican Communion, which had approved the use of contraceptives after the 1920 Conference had forbidden it. For the Catholic Church, its continuing opposition to artificial contraception demonstrated to itself, yet again, that it was a more apostolic Church than the Anglican Communion – and for that reason claimed that the prohibition against artificial means of birth control can never be changed, even though it does not reflect the *sensus fidelium*, or consensus about what is believed by the Catholic faithful.

Drewermann (1990) considers that this Catholic exceptionalism, with the emphasis on superiority and power, allows the Church to proclaim that it can never err, and this in turn leads to a 'spiritless' Church that does not innovate. In the various government and Church reports, power receives very little attention, although the various commissions and committees were not unaware of its salience. The Christian Brothers pointed to 'power and control' in their mandate to Faulkner (1998) but it was not analysed in his report in any sophisticated way. The 2013 Victorian parliamentary report highlighted the theme of power, but the topic was not developed. The 1997 Wood Royal Commission only noted the power differential in pastoral relationships. However, the 1999 Forde Report highlighted the 'special vulnerability of children', often based on the special understanding that adult abusers have of children, particularly their lack of power:

Children are taught not to challenge the demands of adults. If they engage in sexual activity with adults, they are often confused and guilty. To ask why children do not resist or disclose the abuse is to ignore the overwhelming power between the child and the abuser.....A child, therefore, is in no position to teach an adult that they should suspect someone of abusive behaviour who has been endorsed by the community as a trustworthy person (Forde Report 1999: 15).

In Canada, the 1990 Winter Report was critical of the powerlessness of 'the people of God', which caused Catholics to be very reluctant in reporting the abuse to Catholic officials. The 2011 John Jay Report took another perspective in its consideration of diocesan autonomy and papal centralisation of power. The importance of the power dialectic is best expressed in the work of Keenan, who places it at the very centre of her analysis, as she describes in her model the interplay between the power of the pope and the bishop and the powerlessness of the priest, and the powerfulness of the priest and the powerlessness of the child victim (Keenan 2012).

## Theology of priesthood and clericalism based on ontological change

Catholics the world over have generally had a very warm appreciation of their priests as local pastoral leaders, although recent centuries have seen a virulent anti-clericalism in continental

European countries such as Spain and Italy that was never really present in Australia. To understand clerical child sexual abuse, we must navigate through the theology of the Catholic priesthood and the foundations of its damaging clericalist derivative.

The 1994 *Catechism of the Catholic Church* sees the institution of priesthood as a participation in the priesthood of Christ Jesus, as high priest and mediator between God and humanity, prefigured in the Jewish priesthood. It is through the ordained ministry that the divine presence of Christ as head of the Church is made visible (see *Catechism of the Catholic Church* 1994: par. 1549). This has never implied the priest was free of human weakness, but it led to the notion that, despite any amount of evil in a priest's sinning, God continued to act through his anointed hands.<sup>117</sup> This partly explains why in one hour a priest could commit monstrous acts against a child, and in the next celebrate a Mass for his parish community.

The current theological belief is that because Jesus only chose men to be his Apostles, the ordination of women is not possible. Another controversial aspect of the theology of priesthood is that ordination confers an indelible spiritual character that implies 'once a priest, always a priest'. As with baptism and confirmation, this tradition can be traced back to StAugustine of Hippo (354–430). Although it had not been part of Church teaching in the previous 1000 years of tradition (Jedin 1970, Galot 1984), and the current Catholic Catechism avoids such language, the Council of Trent (1545–1563) taught that the priest was *ontologically* changed by his ordination - i.e. permanently changed in his very being, so that he was no longer the same as other human beings. Galot argues that the Council of Trent 'leads us to perceive in sacramental character an ontological reality; it is a mark impressed on the soul...although it is not a "thing", the character is real. It is a mark that has really been effected and this brings about a genuine change in the personal self' (Galot 1984: 197–198). The main recent proponent of a sacral, high view of priesthood in Australia has been Julian Porteous (1998), currently Archbishop of Hobart and previously rector of the Good Shepherd seminary at Homebush in Sydney.

This over-interpretation of 'an indelible spiritual character', never accepted in the Eastern Church (which nonetheless has a very sacral view of priesthood), over the centuries led the Catholic priesthood to be regarded as some kind of superior caste deserving of status and deference and able to reserve to itself in secrecy all key decisions in the Church. But in time, this has led, in the words of a Jesuit ecclesiologist (Wilson 2008), to the diminution of appreciation for the priesthood, although the caste clerical culture had brought immense benefits to the Church. In the inevitable dialectic of life, this high sacral view of priesthood gave birth to a clericalist pathology: of 'a secret boys' club in the exercise of ecclesiastical power and the reduction of the adult feminine to servility (Wilson 2008).

## The carapace of clericalism

Clericalism emanates from an organisational differentiation of priests and religious from lay people, whereby priests have special access to power and powers not available to others, and a special body of knowledge and competencies judged to be of great significance, all of which confers on them status and privileges not accorded to others. Prior to the Second Vatican Council, the use of Latin in the liturgy also contributed to seriously marginalising and disempowering the laity (Wilson 2008).

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<sup>117</sup> This point in Catholic teaching is known as the *ex opera operato* mechanism.

Becoming a priest or religious brother brings genuine benefits, with the conferral of automatic status, and its accompanying trappings - whether in the papal white, the episcopal purple or the priestly black of clerical dress, or the honorific forms of address, from 'your holiness' to 'father', and the resulting perks, not least guaranteed housing, a car, health insurance, food allowance, and security for life. This can lead to an unhealthy entrapment in the priesthood, especially when priests or religious know they ought to resign but find the step too daunting and challenging. The impact is not only on the individual cleric or religious, but on the collective psyche of the presbyterate or religious congregation as a whole, including the danger of groupthink. Clericalism had developed defences to protect the sacral image of the church, the benefits of priesthood, and the *bella figura* of the corporate priesthood at all costs (Robinson 2007).

After observing that all sexual abuse is first and foremost an abuse of power, Bishop Geoffrey Robinson (2007) says it is arguable that spiritual power is the most dangerous power of all because it makes judgements about eternal realities and spiritual and moral matters. He argues that clericalism gives a veneer of respectability to the possession of spiritual power and that it can lead to an inability to accept dissent, failure, and vulnerability. Clerical offenders are generally not monsters who can easily be recognised as monsters at first, or even second or third, sighting.

The Commission inquiring into the Irish Diocese of Ferns (2008) was struck by the profiles of the clerical abusers:

In certain respects, many of these men were successful, spiritual and even caring human beings. Some were known to be excellent teachers who elicited high academic standards from the young people they taught; most were considered pious and holy; some were outstanding managers and fundraisers while others were described as gentle and inoffensive. Many of these priests were readily accepted in their communities and befriended the families of their victims with ease. The verbal or pictorial portrayal of the perpetrator as a man of unmitigated evil is frequently inaccurate and often misleading, resulting in parents failing to appreciate that the child abuser may be someone with a kind and pleasant appearance, capable of warmth, affection and generosity and of intellectual and professional worth. This benign and unthreatening image can be applied to many men who abuse, not just clergy, and is a key factor in abuse being allowed to continue undetected for long periods of time (Ferns Report 2005: 17).

## Powerlessness and the theology and praxis of obedience

The various reports and the more informed empirical studies attest to the fact that many offenders accomplished valuable pastoral work, but there was another underlying reality. Because of their actions, they had become and felt 'cursed' by their own religious community, by the Church community and by the general society (Winship 2012). At the same time, while they knew they were respected, influential and powerful, they also felt powerless (Keenan 2012).

The clerical offenders felt a high level of powerlessness. Associated with this powerlessness was alienation and fear of speaking out or engaging in whistleblowing. Obedience is a key governance and control mechanism in the Church's hierarchical structure, clothed in a divine aura of conforming to God's will. For religious sisters and brothers, obedience, along with poverty and chastity, is perceived as one of the three 'evangelical counsels' accepted as a sacred vow to follow Christ more closely. The three counsels go beyond God's commandments towards the perfection of Christian life (*Catechism of the Catholic Church* 1994: para. 1973). They are part of the holiness of the Church.

In Ireland, the Ryan Report was critical of the regime of obedience and humiliating punishment in the Irish Christian Brothers, which resulted in the reluctance to criticise their superiors and report any suspicions. The Ryan Report quotes from a section of the 1926 edition of the Rules and Constitutions of the Sisters of Mercy, dealing with the vow of obedience: 'The Sisters are always to bear in mind that by the Vow of Obedience, they have forever renounced their own will, and resigned it to the direction of their Superiors. They are to obey the Mother Superior, as holding her authority from God, rather through love than servile fear...They are to execute, without hesitation, all the directions of the Mother Superior, whether in matters of great or little moment, agreeable or disagreeable' (Ryan Report 2009: Vol. II, 6.48).

Such powerlessness also features strongly in Keenan's qualitative study, which highlighted the dialectic between power and powerlessness. In the seminary, her offender priests were enculturated always to look upward to the bishops and religious superiors who had power and control over them. Conformism to the rules ensured survival, success and winning the ultimate prize of ordination. God was on the side of the superiors. There was never any questioning on the way power was to be exercised. The aim was to create clerical conformist clones whose minds were effectively neutralised. As priests, their position of power allowed them to access children, taking them out of classrooms and inviting them to their houses. But this was matched by anger and frustration – obedience was expected in accepting a new appointment to a different parish or religious house. The cross, heavy as it might be, was to be obediently carried. Outward compliance was matched by inward hostility which had the capacity to result in high levels of resentment and frustration which, in turn, might be externalised in physical or emotional or sexual acting out (Keenan 2012).

Keenan's data interpretation did not support the customary feminist analysis of male power over female powerlessness. Her findings and analysis were more complex. Many of the priests felt the opposite of being powerful, even though they actually were - they had been treated as children in the seminary (Keenan 2012):

In these circumstances (of powerlessness) the men could relate easily to children and young people, whom their narratives indicate they saw as "friends" and "equals". Children and young people thus became the receptors for adults' needs and feelings. It does not appear to be the case that the abuse perpetrated by the men in my study was about gaining power over the victims in order to feel "human" or masculine or powerful. In fact, in the personal sphere the men saw the victims as equal to them, capable of saying yes or no to their advances....Thus, it was the men's interpretation of "equality", their blindness to power in the sexual and emotional sphere (i.e. their sexual and emotional immaturity) and their lack of understanding of childhood vulnerability and sexuality that was part of their problem (Keenan 2012: 118).

The internalisation of affable submissiveness in the seminary diminished their sense of personal authority and autonomy as well as their moral judgement. Ecclesiastical power and powerlessness corrupted ecclesiastically.

## Whistleblowing

Another consequence of the power-obedience-powerlessness dialectic related to the reluctance to report and to the collective failure to whistle blow. Whistleblowers are, of course, discouraged everywhere – in the public service, in universities, and in corporate business. Within the clericalist

world, whistleblowing is most definitely not a career enhancer. The UN Committee on the Rights of the Child drew attention to this issue. And in Australia, the *Forgotten Australians* Report highlighted it, observing that personnel in religious organisations were very vulnerable if and when challenging their religious authorities because of their financial, employment and aged care dependence on the organisation, whether a diocese or a religious order. They were trapped into silence and submission. This Australian Senate Committee Report posed the crucial question: *Why was it that over a period of about half a century no single whistleblower in residential institutions run by Catholic religious orders had emerged to sound the alarm?* The question has not been fully answered. Lord Nolan in the UK recommended whistleblowing be incorporated into Church processes (rec. 60), but this seems to have been ignored. None of the other Australian or international reports addressed the issue.

## An essentialist theology of sexuality, marriage and the family

The 1991 Winter Report in Canada drew attention to the need for the Church to examine its theology of sexuality. Ranson's model also pointed to the Church's ambiguous tradition (Ranson 1997), while Keenan (2012) found that problems with the priest abusers in her study partly flowed from their training in moral theology and consequent lack of moral judgement. In this section we wish to provide further background to traditional and contemporary Catholic moral theology, giving special attention to the 1968 encyclical *Humanae Vitae* of Pope Paul VI (1963–1978) against artificial contraception and, in the context of the empirical findings about clerical child sexual abuse, zero in on two issues, masturbation and homosexuality. The seminary formation of the priest perpetrators in Catholic sexual morality directly impacted on their mindsets, resulting in cognitive, emotional and sexual distortions.

## Natural law and Catholic moral theology

The Catholic theology of sexuality, marriage and the family is not based on the Bible as Catholicism eschews any literalist interpretation of the Biblical texts and sees the Bible as the central part of the broader Christian Tradition. However, both the sacred scriptures and the writings of the Patristic fathers in the first five centuries can assist in clarifying or emphasising particular issues. It was St Augustine of Hippo who surpassed the earlier fathers by insisting on the goodness of the conjugal act, although his thinking does contain certain Manichean strands and their negative attitudes to sex. His outlook is also essentially non-relational in its focus.

Current Catholic understanding is based upon the philosophy and theology of St Thomas Aquinas (1225 – 1274), a Dominican friar, which interpreted the thought of Aristotle (384 – 322 BC). Aquinas' teaching with the central stress on intrinsically disordered acts and states was reinforced by the Council of Trent and by a sequence of Popes up to the present times. Aquinas viewed homosexuality as an intrinsically disordered state. He was not as suspicious of sexual pleasure as Augustine – the Thomistic or Scholastic tradition taught that sex was permitted only within marriage and primarily for the sake of procreation. Aquinas also placed much emphasis on the cardinal virtues,<sup>118</sup> although this was diluted to some extent over the following centuries. The development of Thomistic

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<sup>118</sup> The four cardinal virtues recognised in Greek and Roman antiquity and subsequently in the Christian tradition are Prudence, Justice, Temperance and Courage. As well, there were the three theological virtues of faith, hope and charity/love to form altogether the seven virtues.

theology was hampered by the faulty biology of the time – it was usually accepted that the male seed (or *hominiculus*, or tiny man) was the active principle, and women were merely receptacles and incubators of the seed though Aquinas favoured the two seed model (Thatcher 2015). The emphasis on sex for procreation was reinforced by their understanding of the animal world of the time. While it is true that in most animals sexual activity and reproduction are directly linked through the ‘coming into season’ mechanism, sexual activity for the higher primates has other functions such as group bonding and defusing conflict (Lawler & Heaney 2015).

Most Catholic conceptual thinking on sexuality took place in monasteries and universities, resulting in the focus on procreation and penetration, and the exaltation of virginity over marriage. The pleasure of sex was described in terms of concupiscence (Kosniak et al. 1977) or venereal or sexual passion, which was seen to often cloud moral judgement. At the centre of Catholic moral theology are the notions of right reason and natural law. Aquinas conceptualised natural law as a fundamental principle that is woven into the fabric of our nature and perceived by every rational person, and as participating in God’s law. The moral theology textbooks since at least the twelfth century have maintained the distinction between mortal sins ‘in accordance with nature’ (fornication, adultery, incest, rape and abduction), because they maintain the possibility of procreation, and mortal sins ‘contrary to nature’ (masturbation, sodomy, homosexuality, fellatio, cunnilingus, bestiality), which were considered as a greater violation of the moral order because they pervert the potential for procreation. In a critical assessment by the Catholic Theological Society of America, this essentialist approach ‘led quite naturally to a highly negative, juridical and act-centred morality, which all too easily proclaimed moral absolutes with little regard for person-oriented values’ (Kosniak et al. 1977: 43). As well, the traditional Catholic approach to sexuality was framed within a context of cultural, ritual and sexual purity which gave emotional power to the intellectualised, rationalistic Thomist approach. ‘To be pure’, was code for ‘don’t masturbate’ and ‘don’t have sex before marriage’. St Maria Goretti was a powerful symbol of this approach to sexuality.

While the relational aspect was not completely missing from Aquinas’ thinking, the weight was on individual actions and absolute moral standards. During the 1960s, Catholic moral teaching in the seminaries was convulsed by the challenge presented by the Christian situational ethics philosophy of Bishop John Robinson and James Fletcher, who wrote the 1963 book, *Situational Ethics: The New Morality*. One much discussed case study was of sacrificial adultery concerning a German woman who had been captured by Soviet troops and placed in a Ukraine jail while her husband was in a POW camp in Wales. She learned that her children were in desperate need of her. The only way she could escape the prison was through pregnancy, so she got herself impregnated by a guard. Fletcher’s approach was to argue that love is the only intrinsic good, and that justice is love distributed. Love’s decisions are to be made situationally, not prescriptively. This approach was decisively rejected by the Thomistic moralists, whose thinking led to the encyclical *Humanae Vitae*.

### *Humanae Vitae* – a seeming disaster for the Catholic Church

In July 1968, Pope Paul VI (1963–1978) published his condemnation of abortion and artificial contraception as intrinsically disordered and mortally sinful acts in his encyclical *Humanae Vitae* (Of Human Life). Earlier Pope (now St) John XXIII (1958–1963) had appointed a special commission, which included married couples, to make recommendations on the matters, and they came for resolution under Paul VI five years later. Well after the closure of the Second Vatican Council, the special commission had split, producing a majority report recommending a lifting of the ban on

artificial contraception, with a minority report recommending the traditional moral doctrine outlined by Pope Pius XI in his 1930 encyclical *Casti Connubii*. Paul VI rejected the findings of the majority commission. Heavily pressured by a group of conservative cardinals led by Cardinal Ottaviani, Paul VI decided that accepting the majority report of the commission would abrogate church tradition. Sexual intercourse must always remain open to the transmission of life, without any artificial barrier, even in cases of rape: 'Each and every marriage act must remain open to the transmission of life' (*Humanae Vitae* par. 11). History will eventually come to see *Humanae Vitae* as the highpoint of Catholic clericalism, but also as a Pyrrhic victory, for it also signalled the beginning of the end of clericalism.

There were many things wrong with *Humanae Vitae*, not least that it has not been 'received' by the Church since Catholic couples have rejected its teaching and eleven episcopal conferences in the aftermath of its publication formally stated to their peoples that they had the right to exercise their consciences in coming to a decision on how they pursued the goal of responsible parenthood in their marital lives. The emphasis on procreation leads to the notion that post-menopausal women are open to the transmission of life and to mistaken notions about the orgasm.

However, these considerations take us well beyond our key focus on child sexual abuse in Catholic settings. In Appendix Seven (p. 379), we outline in much more detail the difficulties and flaws contained in *Humanae Vitae*. Moreover, the sad irony is that during the theological and pastoral controversies surrounding the Second Vatican Council, namely, artificial contraception, clerical celibacy, and the role and equality of women in the Catholic Church, the real tragedy of the sexual, physical and emotional abuse of children by priests and female and male religious had been occurring and was continuing to occur, arguably at much heightened levels from the late 1950s.

### Masturbation as the great sexual terror in the struggle for sexual purity

Many of the priest and religious offenders reported their struggle against masturbation and to remain pure and holy under the all-seeing God. The Virgin Mother was held up as the model of sexual purity. In their historical study of masturbation, Stengers and Van Neck (2001) describe it as the great terror. Fears about masturbation produced a great crisis in the nineteenth century. Masturbation was viewed as 'a social insanity', because it robbed youth of their vital energies in expelling their seed of life, debilitated the body, and caused insanity. Voltaire and Rousseau popularised its terrifying consequences, and Lord Baden-Powell in his written works for scouts and rovers similarly condemned masturbation (Hall 2003). Gradually this view lost its hold over the medical community as it has gradually come to be perceived as a step towards discovery of one's body, and development of sexual identity, as well as being a useful mechanism for releasing stress. Kinsey in the 1950s found that 92 per cent of men and 62 per cent of women had masturbated during their lives, while more recent studies have shown the incidence has continued to rise, especially amongst women (Kinsey 1948, 1953).

In contrast, the Magisterium of the Catholic Church has always maintained its anti-masturbatory stance, traceable back to Pope Leo IX in 1054 who declared that 'masturbators should not be admitted to sacred orders'. Pope Innocent XI (1676–1689), in his papal bull *Sanctissimus Dominus*, condemned the opinion of a certain Caramuel who claimed that: 'masturbation is not forbidden by the law of nature; therefore, if God had not forbidden it, it would be good and sometimes gravely obligatory' (Kosniak et al. 1977).

In 1904, early in the pontificate of Pope Pius X, the Sacred Penitentiary declared that: 'complete masturbatory acts of a woman during the absence of her husband are gravely illicit and that any confessor who approves this practice should be denounced to the Holy See'. In 1929, the Holy Office ruled that masturbation was not permitted to obtain a semen sample for medical purposes. In 1952, Pope Pius XII in his encyclical on the Christian education of youth, wrote against those who considered acts of masturbation as 'inevitable lapses' and 'not grave faults', and in 1961 the Sacred Congregation for Religious ruled that candidates with 'the habit of solitary sin' were not to be admitted to the novitiate – the text is clear that young candidates with a history of masturbation were being wrongly admitted to final vows and ordination (Kosniak et al. 1977).

Nothing in Church teaching about masturbation fundamentally changed throughout the twentieth century. The 1994 *Catechism of the Catholic Church* quotes from the 1975 declaration *Persona Humana* by the Congregation of the Doctrine of the Faith:

Both the Magisterium of the Church, in the course of a constant tradition and the moral sense of the faithful have been in no doubt and have firmly maintained that masturbation is an intrinsically and gravely disordered action. The deliberate use of the faculty, for whatever reason, outside of marriage is essentially contrary to its purpose. For here sexual pleasure is sought outside the sexual relationship which is demanded by the moral order and in which the total meaning of mutual self-giving and human procreation in the context of true love is achieved (*Catechism of the Catholic Church* 1994: par. 2352).

However, the even more important and psychologically destructive point is that the 'losing of the seed of life'<sup>119</sup> through masturbation was directly and very explicitly linked to hell and eternal damnation. One masturbatory act, if not confessed, would result in the fires of hell. Keenan's interview data suggest that many priests were very troubled by masturbation, although they did not contest 2000 years of tradition against the practice. One priest related how:

I sat in the confessional for 25 years and would know that well up to a few years ago...this is not breaking the seal, I think it would be a common fact that...one of the major problems or one of the major sins for priests and religious...would be the whole thing of masturbation, and yet on the other hand...the Church that sets moral standards must be aware of what's going on in men's (priests') lives, because the very people who are legislators must be themselves...(pause) have problems with this too, they couldn't but be human as everyone else...we have grown up with such moral sort of blinkers (Keenan 2012: 137).

For Keenan's abusive priest subjects, the result was that they eliminated sexuality from their thinking and behaviour and tried to become sexless. But this deprivation of sexual pleasure, unfortunately, could not be maintained over a lifetime and it took a distorted pathway in the minds of the abusers. Keenan neatly summarises from her interview data:

The negative view of sexuality propagated by the most distinguished theologians of the Catholic Church provided rich soil for fear, anxiety and scrupulosity, especially when accompanied by ideas of an authoritarian and punishing God, who could see into the

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<sup>119</sup> Some of the older moral theological texts e.g. Noldin suggest that female masturbation was less morally evil than male masturbation because there was no issue of 'losing the life-giving seed' or 'wasting it' even though the male body continues to keep manufacturing semen.

seminarian's or priest's subconscious mind and his shameful thoughts and feelings (Keenan 2012: 136).

In a study of the sexual life of Spanish priests (Rodríguez 1995), one priest who was interviewed with his psychiatrist revealed how he was terrorised by masturbation:

My problem began when I was still a seminarian, and it ended up dominating me without me being able to avoid it. Like the rest of my companions in the seminary, I masturbated whenever I needed to satisfy myself sexually, but so great was the aversion to sexuality that they taught us and so strong was the pressure to be pure, that soon I began to feel like a sinful rat. I tried to stop masturbating but it was impossible. Prayer and penance soon gave way to mortification of the flesh. I began to use a hair shirt and a whip until my belly and back were raw, but I didn't manage to conquer sexual desire. I ended up putting a spiked bracelet on my penis but I kept on getting erections despite the pain of the wounds the metal points made. I spent long hours kneeling on little pebbles, pleading with God to stop punishing me. Of all my companions, I was the most humble and servile. But nothing could stop my penis and my hand. One day I even put my hand over a kitchen stove, but all I achieved was a painful burn. When I was ordained a priest, nothing changed. I flogged myself daily, a hair shirt was a permanent part of my underwear, and little rocks or uncooked garbanzos inside my shoes reminded me every moment that I was a hardened sinner. I don't know exactly how it happened, nor do I remember when, but one day I realized that the pain was arousing me more. Somehow everything had gotten confused. I no longer punished myself for having satisfied myself sexually – I satisfied myself sexually because I punished myself (Rodríguez 1995: 170 translated by Mitchell 1998: 30).

In the same context, Mitchell (1998) draws attention to how Jose Maria Esciva de Balaguer (1902–1975), founder of Opus Dei, flagellated himself with a type of cat-of-nine-tails, staining his bathroom with much blood every day before he washed himself meticulously from head to toe. He needed to be cleansed.

## Homosexuality and the Catholic moral theological tradition

It is necessary to discuss homosexuality and homophobia from various perspectives because many of the offending priests and religious had a homosexual orientation, which they struggled with but never maturely resolved. Here, our focus will be on the Catholic moral theological tradition which has been consistent in rejecting homosexual behaviour, based partly on Scriptural texts (esp. *Gen.* 19, 1 – 29, *Rom.* 1, 24 – 27, *1 Cor.* 6, 10, *1 Tim.* 1, 10) and principally on natural law theory. The 1994 *Catechism of the Catholic Church* states that 'basing itself on Sacred Scripture, which presents homosexual acts as acts of grave depravity, tradition has always declared that "homosexual acts are intrinsically disordered"'. It goes on: 'They are contrary to the natural law. They close the sexual act to the gift of life. They do not proceed from a genuine affective and sexual complementarity. Under no circumstances can they be approved' (*Catechism of the Catholic Church* 1994: para. 2357). Much in this statement is deeply problematic. Professor Alexander, Emeritus Professor of Biblical Studies at the University of Sheffield, suggests that the Bible says nothing about homosexuality as we understand it today (Alexander 2015).

Historically, the issue of homosexual behaviour has been discussed in the context of 'sodomy' and 'sodomites', the word derived from behaviour in the Biblical city of Sodom as a metaphor for homosexual behaviour and vice (Gen. Chs. 18 & 19). It was developed over centuries well before the

emergence of concepts such as sexual orientation, sexual preference and same-sex attraction. The core argument in the Catholic tradition against homosexual behaviour is that it is against the natural law. This reflects the human acts-centred moral theology/philosophy of the Catholic tradition, which is not complemented by a relational ethic. It comprehensively rejects the lived experience of gay people. It is also the theological basis for homophobia and discrimination by the churches which is allowed under the exemptions contained in the Australian equal opportunity legislation acts at Federal, State and Territory levels (Bouma, Cahill, Dellal & Zwartz 2011).

In recent decades, the Church has increasingly accepted the presence of conscientious gay people in its own ranks, not least in the priesthood. It has more transparently moved to a position that they must be accepted 'with respect, compassion and sensitivity. Every sign of unjust discrimination in their regard should be avoided' (*Catechism of the Catholic Church* 1994: 2358). In other words, love the sinner, hate the sin.

There are still many Catholics who believe that same sex attraction can be changed. A notable exponent of this view is the US Catholic Medical Association ([www.cathmed.org](http://www.cathmed.org)) whose 1999 policy statement affirms that 'early identification of at-risk children (to same-sex attraction), along with appropriate psychotherapy and parental support, are key factors leading to successful prevention and treatment of the emotional pain in these children and adolescents' (Homosexuality and Hope 1999: 2). Kinney (2016) writing in the official journal of the US Catholic Medical Association, suggests that the argument that homosexuality is normal is not supported by the scientific evidence, adding that he sees it as a mental disorder.

The official Catholic position, deeply contested in many parts of the Church, is that all gay people are called to live lives without sexual expression: 'By the virtues of self-mastery that teach them inner freedom, at times by the support of disinterested friendship, by prayer and sacramental grace, they can and should gradually develop and resolutely approach Christian perfection' (*Catechism of the Catholic Church* 1994: para. 2359). Catholic gays are required to live a life of enforced celibacy. As the data attest, priests with a gay or confused sexual identity were deeply impacted by these moral dictums even though they felt called to the priesthood. Some became offenders.

## The place of women and gender in the Catholic tradition

Ranson (1997), in his explanatory model, drew attention to the need for the feminine. This was highlighted in the Ryan Report (2009) regarding the Christian Brothers, whose institutional culture was devoid of women and the feminine. From her data, Keenan has drawn attention to 'hegemonic masculinity' and the neglect of women. In Australia, the overwhelming majority of offenders would have attended single sex Catholic schools. In 1929, Pope Pius XI condemned co-education, especially at secondary level, 'because there is not in nature itself, which fashions the two quite different in organism, in temperament, in abilities, anything to suggest that there can be or ought to be promiscuity, and much less equality, in the training of the sexes' (*Divini Illius Magistri* 1929: no. 68). By this time, there were widely differing practices in Catholic schooling systems. In Germany, opposition to co-education was because of the fear of possible immorality, the masculinisation of the girls and feminisation of boys, as well as the need to prepare girls for their futures as wives and mothers. Belgium followed suit, but not Austria or Italy where girls had a special right to university entry from the late nineteenth century. The 1923 Italian law to create special girls' schools (*liceo*) was an abysmal failure (Albisetti 1999). In Ireland, Cardinal Paul Cullen was very opposed to co-education, and by the 1960s, 443 of the 531 Irish schools were owned by religious orders – only about one quarter were coeducational. The same situation was replicated in Australia.

As already discussed, the traditional Italian Catholic imaginary was based on a sharp differentiation of the genders, based around the young, chaperoned and vulnerable female and the powerful and dominant, perhaps dangerous, male. This sharp gender differentiation emphasised the traditional and different roles of the male and female and has deeply influenced Catholic sexual morality in the prioritisation of procreation and the exaltation of virginity. This set of attitudes has deep roots in the Catholic tradition, although the Church has never officially taught female inferiority. The spread of Christianity substantially changed women's lives. Women have played very significant roles in the founding of religious orders and the running of Catholic institutions.

Among the great female saints have been St Cecilia (90–117), musician and martyr, St Monica (332 – 387), mother of St Augustine and patron of abuse victims, St Clare of Assisi (1194–1253), companion of St Francis and founder of the Poor Clares, St Catherine of Siena (1347–1380), peacemaker and theologian, St Joan of Arc (1412–1431), warrior and the Patron of France, St Teresa of Avila (1515–1582), Spanish mystic and theologian, St Rose of Lima (1586–1617), the first saint of the Americas, the young French nun and mystic, St Therese Martin of Lisieux (1873–1897) and in our own times the philosopher and martyr, St Edith Stein (1891–1942), a Jewish convert who died in Auschwitz.

Notwithstanding all this, there is a profound ambivalence embedded in Catholic theology in relation to women. The Catholic tradition begins with the creation of humans, male and female (*Gen. 1, 27*) and then 'at the very beginning there was Eve; despite her disobedience, she receives the promise of a posterity that will be victorious over the evil one as well as the promise that she will be the mother of all the living' (*Catechism of the Catholic Church 1994: para. 489*). Magisterial Catholic thinking emphasises both the complementarity of the sexes and a very sharp differentiation between the sexes. A good illustration of this is the thought of Bernhard Häring (1963, 1967), whose moral theological texts<sup>120</sup> were much used by seminarians during the 1960s and 1970s when they represented a modernisation of the old dry manuals used previously: 'Such is the unique physical and psychical nature of woman that she is not suited for every profession. Her place is above all in the home, her task the care of children, her concern the domestic order and good home life of the entire family. Woman is pre-eminently qualified for all the professions which in their nature and origin are a projection of her domestic and maternal mission: such vocations as education and home training, charity, social service in its many modern forms, and especially care of the sick through nursing, gynecology and paediatrics' (Häring 1967: 283). He was scornful of the communist societies of the time having female bus drivers and engineers.

## The Holy See and gender theory

This type of thinking remains deeply embedded in the Church's teaching office. Gender is not an item in the index of the Catechism<sup>121</sup> nor is there any discussion of Jesus' sexuality or personality traits. Pope Benedict XVI<sup>122</sup> was very critical of gender theory, as have been his predecessor and his successor. He claimed that it fudges the differentiation between man and woman. He saw it as a new philosophy of sexuality based on a mistaken anthropology. There is no room in Catholic thinking

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<sup>120</sup> Häring published his *Law of Christ* in three volumes. The third volume was originally published in German in 1963 with an English translation in 1967.

<sup>121</sup> However, sexuality is, and the Catechism discusses diversity and complementarity of the sexes in para. 369 – 373 and also at paras. 1605 and 2333.

<sup>122</sup> This is taken from the Address Pope Benedict XVI gave on the Occasion of Christmas Greetings to the Roman Curia on 21st December, 2012.

for the androgynous personality where biologically male or female persons have different mixes of traits associated with the masculine and with the feminine. Nor is there any room for seeing sexuality as a continuum along which there is a diversity of sexualities (Cedillo 2015). Traditional Catholic thinking on gender seems to consider man and woman as ontologically different.

The Italian priest psychoanalyst, Tony Anatrella<sup>123</sup> (2012), a consultant to the Pontifical Council for the Family, critiques the social constructivist theory of gender with copious references from recent papal encyclicals. His fear is that sexuality is becoming separated from procreation:

This theory is based on a dominant idea that has disassociated the foundational realities of humanity. Procreation has been disassociated from sexuality (contraception and abortion), conjugality has been disassociated from marriage (cohabitation), parenthood has been disassociated from conjugality (divorce), fertilisation has been disassociated from the sexual act (ovum donation) before the conception of gestation as disassociated from motherhood (surrogate mothers) and gestation outside the maternal womb (Anatrella 2012: 74).

In his view, homosexuality is presented within the framework of homoeroticism and narcissism, as perceiving itself as an alternative to heterosexuality and thus destroying the divinely ordained creation of man and woman.

This thinking fails to see that sexuality ought preferably to be presented in terms of feeling, behaviour and identity. The working definition of sexuality by the World Health Organization is:

A central aspect of being human throughout life encompasses sex, gender identities and roles, sexual orientation, eroticism, pleasure, intimacy and reproduction. Sexuality is experienced and expressed in thoughts, fantasies, desires, beliefs, attitudes, values, behaviours, practices and relationships. While sexuality can include all of these dimensions not all of them are always experienced or expressed. Sexuality is influenced by the interaction of biological, psychological, social, economic, political, cultural, legal, historical, religious and spiritual factors (WHO 2006).

Doubtless Anatrella's stance would be questioned not only by feminist and gay theologians, but by Orthodox Christian theologians also.<sup>124</sup> Patitsas (1997) suggests that any Orthodox theory of gender 'must negotiate its way between the Scylla of "gender interchangeability" according to which men and women are held to be fundamentally the same and gender is considered a dispensable, probably socially constructed, category; and the Charybdis of "gender complementarity" according to which gender roles largely define our place in the world' (Patitsas 2007: 71). He states that men and women are largely alike yet also somehow different but the difference should not be exaggerated.

Recently, in an important and complex contribution, the Anglican theologian, Adrian Thatcher, who is well versed in Catholic moral theology, has argued that, until about the 18<sup>th</sup> century, people in the West assumed that there was only one single sex, much like the way we use the word 'species' today and that the thinking of Aristotle, Augustine, Aquinas and Luther thus needs to be interpreted

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<sup>123</sup> The preface of his book on gender theory and the origins of homosexuality is written by Cardinal Angelo Scola, now Archbishop of Milan, who previously was the rector of the Pontifical Lateran University and president of the worldwide network of the Pontifical John Paul II Institute for Studies on Marriage and the Family. He is a devotee of the theology of Hans Urs Von Balthasar and is described as a moral anthropologist.

<sup>124</sup> In May 2016 several Catholic news sources reported that Anatrella has been credibly accused of child sexual abuse.

according to the one-sex theory, which considers that all persons, whatever their gender or sexuality, belong to the same sex. This would explain and partially mitigate the alleged sexism, gender bias and misogyny of these original thinkers. In the one-sex theory there were differences between the one-seed (the male seed or *hominiculus* with the womb acting as an incubator) version and the two-seed (the female seed or ovum uniting with the male) version of the theory. However, only in recent centuries has the two-sex binary theory of sexuality emerged with too great an emphasis on the differences between the male and the female. Theology (almost positing an ontological difference between the two) and the psychological sciences (e.g. Freud's notion of penis envy) have over-emphasized the difference, as feminist thinking may also have done (Thatcher 2016).

Thomas Aquinas (c 1225 – 1274) accepted the one-sex, two-seed theory, refusing to accept Aristotle's one-seed theory and the latter's view that 'the female is a misbegotten male'. His position (see *Summa Theologica* 1.91 & 1.92) was that male and female belonged to the one sex, but the male had primacy over the female because of her alleged passivity and receptiveness, as represented in the act of sexual penetration. Duns Scotus (c. 1266 – 1308) was troubled by this thinking (Thatcher 2016).

In Thatcher's view, too great a weight has been placed on *Genesis* 1,27ff which is wrongly interpreted within a two-sex framework because both the original Hebrew and Latin Vulgate translation carefully distinguished between *ha' adama* (the inclusive man) (*Gen.* 1, 26) and the distinguishing separate words for male and female. Additionally, the words, 'And (Jesus) was made man' in the Nicene Creed are better translated as 'And (Jesus) was made human'.

According to Thatcher (2016), there is neither a male nature nor is there a separate female nature, but rather one human nature – in Jesus Christ, his human nature is united with his divine nature which has ontological priority and is beyond gender. The new humanity, the new body and the new creation reflect the ungendered nature of God while Jesus' maleness belongs to his particularity as a Jew, son of Mary and Joseph, who lived in a particular space and time (Thatcher 2016). The result is that the binary approach to sexuality normalizes heterosexuality and problematizes other forms of sexuality, and reinforces stereotypes, sexism and patriarchy. The social sciences make much of the differences between men and women as two sexes whereas according to the empirical studies the differences within the two groups are usually even more different. Thus, far too much emphasis is placed on the differences between the male and the feminine rather than on the similarities.

Attention has also focused on the concept of eunuch in the Bible as well as on the Old Testament figures of Potiphar and his wife who tried to seduce Joseph, son of Jacob and Rachel (*Gen.* 39, 1ff). The Hebrew word used for eunuch is used to describe Potiphar and is often translated as 'officer'. It is unlikely, however, that Potiphar was a castrated male but it is possible that he was gay, and this may explain his wife's behaviour towards Joseph (McKenzie 1965; Kittel, Friedrich & Bromily 1985). In other words, the word 'eunuch' may have a broader meaning than is usually attributed to it in terms of physical castration. DeFranza (2016) suggests that the figure of the eunuch provided an expansion of the binary model of human sexuality with Roman Catholic and Evangelical Christian theology over-accentuating the distinction by drawing 'on the ontological inferences from the folkloric narrative of Genesis' as contained in *Genesis* 1,27ff.

## The lack of a theology of the child

Another theological deficit relates to the child, for children and their preventable victimisation are at the core of this Catholic tragedy of clerical sexual abusive behaviour. Priests and other religious,

including offenders, were not armed with a developed understanding of the child. This was all the more important given that the personal experience of parenthood had been cut off through mandatory or voluntary celibacy. Catholicism lacks a theology of the child. This has had another repercussion at the highest level, with the UN Committee on the Rights of the Child unhappy with many aspects of Catholic Church policy and practice (Tapsell 2015).

Mother and child lie close to the centre of Christian imagery, and many paintings celebrate the child-mother relationship. Almost no art gallery in the European or European-derived world lacks a painting of Mother and Child or Madonna, from the *Mystic Nativity* by Botticelli, to El Greco's *The Adoration of the Shepherds* and Albrecht Durer's *The Adoration of the Magi*. Jesus and his family were refugees, and this too was the subject of many paintings by Giotto, Fra Bartolomeo and others. There are also numerous representations of the massacre of the innocent male babies under the age of two by King Herod (73/74 BCE – 4 BCE), a fate the family avoided with their refugee flight into Egypt.

The two Gospel accounts of Matthew and Luke contain accounts of various episodes in Jesus' childhood but the New Testament does not mention Mary's childhood nor does it provide any stories about female children, for 'girls aged twelve or younger apparently have no place within Catholic religious doctrine. *The girl child is missing*' (Stith 2015: 89). Catholic popular culture has made the Child Jesus a central feature of the Christmas season with the innovation of the Christmas crib since 1293 when it was introduced by St Francis of Assisi. Many Australian parishes incorporate a small Christmas pageant around the crib into the Christmas Mass to reinforce the special nature of the human child.

In the Latin-rite Catholic Church, Christmas is a celebration of the Child and all children, as are most baptismal ceremonies. First Communion, with girls dressed in white as child brides (Stith 2015) is another major celebration. Several years later on the threshold of puberty, they are confirmed by their bishop. And yet, notwithstanding all this, it is the unfortunate reality that the Catholic Church has never articulated a fully developed theological imaginary of the child based on scientifically-grounded cognitive, psychosexual and sociocultural perspectives of childhood, although there has been much emphasis on religious pedagogy. The Church still remains confused about the age limits of childhood,<sup>125</sup> seemingly defining it in terms of puberty. The 1983 Code of Canon Law still allows girls of 14 and boys of 16 to be married in a Catholic Church if their parents approve (Canon 1083). Child brides are forced into sex before they are ready, become pregnant too young and may face life-threatening hardships (Stith 2015).

The child is not usually at the centre of the thinking of consecrated celibates since they neither live with nor directly care for children. They do not normally change babies' nappies.<sup>126</sup> Nor may consecrated celibates fully appreciate the psychological impact of events, positive or negative, on the mind of a child. This in no way implies that they do not love children.

In reflecting upon the child sexual abuse crisis, the Australian theologian, Alan Calwallader, has noted:

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<sup>125</sup> For the purposes of this report, 'child' is defined in terms of being a minor, that is, someone under the age of 18 years as defined by this Royal Commission and by the 1989 U.N. Convention on the Rights of the Child.

<sup>126</sup> In the lead-up to the First Session of the Synod on Marriage and the Family in 2014 in Rome, the former President of Ireland, Mary McAleese, who was at the time studying for her canon law degree in Rome, asked how many participants in the Synod had ever changed a baby's nappy.

It is a cause for great repentance, I believe, that the Church so early lost this accent upon Jesus the Child. It is a sad irony which has had terrifying consequences for the value and voice of the child in Christian history that the dominant metaphors of Christ became “King”, “Prince”, “Ruler”, “Lord” .....The cost was the loss of “the child” as a Christological category and the removal of a foundation for the honouring of actual children as of particular significance in the understanding of Jesus (Calwallader 2013: 27 – 28).

Browning and Bunge (2009) noted that scholars have studied issues related to children such as sexuality and the family, but they have not directly focused on attitudes, practices and teaching concerning childhood, adding that most Christian theologians are male priests or female nuns, although this has changed recently.

While children are seen as divine blessings, a strand in the Catholic tradition sees them in some way as fallen and sinful, as uncivilised little savages incarnating Adam’s original sin and hence there follows the need to discipline and harshly train them (Browning & Bunge 2009). It was only in 1995 that the Church dropped the theological theory that children who died before baptism spend eternity in Limbo, an idea driven in the past by high infant mortality rates.

However, theological deliberations about children have not been entirely absent (Carnes 2015). The Italian educationalist, Maria Montessori (1870–1952), whose writings are profoundly Catholic, suggested that children occupy an entire pole of humanity that must be kept in balance with the adult. She insisted that childhood should not be seen as preparatory for, or transitional to, adulthood.

## The child in Catholic and Reformation Christian thinking

Two of Catholicism’s greatest theologians of the twentieth century gave some attention to the issue of childhood. The Swiss Hans Urs von Balthasar (1905–1988) wrote throughout his various works, especially in *Unless You Become Like This Child*, about children and their graced vulnerability. The German Jesuit, Karl Rahner (1904–1984), saw childhood within the parameter of the unfolding of time: ‘We do not move away from childhood in any definitive sense, but rather move towards the eternity of this childhood, to its definitive and enduring validity in God’s sight’, adding that ‘the children can serve (Jesus) as examples of lack of false ambition, of not seeking for dignities or honours, of modesty and lack of artificiality in contrast to their elders who are unwilling to learn anything from them (*Mt 12, 2 ff*)’ (Rahner 1971: 30). Earlier the French Catholic poet and essayist and the father of four children, Charles Peguy (1873–1914), saw the child as the key to understanding the relationship between God and humanity and further that by marginalising the child, Catholic Christianity would become a form of rationalism. He did not fully agree with the renewed emphasis on the child of Pope Pius X (1903–1914), with his early twentieth century introduction of First Communion and First Confession at a very young age (Newey 2012).

Protestant theologians have given the child much more theological attention. The English Anglican priest, Edmund Newey, has suggested that the child possesses the *imago Dei* and is an icon of hope illustrative of openness and human incompleteness before God (Newey 2012). The American Lutheran theologian, Martin Marty, sees the mystery of the child as the mystery of God, an agent of joyful reflection and source of wonder, joyfulness and playfulness. He stresses, like Rahner, the receptivity of the child and the need to care for the child as well as the need to re-stimulate the sense of wonder in children (Marty 2007). Marty makes the interesting observation about Rahner: ‘Rahner was a Roman Catholic “Father” who did not get to father a child, perhaps never witnessed a

birth, and may or may not have been close to children through the years in which he was to forget many details of his own childhood – as all humans do’ (Marty 2007: 112). Priests are usually kept in touch with the reality of growing children through their married brothers and sisters though some priests such as John Paul II and Benedict XVI have never had married siblings.

Marty writes about the mystery of the mind of the child. The child is open to expecting the unexpected, although he or she always remains in an ambiguous relation to the concept and practice of control and controllability. Children have the gift of receptivity, content to be dependent upon the care and bounty of others, and Marty highlights their readiness to trust others, without doubting the good intentions of others. He also ponders how the child’s ‘I am myself’ is in constant tension with ‘I am my circumstances’, no matter how good or terrible they may be. Rahner makes the perhaps shocking observation, ‘life becomes for us a state in which our original childhood is preserved for ever’ (Rahner 1971: 42). Caring for or abusing a child has, in the mind of this great Catholic theologian, eternal consequences.

## Chapter summary

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This chapter has addressed our key questions of why Catholic priest and religious offenders violated young and teenage children in very considerable numbers, and why bishops across the world and the Holy See itself reacted so inappropriately, detrimentally and disappointingly. Various explanatory models were presented which followed Richard Sipe’s early four-lock model in the 1990s. All six main models contain emphases and perspectives that are illuminating and very instructive. Our focus then shifted to the actual minds of the priest and religious offenders whose cognitive thinking and moral judgement had become distorted and deluded. While there were many similarities with general child sex offenders, the narcissistic distortions, neutralising techniques and denial mechanisms of the priest and religious offenders had a different and additional character resulting from their theological and pastoral training. Aside from their lack of understanding of children and the lasting damage that their abuse was causing, their dismissal and minimisation of the impact on the child were framed within theological principles and pastoral practice in corrupting and trivialising the confessional process. Their misuse of their clerical power and their narcissistic self-absorption generated severe consequences for their celibate calling as men whose intimacy needs were not being met and who were sexually deprived.

A detailed discussion about the theological and pastoral policies and practices at all levels of the Church’s structure was also presented. The ramifications of a patriarchal image of God as Lord allowed exploration of the Church’s notion of scandal and protecting the image of the Church as all-holy in a religiously competitive market, where it was paramount for the Catholic Church to maintain its self-understanding as an exceptional and supremacist body. The notion of God as forgiving then allowed an exploration of sacramental confession and how “cheap forgiveness” had enabled some priests and religious who offended against children to assuage their consciences, as their accounts attest. The notion of God as all-powerful gave the opportunity to explore power and powerlessness in the Church within the clericalist system, which developed at the very core of the Church over many centuries, including through the monarchical centralisation of power in the bishop and the Holy See. The theological and praxis of obedience had a direct impact upon reporting and whistleblowing.

As many inquiries and empirical studies have pointed out, the Church’s theology of sexuality had become very seriously flawed. Much attention was given to the many intersecting issues such as

homosexuality and gay orientation, the terror of masturbation as mortally sinful and the outlawing of artificial contraception. This Catholic theology of sexuality was underpinned by an essentialist understanding of natural law that is and remains not deeply embedded within a relational framework and led to a spurious classification of mortal sins that were 'iuxta naturam' and 'contra naturam' – one which simply does not accord with right reason. The insight of David Ranson (1997) that one of the underpinning causes for the sex abuse scandal has been the void or repudiation of the feminine, led to a consideration in the literature of the place of women and gender in Catholic thinking and praxis. Notwithstanding the centrality of Mary, the Virgin Mother, in the Catholic tradition, women in the Catholic Church are essentially second-class citizens with little formal power, and the Catholic approach to gender as seen by the literature is too dichotomised, wrongly dividing human nature into a male nature and a female nature. The last section has been a reflection on the lack of a Catholic theology of the child, despite the centrality of the Child Jesus in popular Catholic culture.

# 9. THE PRIEST AND RELIGIOUS PERPETRATOR: THEIR PSYCHOLOGICAL PROFILE AND ECCLESIASTICAL CULTURAL CONTEXT

Building on our consideration of the eleven theological and pastoral parameters in the preceding chapter, we are now in a position in our review and interpretation of the literature to begin to answer the first of our two core research questions: **What individual dispositional attributes and Catholic Church organisational policies, practices, processes and attitudes have predisposed, influenced and facilitated individual priests and religious in their perpetration of sexual and physical abuse against children?**

The first part of the chapter will briefly describe the changes in the Catholic priesthood during the twentieth century. It will then outline an at-risk explanatory model which will be used as a heuristic device around which to organise the voluminous literature explaining the risk factors that led individuals to offend against children as well as the partly toxic Church culture. The final part of the chapter will examine the issue of mandatory celibacy, which was raised as an issue of concern in much of the literature and some government and Church inquiry reports, although some, such as the US John Jay Reports, dismissed it as an issue.

## The changing and troubled state of the Catholic priesthood during the twentieth century

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Sexual abuse by celibate priests and religious has always been considered particularly shocking because of the sacral nature of their vocational calling, the altruism and extreme choice of their decision to commit to a life of prayer, service, lifelong continence and celibacy and because of their extensive spiritual and educational formation. The sexual abuse of children is a unique betrayal of trust (Guido 2008). However, although the chances of a young Catholic boy or girl under 18 being abused were always quite small, the probability was greatly enhanced if the child was an altar server or living in a Catholic residential institution or unaware that he or she was in the presence or purview of a sexual predator.

Beginning at least in the 1930s, empirical studies were showing that the Catholic celibate priesthood and brotherhood was in significant trouble in terms of their praxis. The Verner Moore study in the 1930s is an example. Priesthood has always been lived in a complex interaction with society, 'a world from which priests come and to which their words and work must speak persuasively' (Tentler 1998: 349). In the frontier years of the nineteenth century, beginning with Archbishop Polding, Catholic priests in Australia with their peripatetic lifestyle lived in close conjunction with their dispersed communities as they moved between them on horseback. Where Catholic schools existed, they were established by Catholic lay people, although that changed from the 1870s with the cessation of government aid and the subsequent taking over of Catholic schools by religious orders. This meant that priests would have had more limited contact with school children. As Polding found out, frontier

life led to much defecting from the priesthood. The tyranny of distance also meant that the capacity of bishops to govern and monitor the clergy was very limited. By virtue of Catholic priest's celibacy, his manifest community commitment, and his much higher educational status, he was seen as '*an alter Christus*' (another Christ), God's representative in the midst of the community. In the late nineteenth century, a newly ordained Michigan priest exclaimed, 'On the altar and in the confessional, he is simply omnipotent, simply divine' (Tentler 1998).

By the beginning of the twentieth century, parish life in Australia, as in the United States, became more stabilised, and the earlier remoteness of priests' lives and work gave way to a more convivial and gentlemanly public style of living in large presbyteries with two or three priests (Tentler 1998). However, the lifestyle also became more self-contained and more insulated from direct dependence on the laity. This sense of priestly otherness acting '*in persona Christi*' (in the person of Christ) strengthened priestly solidarity and probably helped underpin the celibate commitment in a more puritanical time of devotional spirituality and 'an ethic of restraint' in matters of sexual expression (Tentler 1998). Priests' satisfaction came from the deep, often uncritical faith of their Catholic parishioners and their own personal faith, which reinforced each other.

In Australia, as in other comparable countries, the period from the 1920s until the 1960s was a time of Catholic institutional expansion and consolidation, growing public confidence, and vigorous parish life. By the mid-1950s, the attractiveness of the priesthood reached a peak that lasted a decade, although seminarian attrition was also reasonably high. Few priests worked on their own and many lived in large two-storied presbyteries with 'a woman of maximal years' as housekeeper. Priests also became much freer and more mobile because they had their own cars, which gave them greater access to children while enabling them to be subject to far less monitoring.

But beneath the pastoral success lay another deeper and darker reality. The very few empirical studies in the US, despite their flaws, had begun to show dysfunctionality among Catholic priests and religious on a small but significant scale. This began with Verner Moore's 1936 study, which showed that 0.504 per cent of diocesan priests, 0.287 per cent of religious order priests, and 0.294 per cent of brothers had been hospitalised with a mental illness. Later research by McAllister and VanderVelt (1961, 1965) made similar findings, and although these studies had methodological problems, they were indicative (Keddy, Erdberg & Sammon 1990).

Priestly discontent was disguised from the laity, and this lasted up until the 1960s. There had always been murmurings about ecclesiastical careerism and this has continued up until our times with the elevation to the episcopacy of men who were perceived to be unsuitable and barely competent. In Australia, the divisiveness of the Labor Party split of the 1950s had left a bitter legacy of episcopal and Catholic community division. At the same time, priestly identity was increasingly being challenged by post-war modernity and this would be reinforced by the Second Vatican Council.

## The Post-Vatican II period

The Second Vatican Council (1962–1965) led to a short-lived Catholic Spring, and its reforms led to an outburst of creativity and experimentation, especially in liturgical matters. Cultural changes going on in the wider society were challenging priestly pastoral praxis. The priest's cultic, sacramental role largely remained unchanged, even after the vernacularisation of the liturgy away from Latin in 1964 and the other liturgical reforms, which were contested by a noisy but small Latin-Mass movement. But the identity of the priesthood was beginning to be challenged and threatened by a much more professionalised and competent laity, increasingly theologically literate. The mass of resignations

from the priesthood further threatened the old model, and these resigned priests,<sup>127</sup> with their deep knowledge of the Church were also calling into question various doctrinal, moral and pastoral aspects of Church life. The reforms of the Second Vatican Council were not welcomed everywhere and planning began for an implementation of a period of conservative restoration, which would take place especially under Pope John Paul II (1978-2005). The so-called progressives badly underestimated the strength of restorationism because they failed to understand how strongly the Italianised Curia felt about Catholic religious superiority and maintaining the Tridentine tradition expressed in Thomist philosophy and the Latin language. Language is power, providing 'the passwords to paradise' (Ostler 2016), and Latin still remains the official language of the Holy See.<sup>128</sup>

By the late 1960s, the papal encyclical *Humanae Vitae*, which maintained the Church's official ban on artificial contraception, called into question the integrity, pastoral effectiveness and authority of the bishops and the Holy See's global stewardship of the Church. By the late 1950s, for the first time, in solidarity with their parishioners, the more thoughtful and pastorally sensitive clergy also began questioning the teaching. Pedestalisation and separateness from the laity were breaking down quite quickly, and this would be reinforced by the Council. All this occurred in an environment of increasing secularism, the emergence of feminism and gay rights, the decline in dogmatism, and increasing pluralism and egalitarianism (Collins 1988, Tentler, 1998, Power 2003). The exercise of authority in the Catholic Church emerged as the key issue in the ongoing debates that were followed quite closely by the mainstream media. Studies in the US by the Catholic sociologist Dean Hoge showed consistently that the primary problem for American priests was the way authority was being exercised in the Church (Hoge & Wenger 2003) as the priesthood had evolved since Vatican II (Gautier, Perl & Fichter 2011), and how different types of men were now attracted to the priesthood. Another national survey of seminarians found that about half the seminarians thought that priests should be allowed to marry (Potevin & Suziedelis 1969, quoted in Power 2003). Similar trends were apparent in Australia.

In the United States, the bishops became increasingly concerned about the psychological health and vocational and occupational satisfaction of their priests, a concern triggered probably by the many resignations from the Catholic priestly ministry and religious orders. The bishops were already aware of the mental health, sexual and alcohol problems of priests and male and female religious because of the various treatment centres that had opened up. The work of the Servants of the Paraclete was generally known behind the scenes, but not to the laity. Wanting a more definitive picture of the psychological health of their priests, the US Bishops' Conference commissioned the priest psychologist Eugene Kennedy. He found very significant problems in psychological development among the clergy and religious (Kennedy 1971). The selection, screening and formation of candidates for the priesthood and religious life in seminaries and religious houses of formation had broken down during the twentieth century – such processes were probably not ever properly in place. The US bishops did virtually nothing with Kennedy's study as they battened down the hatches during the stuttering implementation of the Second Vatican Council. But the still heavily Italianised Curia's resisted the reforms (although significant internationalisation of the Vatican bureaucracy and the

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<sup>127</sup> Many of these former priests went on to live professionally successful lives as judges, lawyers, professors and academics, school teachers, welfare leaders, public servants, leading political journalists etc. Some who were multi-talented unfortunately left the priesthood too late in their lives to have succeeded as professionals.

<sup>128</sup> Ostler (2016) notes that, when a religion attempts to change itself, it is a dangerous time in maintaining that religion.

College of Cardinals was beginning to take place under Pope Paul VI), and eventually a full restorationist policy was put in place by Pope John Paul II,.

By the 1970s, with so many priests and religious resigning, and that the priesthood and religious orders struggling to attract new recruits, a turbulent milieu had emerged. The subterranean problems of the priesthood and child sexual abuse, yet to become visible, were masked by the debate over celibacy, the change in celibacy discipline expected by some clergy, and the failure by the Second Vatican Council to seriously address the issue of a priesthood for an emerging complex, professional pastorate. Like other groups such as youth workers in Australia, the priesthood was and continues to be ambivalent as to where it stands in regard to professionalism and professionalisation. A priestly calling was seen, and is still seen, as something beyond and outside professionalism – it is perceived as a religious vocation where God has directly called the young man.

But a surer sign of a troubled priesthood was the stream of papal and curial statements emanating from the Holy See throughout the twentieth century, especially in its second half (see list of papal documents in Appendix Four). Some of these documents were usually not for public consumption but communicated semi-secretively to Catholic authorities. The two versions of the papal instruction *Crimen Sollicitationis*, in 1922 under Pius XI and in 1962 under John XXIII, show clearly that Rome's highest authorities were aware of grave sexual crimes by the clergy. Pius XI did go more public with his concerns in his 1935 encyclical to Catholic priests, *Ad Catholici Sacerdotii*, referring to the deplorable and distressing fact that some 'unworthy priests had fallen away'. His successor, Pope Pius XII regularly returned to the topic of clerical chastity and celibacy.

## Organisational culture and the Church

The distortions of clerical child abusers were similar to those of other abusers, but there was also a special cultural overlay derived from their personal histories as consecrated priests and religious working in the Church. If we use the perspective of culture, all were part of a single, worldwide coherent, cultural drama in which there were too many commonalities in terms of the patterns of offending and of episcopal responses. A Church culture had been allowed to develop over many centuries whereby senior Church leaders were able to trivialise the problem, and contribute to the abuse by not fully disclosing nor appropriately responding to it, thus ensuring that the whole community remained uninformed about a systemic evil, as found by the Victorian Parliamentary Inquiry (*Betrayal of Trust* 2013). This culture of inaction, disavowal, and avoidance of the uncertain and the ambiguous was, as we have already seen, driven by theological and pastoral realities that extended back centuries, even to the first centuries of the patristics era.

It is now time to draw together all the threads of this study of the Catholic Church and its organisational culture to answer the first of the two key research questions, regarding the individual dispositional attributes that predisposed individual priests and religious to sexually and physically abuse children.

## A risk-factor explanatory model of child sexual abuse in Catholic contexts

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Social science research does not generally deal in causality, but in probabilities, statistical indicators, and correlational associations, as well as risk factors. It relies as much on qualitative as on

quantitative studies. Our risk factor explanatory model of clerical sexual abuse of children, based on the meta-analysis of the literature, will be built around:

### 1. Biogenetic, childhood and environmental factors

- Biogenetic and parenting factors in the family environment
- Early and abnormal experiences in child sexualisation

### 2. Developmental and educational training factors

- The developmental lack of psychosexual and identity maturity in many priests and religious
- Failures in screening, pre-service and inservice education processes

### 3. Situational and institutional factors

- Locational setting, lack of accountability and the changing lifestyles of priests and religious
- Situational stress and Church institutional practices
- Mandatory celibacy: is the best the enemy of the good?

## Genetic, childhood and family environmental factors

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### Genetic and parenting factors in the family environment

Regarding genetic and developmental antecedents during childhood, Ward, in the various versions of his models of sexual offending, has emphasised genetic inheritance and brain development factors (Ward, Polaschek & Beech 2006) as well as family development influences in childhood (Ward & Siegart 2002). The priest psychiatrist, Richard Sipe (1995) had also emphasised biogenetic factors, which he sees in terms of sexual orientation, level of sexual drive, and victim fixation. On the basis of work by his colleagues at Johns Hopkins University, John Money (1986) and Fred Berlin (1986), and his own extensive clinical experience and surveys, Sipe has hypothesised that priest predators who are genetically locked into their fixation on children are the most driven and exploitative of sexual predators. This discussion is also linked to the role of the so-called gay gene,<sup>129</sup> and of subsequent neuroendocrinology factors. It is also related to our earlier point about the impact of post-traumatic events upon cerebral development.

In the relevant studies, family dysfunctionality did not seem to play a major role. This is perhaps not surprising given that seminary directors and novice masters would have been wary of accepting an applicant with a dysfunctional or even partly dysfunctional family background, although clearly such applicants were accepted. However, there is a caveat. Two studies, from Ireland and Australia, found that many priest and religious abusers grew up in relatively stable families characterised by cold emotional relationships, an emotionally absent father, perhaps alcoholic, and a dependent and emotionally over-close mother (D'Alton, Guilfoyle & Randall 2013; Winship 2012) Sexuality was not

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<sup>129</sup> The gay gene refers to the theory that gay orientation is solely attributable to genetic factors. Studies of monozygotic twins suggest that the theory is mistaken and that there are other factors involved although genetic factors are involved. See Epstein (2016) for a recent discussion of the scientific findings in terms of a sexual orientation continuum.

discussed in a home environment that fostered guilt and suppression about sexuality. A US study into clergy sexual misconduct had earlier found that many clergy abusers had come from family environments that generated poor self-esteem, reluctance to trust in others, and reluctance to disclose any personal needs or need for help (Benyei 1998).

Another socialisation aspect concerns sex education and sex knowledge of seminarians and priests – a topic which has been poorly studied. Loftus and Camargo (1993) noted amongst the religious offenders in their study, a lack of knowledge of the physiology of sexuality and of emotional responses. Anecdotal evidence from Australian seminarians studying in Rome during the late 1960s noted the same with Third World seminarians who were very frightened by their normal sexual responses, erections and nocturnal emissions because they had no knowledge of ‘the birds and the bees’. Priest offenders in Keenan’s study also knew very little about sexuality ‘except that it had something to do with purity ....and involved references to “bad actions”’ (Keenan 2012: 134).

Further perspectives come from a US study of the sexual trauma experiences of Catholic religious sisters, which was funded by several religious orders and had a response rate of 48.4 per cent (Chibnall, Wolf & Duckro 1998). It found that the hypothesis that religious life is a haven for sexually wounded women was not supported. However, 18.6 per cent of the sample had been sexually abused as children by their own brothers (25%), uncles (19.6%), male strangers (16.7%), clergymen (6.0%), and religious sisters (3.2%). During their religious life, 12.5 per cent had been sexually exploited by priests (6.2%), other religious sisters (3.1%), and laypersons (2.3%). For the sample, the lifetime prevalence of sexual trauma was over a third (39.9%) and during their religious life, it was almost a third (29.3%). This points to why religious sisters became child molesters, albeit in small numbers.

## Early and abnormal experiences in child sexualisation

As early as the 1970s, studies were reporting the greater likelihood of sexually offending against children if the offender had been abused as a child (Groth 1979). This led to a debate about the ‘abused abuser’ phenomenon, but the studies have varied enormously in the percentage of those abused as children who went on, as adults, to offend against children (Hall & Hall 2007). In his well-known theory of child development and attachment, Bowlby (1973) found that a child who has experienced a sexually abusive event becomes quite unsure of the emotional availability of others and is fearful of emotional closeness and disclosure. Finkelhor (1984) takes this further in suggesting that the emotional needs of the adult offender, to overcome feelings of shame, humiliation and powerlessness, may find a better fit in seeking emotional and sexual gratification from a child.

Regarding priests and brothers, Winship (2012) found that seven of her twelve Australian subjects had been abused as children. In Keenan’s (2012) study, five of her nine priest offenders had been abused as children, while one other had been abused in the seminary. Perillo, Mercado and Terry (2008), in analysing the 2004 John Jay data of repeat offending, found abuse as a child was a very good predictor variable. The Irish McDevitt data suggested some offenders had been abused in minor seminaries. In another study using a national sample of 484 US priests, representing a response rate of 55 per cent, McDevitt (2011) found that about 32 per cent of the priest sample had been sexually abused as children, of whom 12 per cent had never disclosed. There was no difference in the demographic profiles of the abused and non-abused groups of priests. However, there were significant family dysfunctionality differences between the two groups. But there was no difference in their ability to empathise.

The 2011 John Jay study team used data from three treatment centres, covering over 700 religious offenders. The proportions of these offenders from each of the three centres who were abused as children were 17.2%, 17.4% and 37.0% respectively. They concluded that there was certainly a greater likelihood of offending if the priest had himself been abused as a child, but that it could not be reliably quantified. Nor should it be exaggerated.

Regarding the impact of child sexual abuse on the abused child who becomes a priest or brother, Cashmore and Shackel (2013) draw attention to increasing research on the association between childhood adversity and both brain development and the related dysfunction of the immunological and neuroendocrine responses. Many studies have drawn attention to the association between early childhood adversity and the atypical development of the hypothalamic-pituitary-adrenal stress response, which increases the risk of later psychopathology (McCrory, De Brito & Viding 2010). This same study suggests that neuroimaging points to 'structural and functional brain differences that may underpin the psychological and behavioural problems associated with childhood maltreatment' (McCrory, De Brito & Viding 2010: 1090), although much more work needs to be done on this issue.

## Developmental and educational training factors

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This section will examine research studies on the emotional and psychosexual development and identity status of religious offenders, and then on their education and training at both the pre-service and in-service stages. The focus will be on priests rather than religious brothers who are largely unstudied from within the developmental perspective. The sexual abuse of minors is manifestly a form of sexual deviance. Deviance, while appearing incomprehensible to outsiders, has its own internal logic, together with individual self-justification, denial and disavowal, as already seen in the earlier review on cognitive distortions, neutralising techniques and denial mechanisms. The evidence is overwhelming that the abusing priests did not deliberately enter the priesthood to abuse children, or even to have access to children, although Vollman (2011) suggests that some did enter the priesthood to deal with their strong sexual urges in a sacred environment. Nor did they set out to use Catholicism 'to do bad things'. Keenan (2012) suggests that two of her nine subjects entered the priesthood to escape their sexuality. Winship (2012) found that some of her subjects had entered religious life likewise to avoid their sexual issues, especially latent homosexuality.

### The developmental lack of psychosexual and identity maturity in many priests and religious<sup>130</sup>

As already mentioned, soon after the Second Vatican Council (1962–1965), the US bishops in 1971 commissioned priest psychologist, Eugene Kennedy, to conduct the Loyola study of a random national sample of 271 priests, using clinical interviews and several psychological tests (not the MMPI). Using a continuum of development to psychosexual maturity based on Erickson's stage model of development, Kennedy found that only six per cent of priests were maturely developed, 29 per cent were developing, while another 57 per cent were underdeveloped and eight per cent maldeveloped (Kennedy & Heckler 1971).

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<sup>130</sup> This section is much indebted to the monograph of Marie Keenan (2012).

When the clerical sexual abuse of children reached public visibility during the 1980s in many countries, to overcome the dearth of research in the area, the following decade studies saw the emergence of studies concerning the personality profiles and the emotional and psychosexual standing of clergy and religious. Researching this area is notoriously difficult because of the taboos and secrecy surrounding the sexuality and sexual activities of Catholic religious who, until this time, has been perceived as pure and virginal and sexless. An additional barrier is that Catholic bishops have been known to prevent or hinder studies being done. Keenan (2012) notes that in the US this affected the study of McGlone (2003) and an unpublished study by Nines (2006). Some Catholic bishops and religious superiors seemed not to have wanted to know about the sexual knowledge, attitudes and activities of their priests.

Further difficulties are posed by the need to achieve serious disclosures and reasonable response rates, together with the confidentiality issues involved. An example is the study of the sexual and intimacy health of Catholic priests in Ireland by Patrick McDevitt (2012), who had the advantage or perhaps the disadvantage of being the President of All Hallows Seminary College in Dublin. From an invited 900 priests, the response rate was 16.2 per cent to an open-ended invitation: 'Please share one of more sexual experiences in your lifetime'. This rendered his conclusions quite problematic, although he found that almost half had had homosexual experiences in childhood, including during adolescence. Yet, despite the limitations, various studies of priestly development have provided a general picture of a struggle to achieve psychosexual maturity and well-being and to arrive at a priestly identity that they were comfortable with within their celibacy commitment. However, the majority of priests achieve it, although usually with great difficulty, and they do not abuse children.

### National random studies of priests

Well-designed surveys of nationally derived samples, such as by Kennedy and his colleagues (1971) are useful but limited by response rates of between 40 – 60 per cent, although this is comparable with many other studies targeting special populations on highly sensitive topics. One early study (Dunn 1990), which reviewed the professional literature concerning MMPI investigations with Catholic priests, found priests to be more perfectionistic, more anxious and introverted, and, in extreme cases, more isolated and withdrawn than other men. Haywood and his colleagues found that abusing clergy were generally not suffering from any psychiatric condition (Haywood et al. 1996).

Principal among this type of study have been those done at Marquette University in Milwaukee by Sarah Knox and Stephen Virginia, a priest of the Diocese of Columbus, Ohio. In the first Marquette study, Virginia (1998) had seen the rapid decline in clergy and their morale through resignations in previous decades. With a 90.7 per cent response rate from randomly selected subjects, he found that diocesan priests were suffering from significantly greater levels of emotional exhaustion than religious and monastic (e.g. Cistercian) clergy, with far higher levels of depression, stress and burnout. The underlying precipitating factors were the lack of social support and sense of isolation, which the literature generally suggests can be risk factors for offending against children.

In a subsequent larger study using a national random sample of 318 priests (response rate 63.6%), with an average age of 50.1 years and an average of 20.7 years in the priesthood, Knox, Virginia and Lombardo (2002) showed a reasonably high level of vocational satisfaction. Few of the surveyed priests had a spiritual director, but they spent on average 35 minutes of spiritual reading each day with the majority reciting the Divine Office from their breviaries. However, 20 per cent met the established level for clinical depression, seven times the level in the general population. The study

found that depression, and levels of both state and trait anxiety, correlated significantly in the negative with predictors such as vocational satisfaction, support from superiors, support from peers, opportunity for company of other clergy, and ease of discussing personal concerns, but correlated positively with reciting the Divine Office each day. In other words, depressed priests were more likely to read their breviaries but more likely to be vocationally dissatisfied. In a follow-up study (Knox, Virginia, Thull & Lombardo 2005) using the same national methodology but with a lower response rate (45%), the 225 randomly selected priests had grown older, with an average age of 56.7 years and 27.2 years in the priesthood. The results were similar, with 18 per cent identified as suffering from depression. It was also found that their mood had been negatively impacted by the sex abuse scandals, which had probably exacerbated their psychological stress. They gained great satisfaction from their parish activities, including their sacramental responsibilities in their cultic role as priests.

A subsequent analysis of the same data (Knox, Virginia & Smith 2007) found that one half of the national sample of priests had reported psychological problems, with interpersonal sensitivity, anxiety and depression correlating most strongly with the psychopathological index. The Marquette team made a very pertinent observation based on the data analysis:

Priests' interpersonal sensitivity was highly linked with the presence of unwanted and unremitting thoughts, impulses or actions (i.e. obsessive-compulsive dimension); dysphoric mood and affect; anxiety; thoughts and feelings or behaviours indicative of anger (i.e. hostility dimension), disordered and suspicious thinking (i.e. paranoid ideation dimension) and alienation and thought control (i.e. psychoticism dimension). Thus, these respondents' sense of their own adequacy and worth suffered amid quite a range of undoubtedly unpleasant and disturbing thoughts, feelings and impulses. In a population whose very vocation often demands that they resist such thoughts and urges, their strong presence here quite understandably contributed to their overall distress (Knox, Virginia & Smith 2007).

Of these American priests, about half were being tormented by their sexual thoughts and impulses.

In a major Australian study of 340 priests in 261 parishes using the NEO-FFI test, Power (2003) found that over half (56%) scored highly or very highly on the neuroticism and extraversion scales, and were largely unconscious of their intrapsychic conflicts. They scored average on the openness, agreeableness and conscientiousness scales. Priests who scored low on these scales had high scores on the neuroticism and extraversion scales. This was interpreted by Power to imply a strong susceptibility to psychological distress, irrational ideas, less ability to control their impulses, and less ability to cope with stress (Power 2003).

Even allowing for their considerable limitations, these studies taken together make it clear that, despite a seemingly happy exterior, Catholic priests had been experiencing high levels of distress and trouble certainly from the 1960s and early 1970s, but very probably from the 1930s if we accept the US findings of Verner Moore (1936a). In Australia, another example is the strikingly original PhD thesis of Jane Anderson (2003, 2007) of pastorally active Australian priests and their long-term sexually intimate friendships. She had been drawn to the topic of intimacy by her experience as a parish secretary in a far-flung, bush parish with successive parish priests: 'I saw these good men crumble, one after another'. This implies that pastoral demands, loneliness and lack of intimacy had detrimental psychological consequences. After advertising through the Australian National Council

of Priests' publication, *The Swag*<sup>131</sup> in 1995, she received an initial interest from close to 50 priests, but only five eventually participated, for 'priests with friends have no public profile. Within the Church these priests are officially unseen and unheard' (Anderson 2003: 20). Anderson (2003, 2007) found the priests overcame their psychological dilemmas of loneliness, lack of intimacy, and sexual orientation by entering into long-term relationships, mostly with gay adults.

## Studies of priests and religious in treatment centres

Other studies have investigated priests who were undergoing, or had undergone, residential treatment for their personal problems, or involved comparison studies between offender and non-offender priests. Some have been informed reflections upon the clinical work of the researcher, and these have been primarily opportunistic studies by practitioners working with religious offenders. In some cases (e.g. Keenan 2012, Winship 2012), their work as practitioners has been formalised into more systematic qualitative studies with small samples. Other qualitative studies (e.g. Hankle 2010 on the discernment of vocations) have looked at specific aspects.

Other psychological evidence comes from the studies of priests and religious in treatment, and from comparison studies. In one early study, Keddy, Erdberg and Sammon (1990) found that Catholic religious personnel (29 men, 13 women), referred to residential treatment for a range of problems (not just for sexual abuse), were characterised by an intellectual, rationalistic orientation, naïve defensiveness and difficulty in handling emotions. Loftus and Camargo (1993) found abusing priests were more lonely, shy and passive in their relationships with other adults. The Krachenfels (2011) comparative study of both priest abusers and non-abusers, although hampered by its small sample by the capacity to externalise blame and responsibility. Hence, they did not see their actions as damaging or even traumatic for the victim, and did not accept responsibility.

In a qualitative study of nine Irish priests and religious males (age range 38 – 75) receiving treatment after sexually abusing children, D'Alton, Guilfoyle and Randall (2013), using the Interpretative Phenomenological Analysis methodology, found that both psychosexual foreclosure and psychosocial foreclosure were pertinent in all cases. Foreclosure implies that normal cognitive and emotional development is hindered rather than stopped. In the case of the priests, psychosexual foreclosure related to secret and sinful sexuality in an institutional environment that fostered guilt and suppressed sexuality as taboo. An erection was 'sinful', and 'the priest would throttle you in confession for having sexual thoughts'. The men's accounts suggested that for the majority the decision to join the priesthood or brotherhood was 'to close down' their sexuality and led to a consequential developmental conflict.

Psychosocial foreclosure referred to hindering interpersonal and intrapersonal development as teenagers and young adults. It was found that the prevailing prohibition against so-called particular friendships in seminaries and houses of formation led to a denial of emotionality. Their commitment of the priests and religious to their religious calling as divinely chosen impeded individual identity formation. The emphasis was on occupational functioning with the denial of emotionality.

The impact of such ideology was greatest for those who were part of religious orders as opposed to diocesan training colleges. John, for example, referred to practices such as

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<sup>131</sup> *The Swag* is the newsletter of the Australian National Council of Priests (NCP). There is another smaller traditionalist organisation called the Confraternity of Catholic Clergy.

adopting a saint's name and wearing a religious habit, the anonymity implicit in these practices and the resulting implications for the sense of his identity (D'Alton, Guilfoyle & Randall 2013: 701).

## Failure in intimacy formation and emotional development

Several studies highlight that clerical child sex offenders were characterised by unique factors that differentiated them from non-clerical offenders. The priests were more likely to target young males, they were better educated, and were generally older except for the predatory priest offenders (Haywood et al. 1996). All psychosexual studies of the offending priests and brothers refer to the lack of intimacy formation and continuing intimacy deprivation (Keenan 2012, Vollman 2011).

Psychologists see intimacy and attachment as a key component of human well-being associated with intensity, strength and exclusivity (Slowinski 2007). These positive personality attributes lead to emotional balance and satisfaction, physical expression, intellectual engagement and the sharing of interests (Popovic 2005). Their lack is significantly correlated with poor stress response, depression, loneliness, psychosomatic illnesses, substance abuse and a sense of failure (Miller & Lefcourt 1982 cited in McDevitt 2012). Slowinski (2007) noted that the normative development of both intimacy and sexual health can be hindered by negative attitudes towards sex in some religious traditions.

The twelve Australian subjects interviewed by Winship (2013) referred frequently to the intimacy issue. They dreamt of being held and they craved physical affection, which they found from 'these kids who I felt quite safe with' and 'will think I am a nice person'. They had developed 'friendships' with children and young people well before any abusive ideation (Keenan 2012). Their lack of intimacy increased dramatically after they left the close, protective environment of the seminary or novitiate. They developed an emotional congruence with children which in the literature is associated with emotional immaturity and sexual deprivation (Wilson 1999).

Another way of highlighting the crisis in intimacy within the Catholic celibate priesthood is to examine the psychological profiles of Catholic deacons and their abusing profile. It is noteworthy that Catholic permanent married deacons have almost without exception in Australia and overseas not been accused of child sexual abuse – the diaconate had been re-introduced following the Second Vatican Council.<sup>132</sup> In the USA, Gamino et al. (2007) in an evaluative study of 130 Catholic aspirants to the diaconate found, after a battery of tests, that those accepted into the diaconate (60%), had been successful in both their secular careers and their marriage and family life, and were relatively free of disabling neuroticism, addiction proneness, anger and interpersonal problems. They also exhibited adaptability, positive personality features such as leadership, responsibility and ego strength, praiseworthy service aspirations and good judgement. Almost all (91%) were married. In a very similar study, Plante and Lackey (2007) found the same, except that there was some tendency for defensiveness, repression and naivete. Figures from different sets of data given by the Center for Applied Research into the Apostolate in Washington DC, show the offending rate by permanent deacons is estimated to be about 0.3 per cent, about 20 times lower than the offending rate for

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<sup>132</sup> In the Latin Church, ordination as a deacon is a step towards ordination to the priesthood. However, in the early Church, the order of deacons was a distinct and permanent grade which appears to have been open to women as well as men (McGuckin 2011). Deacons played a key role in the distribution of the Eucharist, presiding over worship and prayer, officiating at baptisms, funerals and burials, and distributing charity to the needy. The Second Vatican Council decreed that the permanent diaconate should be restored and opened to both married and unmarried men - but not to women. In May 2015, Pope Francis said he would establish a special commission to investigate the issue of female deacons, and this commission is yet to report.

priests. The Canadian Sylvia's Site as at May 2016 listed two deacons as compared to 306 priests. Hence, permanent married deacons in the US Catholic Church have a more stable, balanced and mature psychological profile than their celibate priestly brothers, and there is much less offending, almost zero.

## Homosexuality and gay orientation in a homophobic institution

As previously noted, homosexuality is seen by the Catholic Church as intrinsically disordered. In some senior church circles there is a strong belief that homosexuality is the cause of child abuse. This view was adopted by the Canadian Winter Report (1990) and is reflected in the Congregation for Catholic Education's 2005 *Instruction Concerning the Criteria for the Discernment of Vocations with Regard to People with Homosexual Tendencies in View of their Admission to the Seminary and to Holy Orders* (Songy 2007). However, according to Keenan (2012), the best evidence suggests that child sexual abuse is not directly related to sexual orientation (Clark 2006). In Keenan's study, six of the nine priest abusers were homosexual, often having denied their gay status or refused to face up to it prior to therapy. Almost all had no prior sexual experience when they started abusing. All were found to be intelligent products of a training system that lasted for at least eight years. Although they may have been emotionally immature, they were neither psychotic nor abnormally neurotic in strict psychiatric terms. Keenan writes of their struggle:

The men in the research who struggled with homosexuality believe that their efforts to conceal and repress their sexual orientations had the opposite effect to the one desired. Concealing required the continuous monitoring of their behaviour and emotions to avoid being unmasked, and in effect the process of concealing became an exercise in hypervigilance. The very process of purging oneself of sexuality in effect kept it even more present and alive. The process of concealment and hypervigilance, which began in adolescence, continued during their seminary days and into their priestly and religious lives (Keenan 2012: 143)

It is clear that many priests are homosexual (Cozzens 2000; Sipe 2003), but the proportion of Catholic priests with a homosexual orientation varies greatly in the various studies. McGlone (2003) found that 22 per cent of priests were sexually active with a male partner, engaging in the relationship as a way of remaining human and experiencing little guilt. Nines (2006), in a study of 176 pastorally active priests and 17 resigned priests, found that of her 176 priests, 42.8 per cent were of homosexual orientation. Plante (2007), in a study of 63 mainly religious order seminary applicants between 1994 and 2004 in California, found that 22 per cent identified themselves as homosexual. In a well-conducted study of 105 priests hampered by convenience sampling, Kappeler, Hancock and Plante (2013) found that two-thirds of the priests were identified as gay, but this figure must be received with considerable caution. Keddy et al (1990) found that 30 per cent of the clerical child sex abusers in their study were confused or distressed about their sexual orientation.

In her Australian survey of 340 randomly selected pastorally active diocesan priests, which involved a follow-up interview with a sub-set in the sample, Power (2003) found that many were gay and many were also sexually active.<sup>133</sup> She outlined the four dilemmas for a gay priest in the tension between their sexual orientation and the Church's moral position: (i) accept their sexual orientation, live celibately and sublimate emotional and sexual needs as outlined in the *Catechism of the Catholic*

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<sup>133</sup> The study gives no precise figures.

*Church* (ii) deny their homosexual orientation (iii) lead a double life, privately satisfying their sexual and emotional needs or (iv) leave the priesthood.

After reviewing the empirical evidence, the following conclusions can be made. There have always been significant numbers of homosexual men among Catholic priests and religious brothers with the better estimates in the 20 – 50 per cent range, considerably higher than in the general population. The proportion has risen in recent decades because of the resignation of thousands of priests and brothers since the 1960s, with the overwhelming majority marrying female partners – this has increased the perception that there is a gay culture in seminaries and in the priesthood generally. Homosexual seminarians, brothers and priests usually have great struggles with their sexual orientation in an essentially homophobic institution. Regarding homosexual activity amongst religious sisters, it was impossible to locate a single study. In her study of Australian religious sisters using convenience sampling, Megan Brock (2009) found that a small group had been sexually active at some stage in their religious life.

In summary, homosexual orientation is not directly correlated with the sexual abuse of children but is a significant risk factor in those priests and brothers who have not satisfactorily resolved their sexual identity in a mature, adult manner. Both Keenan (2012) and Frawley-O’Dea (2007) make the point that homosexual clergy are being unfairly blamed for the problems of child sexual abuse within the Catholic Church. The two researchers are critical of the 2005 Vatican Instruction because it is effectively ‘closing its doors to homosexual men’. David Songy (2007), a psychologist at the Pontifical North American College in Rome, has drawn attention to the notion of ‘deep-seated homosexual tendencies’ in the 2005 document which says that candidates cannot be admitted if they ‘practice homosexuality, present deep-seated homosexual tendencies or support the so-called gay culture’ (Congregation of Catholic Education 2005: 3). It is the daunting task of the psychological evaluator to distinguish between men with a homosexual orientation and those with deep-seated homosexual tendencies.

## Failures in screening, pre-service and in-service education processes

### Catholic high schools

For all of the twentieth century, most Australian priests, prior to entry into the major seminary, had been educated in an all-boys Catholic secondary college or minor seminary, such as Springwood outside Sydney, or in the case of religious brothers, at a juniorate from the ages of 13-15 years. Single-sex Catholic high/secondary schools were the norm in Australia throughout the twentieth century except for those established by adjacent suburban parishes from the late 1950s, and most seminarians and novices would have had limited contact with female peers during their high school days, although many would have had sisters at home.

Australia, like Ireland, followed the dictates of the 1929 encyclical *Divini Illius Magistri* of Pius XI (1922– 1939), which condemned mixed schooling. The opponents of mixed schooling based their claims on ‘naturalism and the denial of original sin’. In fact, as nations moved at varying rates towards mass education, opposition to co-education had been on the papal agenda under Pope Pius IX (1846–1878), under whom the Holy Office stipulated to the American bishops in 1875 that Catholic children should not attend secular public schools. Aside from the possibility of losing their Catholic faith to their Protestant peers, perhaps even by marrying them later, ‘the adolescents of both sexes are grouped in the same classroom’ (Albisetti 1999). Across Europe, some voices spoke

out against 'the American innovation of co-education'. Unlike Protestants and the early psychologists, Catholics scarcely debated the issue, although the Latin countries were less resistant - secondary education did not become widespread across regional areas in them until after World War II (Albisetti 1999).

In Australia, single-sex Catholic secondary schools were the norm. Priesthood and male religious aspirants then generally moved to the all-male environment of the seminaries or houses of formation located in isolated, usually rural, settings in order to avoid contact with the secular and the feminine, which might destroy their vocation. The cultural environment of the seminaries, which were generally happy places, did not prevent spiritual, intellectual, emotional and sexual development, but it certainly hindered it.

### The seminary and selection processes for priesthood formation

In 1899, Pope Leo XIII (1878–1903) proclaimed that the fortune of the Church was inextricably linked with the seminary. Every priest and religious, male and female, goes through a long and searching period of preparation and training which is directed at the formation of the person well away from the dangerous secular world. Popes, bishops and religious superiors care very much about training institutions.

In Chapter Five and the appendices, the history of priestly training is presented together with an analysis of the Australian seminary system. It duplicated a similar system in other parts of the world since all were following the same Roman road-map set down by the Council of Trent and St Charles Borromeo in the 16<sup>th</sup> century and scarcely changed. The overwhelming majority of priest offenders were educated in seminaries, usually in Australia and Rome, which have generally produced good, pastorally-minded and caring priests who have served the Australian Church well. However, in these formation institutions, aspiring priests and religious brothers were inexorably acculturated into a clericalist, hierarchical, all-male world where individualism was not discouraged but only tolerated within the boundaries of a regime of obedience.

As the literature emphasises, across the developed world, the screening processes for seminarians up until late in the 20<sup>th</sup> century were superficial or non-existent. On the other hand, as an *alter Christus*, a candidate for the priesthood was supposed to be selected carefully. The Holy See's emphasis on the topic had begun early with statements in 1931 (Pope Pius XI), then 1950, 1955 (Pius XII), and 1961 (Pope John XXIII). Another statement was issued about pre-ordination screening in 1997, and in 2005 under Pope Benedict XVI about the screening and assessment of homosexual candidates (Songy 2007) and, in 2008, on psychological screening.

### The quality of spiritual formation and moral theological training

The curriculum was demanding enough and the seminary formation staff included intellectually competent men. Among the seminarians were some very academically equipped men who later would lead prominent lives in the community. The curriculum was heavily locked into a Thomistic, anti-modernist and mostly anti-scientific framework, heavily rationalistic and systematic. But by the early 1960s, with the opening of the Second Vatican Council, contemporary European theological and philosophical thought associated with existential phenomenology began to impact on seminaries and these developments were eagerly accepted by young seminarians who had tired of a desiccated neo-Scholasticism. Geraghty reflected that: 'In retrospect, the Springwood philosophy course was a serious waste of time. Two years spent learning little of any lasting significance'

(Geraghty 2000). In reflecting on his own life in the seminary and beyond, Paul Crittenden, later Professor of Philosophy at the University of Sydney, concurs that 'neo-scholastic philosophy in its heyday was overly confident, complacent in its stronghold and hence hardly self-critical' (Crittenden 2008: 103). The bright seminarians learned to think and argue philosophically as well as to engage with ethical frameworks, but 'a long course in neo-scholastic philosophy did not have a lot of relevance or value for a majority of students in the seminary' (Crittenden 2008: 104).

## Spiritual formation and moral theological training

The various personal accounts of seminary formation are derisive of the quality of both the spiritual formation and moral theology taught in the twentieth century seminary. The spiritual and affective formation was imparted by priests and religious brothers assessed as holy, wise and pious men, close to God and deeply spiritual. Generally they had little formal specialist training except for their theological preparation whose depth should not be underestimated (Geraghty 2000). The brother formators were even more poorly prepared because they had not undertaken a four year theology course, unlike the priests (Faulkner 1998).

Catholic moral theology during that time was dominated by the all-encompassing synthesis of St Thomas Aquinas (1224–1274) in his *Summa Theologica*, together with other luminary theologians such as St Bonaventure (1221–1274) and the Scot known as Duns Scotus (1266-1308). In the centuries following Aquinas, the philosophy of nominalism emphasised individualism and individual acts which led to a self-defeating casuistry, often associated with the Jesuits. This period saw a struggle between laxity and rigorism within a framework of probabilism. The reaction against laxism was especially strong in the Jansenist movement which deeply influenced Catholicism in Ireland. A Thomistic revivalism in the sixteenth century saw the birth of the moral theological 'manual', which by the twentieth century had reached a fine art in the deconstruction of individual acts as moral or immoral. But as a result of these developments moral theology became divorced from systematic theology (Häring 1967). The moral theology manuals had nothing to say about human relationships.

During the twentieth century, among the most popular manuals, always written in Latin, were *Summa Theologicae Moralis* by H Noldin and A Schmit, first published in 1926. In the 1960s, the manual of Marcellinus Zalba, the Spanish moral theologian, was more popular. However, in the English-speaking world, the most popular was by Henry Davis – the four volumes of his *Moral and Pastoral Theology* were published in London in 1943. Some sections were written in Latin – these were the sections dealing with sexuality.

In the teaching of 'seminary sexology', Cornwell (2014) notes that the manuals gave excessive attention to masturbation and its eternal perils. The manuals emphasised that in confession, one was 'to confess every sin'. Cornwell gives one representative appraisal of Davis from his English seminary days:

Yet what were taught about moral and emotional development in childhood was outlandishly misguided. 'Moral education' for children, according to Davis, should involve 'the curbing of curiosity'; 'the immediate expulsion of impure fantasies; 'avoidance' of what are called soft and sentimental friendships with those of the opposite sex at a comparatively early age since such friendships induce precocious sexuality'; 'disapproval of mixed dances between small boys and girls, and, much more, the co-education of the sexes close to the age of puberty, if not earlier (Cornwell 2014: 143).

Crittenden (2008) assessed the various manuals, including the manual used at the Manly seminary written by Noldin, an Austrian Jesuit, as 'a long way from the virtue-centred approach of Thomas Aquinas':

The primary focus was not on virtue and happiness or human flourishing but on precepts (of the Decalogue) and their infringement by various forms of sin....Moral theology thus appeared as a form of legal study related to sets of statutes, divine or ecclesiastical, illuminated through a consideration of case law or casuistry (Crittenden 2008: 128).

This legalism formed the substrate for the various cognitive distortions of the clerical abusers.

## Situational and institutional factors

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In their work on child sex offenders generally, Smallbone and his colleagues at Griffith University in Brisbane emphasise the importance of situational factors and the interaction between the characteristics of the location where the abuse occurs, the access to children, and the characteristics of the offender - whether he or she is inwardly determined, or simply opportunistic or situationally determined (Smallbone & Cale 2015). In their view, the situation may be challenging, tempting or precipitating for the offender. In the case of Church settings, the situational access was created within Church institutional practices such as the confessional, the sacristy, the school or the orphanage. Drawing on the explanatory models outlined in the previous chapter, the focus in reviewing the evidence from the literature will be around three themes:

- the locational setting, lack of accountability and changing lifestyle of priests and religious
- situational stress, loneliness and Church institutional practices
- mandatory celibacy: is the best the enemy of the good?

### Locational setting, lack of accountability and the changing lifestyles of priests and religious

The Ulm-Rome explanatory model (Bohm et al. 2014) identified the crucial importance of the priest's situational access to children in order to abuse them, based on the John Jay figures. These figures are the only reliable, comprehensive data we have. The data showed that:

- in 40.9 per cent of cases, the abuse took place in the priest's home or presbytery, thus making it the primary location
- in 16.3 per cent of cases, abuse took place in the church (16.3%), perhaps in the confessional or more often in the sacristy with altar boys
- in 12.4 per cent of cases, abuse took place in the victim's home as part of the priest socialising with the family
- in 10.3 per cent of cases, abuse occurred in a vacation home, perhaps belonging to the priest's family
- in another 10.3 per cent of cases, the abuse occurred in schools.

There are sufficient parallels between the Catholic Church in the United States and Australia to suggest that Australia's locational profile would be somewhat similar. The many accounts given by many victims in their various testimonies would give support, although no other studies give this locational pattern. The Australian Royal Commission into Institutional Responses to Child Sexual Abuse seems not to have collected locational data (Royal Commission into Institutional Responses to Child Sexual Abuse 2017b).

In reflecting upon the overall pattern, it would seem to relate very much to the lifestyle of the diocesan priest as it evolved over the twentieth century. The changed lifestyle and increased informality created much greater opportunity for the priest to abuse. Regarding presbyteries, which were the principal site of the abuse, the decisive and ongoing trend has been towards one-priest presbyteries and this trend has been reinforced with the development of Australian suburbia. Even in regional and rural areas, the one-priest presbytery became the norm. Accompanying this development was the phasing out of live-in housekeepers, principally as a result of cost. Consequently, the priest's life and activity were far less subject to monitoring and observation. He thus had far greater opportunity to abuse a child in his solitary-occupied presbytery and it would have aroused far less suspicion from parents and parishioners. This also partly explains the differential in offending rates between diocesan and religious order priests. The Report on the Ferns diocese in Ireland draws attention to the particular Ferns structure of 'half-parishes' established since the Famine of the mid-nineteenth century where curates, and not the parish priest, resided in a separate house so that each town community where there was a church had a resident priest (Ferns Report 2005).

The increased access of priests to cars, beginning from the 1930s and 1940s and especially the 1950s, gave offenders greater latitude to take children to an empty vacation house. The very car itself became an abuse site, as happened in almost ten per cent of cases in the US (9.8%). Offending in the victim's home was more audacious, often when farewelling the child to bed in his or her bedroom. This was a gross violation of the hospitality that the parents were offering to the priest, as happened with the two female Foster children (Foster & Kenedy 2010). Another element in the changed lifestyle of religious offenders was that from the early 1970s Australian religious, both male and female, changed their apparel from the traditional black collar and religious habit, wearing ordinary civilian clothes much more often than in previous decades. Less conspicuously attired, this could have facilitated in certain contexts the abusing of victims (John Jay Report 2004).

As the 1999 Queensland Forde Report and the two Senate reports have shown, situational access to children was a key factor in the case of those religious orders who educated children, especially in boarding schools and other types of residential care, or whose mission was to adolescents and young people (e.g. the Salesians), or to physically and cognitively impaired children and adults (e.g. the St John of God Brothers). In Catholic residential settings such as orphanages and boarding schools, abusing was much facilitated by the closeness of the bedroom of the individual priest or religious brother or sister to the sleeping quarters of the children (*Lost Innocents* Report 2001; *Forgotten Australians* Report 2004). It is thought that the only Catholic secondary school run by diocesan priests in Australia was St Pius X High School at Adamstown in the Maitland-Newcastle diocese. One of the situational factors in the abuse at this school appears to have been that some of the classrooms directly adjoined the priests' living quarters where much abuse took place. There seems to have been little abuse, physical or otherwise, reported from Catholic residential facilities for aged people, although it is the female rather than the male orders who are involved in this caring work. The same also applies to those orders working only with adults.

## Offending against altar servers

Acolytes or altar servers do special tasks during the Mass such as carrying ceremonial crosses and thuribles and ringing the bells as appropriate. Historically they have always been young pre-pubescent or incipient pubescent boys. Female altar servers were disallowed by several popes including Gelasius (492–496) and Benedict XIV (1740-1758) in his 1755 encyclical *Allatae Sunt*. As a result of pressure from episcopal conferences, especially the US conference, altar girls were allowed to serve on Catholic altars during Mass for the first time in history following an amendment to Canon 230 §2 in 1983. The John Jay data makes clear that from then on, the offending rates against both altar boys and altar girls were approximately equal (Terry & Freilich 2012).

The testimonies of many former altar servers make very clear that the offending against them often took place in the sacristy, or the young victim was taken from the sacristy to the priest's residence. In 1905, Pope Pius X approved the canonical establishment of the Guild of St Stephen at Westminster Cathedral ([www.guildofststephen.org](http://www.guildofststephen.org)), founded the previous year by Fr Hamilton McDonald. The main purpose of the guild was to encourage priestly vocations. The guild was introduced into Australia in 1954 by a Tasmanian priest, who was its director until his death in 1989 and is known to have abused altar boys. The Guild ([www.guildofststephen.org.au](http://www.guildofststephen.org.au)) continues to operate although in a more limited way. In recent years it has had gatherings in Brisbane described a 'pilgrimage and conference'. Any person over the age of 18 attending to altar servers must have a Working with Children check.

## Priest and his young penitents in the confessional

In August 1910, Pope Pius X (1903–1914) issued his decree *Quam Singulari* as part of a broader series of Holy See reforms to regulate theological thought, personal relationships and liturgical ritual, to counteract the so-called Modernist heresy, to further create a fortress church against the hostile secular world and to impose more stringent controls over all those within the Church, with the parish becoming 'a disciplinary society' (McGrail 1988). *Quam Singulari* allowed children as young as seven to be given their First Communion after having made their First Confession – prior to this, it was generally done at age 12 - 14 just before or at puberty. The decree closed down a debate that had ensued for many centuries by eliminating the distinction between the 'age of reason' (about 7) and 'the age of discretion' (about 12 – 13). Pope Pius X, now St Pius X, decided that by age seven the onset of rational thought had occurred by which time the child was able to distinguish between right and wrong. Pius X also determined that only an 'initial' understanding of the Eucharist was necessary to receive the Sacrament for the first time (McGrail 1988).

It was also considered an advantage that first communion and first confession should be well prior to puberty, where the danger of sexual thoughts and sexual actions might arise in the child's mind and threaten his or her innocence. The Council of Trent had previously declared as anathema the idea that 'the communion of the Eucharist is necessary for children before they have reached the years of discretion' (Canon 4). Although Trent did not stipulate the age, it was generally taken to be twelve. Lowering the age to seven meant that there was much less chance of a bad confession and a bad communion being made. McGrail (1988) has documented how mortal sin was seen as being everywhere, especially mortal sexual sin, which in a sense was the only real sin. At one stage in the nineteenth century, even sexual abstinence before receiving the Eucharist at Mass was proposed. By age 12, it was argued that the passions were already aflame. It was important that first communion be received before the onset of sexual curiosity. And children having made their first communion

well before puberty would thus be habituated into making good confessions and this would help guard against sexual sinning after puberty (McGrail 1988).

The negative consequence was that priests now had access to more very young children that they did not have previously. Historically, soliciting in the confessional had always been a problem and it would seem to have become a bigger problem, otherwise there is no explanation for the highly confidential Holy Office Instruction in 1922 *Crimen Sollicitationis* (The Crime of Solicitation) concerning sexual advances to penitents, especially soon after the publication of the 1917 Pio-Benedictine *Code of Canon Law*. But *Crimen Sollicitationis* also referred to the '*crimen pessimum*' (worst crime) which included homosexuality, child sexual abuse and bestiality committed by clerics. *Crimen Sollicitationis* was reissued in 1962, again confidentially, with its provisions extended to cover religious order clerics. It remained in force until 1983 when it was superseded by the promulgation of the 1983 *Code of Canon Law*. The decision of Pope Pius X had increased the opportunity to abuse young children in the confessional where they could be directly abused, be groomed or be identified as vulnerable. The Victorian Parliamentary Report (*Betrayal of Trust* 2013) showed some awareness of this but did not have the theological, historical and canonical skills to properly interpret the documents.

## Lack of accountability

Underpinning these pastoral changes and locational opportunities was the almost complete lack of accountability, supervision and monitoring of the daily activities, especially of diocesan priests:

The hierarchical model of one-way accountability had no checks and balances and the men were free upon leaving the seminary to practice and minister (priesthood) unsupported and unsupervised in many cases. The lack of support and supervision was especially felt in the first 5 to 10 years of ministry during which time many of the men first abused boys (Keenan 2012: 173).

Diocesan parish priests do not live with or work alongside their bishop who is their superior and the sole person to whom they are accountable. It is impossible for a bishop or regional auxiliary bishop in the cases of a large diocese to monitor or supervise their priests. For example, in Australia's largest archdiocese of Melbourne as at 1 July 2017, the four regional auxiliary bishops have responsibility for collectively monitoring and supervising 305 diocesan priests in 212 parishes – this is a very difficult task, and draws attention to the structural issues and embedded lack of accountability which are significant factors in relation to clerical child sexual abuse. There is also a system of smaller deaneries or zones, but this is a system of varying and questionable efficacy. In practice, deans usually do not closely monitor the priests in their deaneries.

## Situational stress, loneliness and Church institutional practices

Winship (2012), Keenan (2012), and Virginia (1998) have drawn attention to the loneliness, emotional exhaustion and stress of the priest and religious brother offenders they studied. This might best be described as deep-seated, existential loneliness that could not be assuaged by more superficial friendships with fellow priests or religious brothers or with parishioners. In a study of 250 randomly selected US priests from the US Directory, Virginia (1998) drew attention to the multiple demands placed on diocesan clergy. They included being on call 24 hours every day, having routines in daily flux, dealing with deaths, both expected or unexpected, responding to phone calls from hospitals, funeral directors and knocks on the presbytery door. In contrast, religious order and

monastic priests have a much more regular and regulated daily schedule. Emotional exhaustion, which was directly linked to depression in an intercorrelational analysis, was found to be present amongst 20 per cent of diocesan clergy, 10.2 per cent of religious clergy and 4.7 per cent amongst monastic clergy (Virginia 1998).

In her Australian study, Power (2003) found that the personality profiles of clergy made them more susceptible to an inability to cope with stress. She also found another source of increasing stress: the burden of administration involved in busy parishes – 32 per cent of her 261-priest sample reported that administration had become one of their main tasks, and only two per cent agreed with this situation. Stress was also heightened for assistant priests by their regular transfer every three years to a new parish assignment. They did not feel supported by their bishops or by their peers (Virginia 1998). This was especially true of the offenders (Keenan 2012).

The various residential care reports in Australia and Ireland drew attention to the issue of stress and severe overwork as factors in the abuse of children in their care by religious brothers and sisters, as already seen. Faulkner (1998) in his report back to his Christian Brothers' leadership in Rome presents six micro-case studies of offending brothers which were characterised by stress and lack of self-care while providing 24 hour care to children in residential institutions. Similar situations were highlighted in the 2009 Ryan Report in Ireland. Faulkner uses a poem from Dag Hammarskjöld to describe the stress on brothers and their leadership teams (quoted in Faulkner 1998):

*Tired*

*And Lonely*

*So tired*

*The heart aches.*

*Meltwater trickles*

*Down the rocks*

*The fingers are numb*

*The knees tremble.*

*It is now. Now, that you must not give in.*

## Mandated Celibacy: Is the best the enemy of the good?

The issue of mandatory celibacy for priests and male and female religious living a life of consecrated service to God has been a pervasive theme throughout this literature review and analysis in responding to the key questions. Mandatory celibacy is constantly referred to in the various government and Church reports and in the academic literature. It is a truly vexed but unavoidable question, and in surveying the literature, it is difficult to frame appropriately. No academic study or inquiry report found mandatory celibacy as the cause of the child sex abuse crisis within the Catholic Church but many did raise it as a serious risk issue. The 1990 Winter Commission in Canada identified it as a serious issue needing open discussion within the Church. But that has not happened. The 1997 Australian study *Towards Understanding* sponsored by the Australian bishops was acutely aware of the many failings in the area of lived celibacy.

In relation to the requirement of celibacy for priestly ordination, the *Catechism of the Catholic Church* states:

All the ordained ministers of the Latin Church, with the exception of permanent deacons, are normally chosen from among men of faith who live a celibate life and who intend to remain celibate 'for the sake of the Kingdom' (Mt. 19,12). Called to consecrate themselves with undivided heart to the Lord and to the affairs of the Lord, they give themselves entirely to God and to men. Celibacy is a sign of this new life to the service of which the Church's minister is consecrated; accepted with a joyous heart celibacy radiantly proclaims the Reign of God (*Catechism of the Catholic Church* 1994: para. 1579).

During the twentieth century, Pope John Paul II was the greatest defender of 'sacred priestly celibacy' and its capacity for supreme union with God – he could not envisage priesthood without celibacy. Hebden (2015) sees celibacy as the power of God's resurrection on Easter Sunday. Carter Griffin (2011), from the Opus Dei-run Pontifical University of the Holy Cross in Rome, defends priestly celibacy in terms of supernatural fatherhood and a personal fulfilment in masculinity. In an article on the Vatican website, Wanda Poltawska, close collaborator with Pope John Paul II on one of his books and a long-time member of his Pontifical Academy for Life, argues that:

the priesthood is so charged with potential for self realisation as to give the life of the man who has chosen it a sense of fullness which is often lacking in the lives of ordinary people (Poltawska 2015: 1).

She suggests that the spiritual duties of the priest place the priestly dignity on so high a plane in the hierarchy of possibilities that it cannot be compared to anything else.

Balducelli (1975), much influenced by Erik Erikson's stage theory of human development, maintained that successful celibacy can only be maintained through successfully resolving the three youthful crises of intimacy, responsibility and integrity. He especially focuses on the developmental crisis of intimacy and relates it to taking personal responsibility for resolving the three young adult crises and deciding to enter maturely into a celibate community, since Church history shows that celibate success happens best, and perhaps only, when living in a supportive religious community (Balducelli 1975).

A careful reading of the available literature indicates that the issue of mandatory celibacy for diocesan clergy is best framed in terms of the proverb claimed by several cultural traditions and articulated as a question: Is the best the enemy of the good? Recently, the Coptic Catholic Patriarch has begun to ordain married men because of the shortage of priests in Egypt. This was confirmed in a 2014 statement of the Pontifical Congregation for Oriental Churches, *Pontificia Praecepta de Clero Uxorata Orientali*,<sup>134</sup> in which Pope Francis allowed the Oriental Churches to bring married clergy into their diasporic countries such as Australia, Canada and the United States. This had been previously forbidden since the early 1930s. Pope Benedict XVI also approved the establishment of a special prelate for Anglicans – clergy and laity - converting to Catholicism allowing them to have their own organisational entity within the Catholic Church structure while working in the normal parish. In Australia, the Personal Prelature of Our Lady of the Southern Cross, established in 2012

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<sup>134</sup> The document translated as *Pontifical Precepts about Married Oriental Clergy* is contained in the *Acta Apostolicae Sedis* 106, 6 (June 14th 2014), 496 – 499.

and headed by Monsignor Harry Entwistle, had, as at 31<sup>st</sup> December 2016 nineteen clerics in various parts of Australia and two clerics in Japan.<sup>135</sup>

There is little doubt that mandatory celibacy has been a critical factor in the Church's successful execution of its mandate to evangelise and found local churches across the world. But it cannot be claimed that the celibacy policy has been an unparalleled success. The issue is not celibacy, but mandatory celibacy. Parish (2010) notes in her study of the history of celibacy that the ideal has met with acceptance and rejection over the past two millennia. In the eighteenth century, a French bishop was stoned by his clergy for ordering them to give up their lovers, and other bishops feared for their lives for the same reason.

## Evaluating the high-level risk factor of consecrated celibacy of clerical sex abuse of children

The evidence from this meta-analysis of the literature shows that it cannot be argued that celibacy, on its own, has been the cause of child sexual abuse in Catholic settings. There are too many good priests and religious, male and female, who have successfully lived a faithful celibate life, even though it may have been accompanied by a great struggle. However, it would seem that celibacy is the major precipitating risk factor for child sexual abuse when combined with other risk factors. There is papal and episcopal disavowal of the reality of this situation in the cause of religious exceptionalism and the pastoral and financial implications if the law on mandatory celibacy for diocesan priests were to be changed for the Latin-rite Church. In assessing whether the ideal 'best' in relation to whether a lifelong commitment to sacred celibacy is achievable, the following points need to be considered in terms of risk factors:

- The studies of the prevalence of clerical sexual abuse of children show that a small but quite significant percentage of Catholic priests (about 5.5 – 8%) with variations across dioceses and countries have abused children, led by a very small group of predatory priests who have abused numerous children (John Jay 2004, Royal Commission into Institutional Responses to Child Sexual Abuse 2017b). The level of offending amongst religious order priests has been significant, and it has been especially high amongst religious brothers as outlined in Chapter Seven.
- The prevalence studies show the offending rate is very much higher in the Western Latin Church than in the Eastern Catholic Churches except that there are cases, especially in Canada, of priests from the Ukrainian Church who up till now have had to remain celibate and from the Syro-Malabar Eastern Church who follow the Latin celibacy tradition (John Jay 2004). In those other Eastern rites where the priests are allowed to marry, albeit only before ordination, the offending rate is low, probably negligible.
- The isolation, loneliness and stress of diocesan priests in parishes, often now serving more than one parish, provide a further risk factor in relation to lack of self-care, psychological ill-health, sexual misconduct and substance abuse (Keenan 2014)
- The increased numbers of overseas priests and seminarians coming into the Australian pastorate who have been trained in seminaries and other houses of formation without

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<sup>135</sup> See 2017-18 *Official Directory of the Catholic Church in Australia*, pp.663-64.

adequate screening and poor human and spiritual formation represent another risk factor because they may have been recycled into Australia after offending or being troublesome in their home country.

- The psychological profile of permanent deacons is significantly healthier than that of diocesan priests.
- In a global survey of 12 countries, the majority of Catholics in the developed European world and Latin America were in favour of allowing priests to marry, although African and Filipino Catholics were strongly opposed (Univision 2014)

**Table 9.1: Global Catholic community opinion on married priests (in percentages)**

Question: *Do you think that Catholic priests should be allowed to marry?*

Global Region (with countries surveyed)	In favour	Not in favour	No answer	Total
Europe (France, Italy, Poland, Spain)	70	25	5	100
North America (US)	61	34	5	100
Latin America (Argentina, Brazil, Colombia, Mexico)	53	44	3	100
Asia – Pacific (the Philippines)	21	76	2	100
Africa (D.R. Congo, Uganda)	28	70	2	100

Source: Univision (2014) Global Survey of Roman Catholics (Bendixen & Amandi International, New York)

The Australian State could bring pressure on the Church to change its celibacy policy by abrogating exemptions under equal opportunity legislation based on Article 18 (3) (not Article 18 (1)) of the International Covenant on Civil and Political Rights.<sup>136</sup> The clerical sexual abuse crisis has highlighted the need to rethink priesthood policy and practice which until now has operated on an Italian village *paese* model, based on the territorial parish. In 2008, for the first time in history, more people were living in urban cities than rural villages. A repositioned and rethought priestly ministry and professional formation which reflects the diversity, complexity and professionalism of a global and urban world would seem to be overdue. The clerical sex abuse scandal has brought this embedded issue to the fore. It is beyond the remit of this desk study review of the literature to develop these reflections further.

## Clerical narcissism

Mandatory celibacy in this chapter has been framed in terms of risk and perfectionism, the best *versus* the good. Psychologists are wary of perfectionism characterised as striving for flawlessness and setting excessively high performance standards. In discussing perfectionism generally, Hamachuk (1978) distinguishes neurotic perfectionism from normal perfectionism, which is described as the striving for excellence. Neurotic perfectionism is the striving for unrealistic goals,

<sup>136</sup> Article 18 (3) reads 'Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others'.

creating cognitive dissonance, depression and anxiety as well as cognitive dissonance and distortion and narcissism.

Narcissism among clergymen has also received some attention in the research literature related to priests. Meloy (1986) found that clericalist narcissism is nurtured in Catholic priests with their grandiose self-importance, vocational uniqueness and sense of divine chosenness. They also exhibit interpersonal difficulties characterised by entitlement to attention and admiration, exploitativeness, a lack of empathy and a devaluation of others. Priesthood provides a platform for a grandiose sense of the sacredness of God's calling: 'The narcissist is allowed the freedom of sexual fantasy that has no scatological reference point outside of the mind. Sexual images can be perfectly gratifying and unaccompanied by ambivalence, boredom or fatigue' (Meloy 1986: 54).

Sipe, Benkert, and Doyle (2013), noting the same phenomenon of narcissism in their clinical (Sipe, Benkert) and pastoral work (Doyle), relate it to a narcissistic spirituality. Sipe suggests that for many priests, beneath the veneer of altruism and holiness there is a narcissistic sub-culture characterised by elitism and careerism, especially in those who aspire to episcopal and Roman Curia appointments and by the attitude that 'we have all the answers; so why bother listening?' It is a 'malignant narcissism' that is morally disengaged. Benkert suggests that for some the clerical collar immediately comes with entitlement to respect and deference without any personal achievement. Ranson (2002) notes that to live successfully as a celibate priest or religious, one needs 'a celibate heart' – in other words, celibacy must be accepted willingly, and not just because it is mandated as part of the priesthood or religious package. Cozzens (2006) concludes: 'Charismatic celibacy...is indeed a blessing for the church. As a freely bestowed gift of the Spirit, it deserves to be released from canonical mandate as a condition for ordination. The time has come to set celibacy free' (Cozzens 2006: 105).

## Chapter summary

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The core guiding question for this chapter has led to a focus on the offender and his dispositional attributes and states of mind and any ecclesiastical policies, practices, processes and attitudes that predisposed and facilitated the committing of acts of sexual and emotional violence against one or many children. The explanatory risk factor model has been used as a heuristic device to organise the findings that emerged from the literature. The narrative has emphasised the interrelationship and interweaving of the various factors which would have impacted differentially on the individual priest and religious brothers and sisters during their sexual offending and the stressful aftermath.<sup>137</sup>

### The key variables

The evidence, when weighed, suggests that the majority of abusers were not the product of broken, dysfunctional families, although this may have been the case in some predator and other offender types. As the Ferns report observed, most, on the surface, were well-functioning, likeable individuals and the overwhelming majority were not subject to any psychiatric condition. However, there was reasonably strong evidence that some came from an emotionally challenged but intact family milieu with a distant, perhaps alcoholic, father and an over-close, smothering mother who may have seen

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<sup>137</sup> The anecdotal evidence is that there are still some priests whose offending is still completely unknown and who are afraid that one day there will be a police knock on their door.

in her religious son a realisation of her prayerful hopes that he would give pedestal status to the family in the Catholic community. The evidence is also clear that the offenders generally grew up in family environments where sex was a taboo subject, was not properly discussed and little information apart from the basic facts was received from the family or their Catholic schools. This took place within a context of fear of mortal sin and eternal hell if one were to entertain sexual fantasies or to masturbate.

Offenders had little knowledge of the physiology of sex and the psychology of sexuality, surrounded as sex was with the Catholic imaginary of sexual and ritual purity, the exaltation of virginity and fear of eternal damnation. After the offenders had moved from adolescence into adulthood, they continued to be tormented and terrorised by their sexual desires and masturbatory habits, which they believed would result in eternal damnation. The case of the early twentieth century Jesuit Superior-General, Fr Luis Martin Garcia, and the accounts of Keenan (2012) and Winship (2012) have given insights into these psychological mechanisms.

Attendance of offenders at Catholic single-sex schools hindered, although did not obstruct, their psychosexual development. The absence of female teachers and female peers in their classroom was more than reinforced in an isolated and closed environment of the seminary or house of formation. The seminary was characterised by a hegemonic male, clericalist and homophobic environment reinforced by certain rules, such as the threshold rule and the *noli tangere* (do not touch) rule, together with the prohibition of particular friendships. The Christian Brothers represent, par excellence, the consequences of an all-male environment, although there were, of course, many other factors in offending against children by Christian brothers. With David Ranson, the female researchers have seen very clearly a lack of the adult feminine and of eros in the lives of Catholic priests and religious brothers. The offenders were not helped by an act-centred, non-relational moral theology.

## Their flawed theological armoury

The Catholic offenders were not well-armed theologically, especially the brothers who had not received a solid theological education. Many seem to have had a bisected image of God as all-loving and all-forgiving on the one hand, but as angry, punishing, and all-seeing of every action, including secret actions, on the other. As well, they had a trivialised sense of God's forgiveness which allowed them to bargain with God to allay their fears of eternal damnation. In the confessional, this forgiveness was seen in terms of an apology to God for the abusive act committed against the child, but it was 'cheap forgiveness', not confessed in terms of genuine contrition, firm amendment and proper restitution. Neither the offender nor even the confessor gave any thought to the victim because their moral theological outlook was act-oriented, not person victim-oriented. The confessional reinforced the climate of secrecy, denial and disavowal.

The offenders operated with a clericalist imaginary of power, based on the Tridentine notion that they had been ontologically changed, which set them apart from the lay person as a kind of spiritual elite. The imagery of power was associated with the priest's special sacramental powers, especially in the Eucharist and the confessional. From early on, the offenders were ecclesiastically programmed, as it were, to be obedient and not to question the bishop or religious superior within a clericalist caste. But they also came to be very questioning of the bishops' authority because, in the dialectic of power, the structures and governance arrangements were such as to generate within them feelings of powerlessness.

While they generally had contact with children and would have been devotionally attached to the Child Jesus, they did not hold any well-developed theology of the child based on a developmental model of growth. Their theological and pastoral model of woman was uneasily balanced between the disobedient Eve and the immaculate Mary, the Virgin Mother, and all their moral theological texts were demeaning of women.

## Developmental training and situational factors

The data suggests that failures in the developmental and formation areas clearly emerged as significant risk factors. In contrast to the psychological profiles of the permanent deacons who were late arrivals on the scene after the Second Vatican Council, studies beginning in the 1930s, especially that in the 1970s of Eugene Kennedy and later empirical studies, found serious failings in the personality and psychosexual profiles of priests, failings that were masked on the surface. The profile of the offenders included high levels of depression, anxiety, stress and introversion. Australian priests were largely unaware of their deep-seated intrapsychic conflicts (Power 2003).

For the celibate life they had promised or vowed to lead, both priests and religious brothers were very poorly prepared by their seminary or religious formation in integral human development. Their formation took place in an all-male, homophobic environment which, in the case of those with a homosexual orientation, made it extremely difficult for them to resolve their sexual identity in a normal and mature way. After the seminary, the professional induction programs and adult inservice programs that they were offered were insufficient and arbitrary. Unlike other professions, participation in ongoing formation programs was never a condition for the annual renewal of registration to practice. The annual retreat for priests and religious was never ever close to being sufficient. Whether straight or gay, many would later either resign from the ministry or religious congregations or enter into a secretive, ongoing relationship with an adult male or female partner. The ideal of a celibate, heterosexual model of priesthood, in Australia and elsewhere, was partly a myth.

After leaving the secure and closed life of the seminary or house of formation and operating within an organisational climate of secrecy and denial, and living in a time of changing social attitudes where their sacred pedestalisation and ontological distinctiveness were being questioned, the abusing priests concealed their intense emotional and physical loneliness. They seem to have associated little with their fellow priests, further increasing their celibate loneliness. And they became characterised by emotional exhaustion and vulnerability. All felt isolated in their sexual struggles and believed that no other priest or religious had similar struggles. All this was exacerbated by a culture of misguided obedience to the Church, and their greatest fear was dismissal from the clerical state. Their professional training and qualifications were of little use outside the priesthood, and they feared that, if dismissed, they would be cast onto the scrapheap of unemployment and penury in contrast to the relatively comfortable lifestyle of the priesthood. In this mindset, there was considerable scope for self-deception.

The empirical studies correlated their emotional exhaustion, stress and possible burnout with their offending. This especially occurred in those male and female religious where, according to the several inquiries into Catholic residential care, the physical punishments had a sado-masochistic overtone. The capacity to abuse was facilitated by their easy access to children in orphanages and farm schools. In the parishes, the changing lifestyle of priests with one-priest presbyteries, no resident housekeeper, and after World War II access to cars, increased the situational opportunity to groom and abuse the powerless victims.

Unlike the religious priest, the diocesan priest was largely held unaccountable to anyone on a regular or ongoing basis, and his autonomy and independence had become greater from the 1940s and 1950s. With the freedom given by the car and the empty presbytery providing an unmonitored situation, and almost unfettered access to children, the offending priests found it easy to sexually assault young victims in secrecy. The offenders also made use of cognitive distortions, bargaining with an all-seeing, patriarchal God, and availing themselves of the cheap forgiveness of the confessional to assuage the guilty consciences. The historical and psychological evidence indicates that the 'best' of consecrated celibacy may provide too much of a risk to the endangerment of children.

# 10. THE EPISCOPAL RESPONSE: A CASE STUDY IN SELECTIVE MORAL DISENGAGEMENT

In this chapter, our focus is on both the Roman Curia and the diocesan bishops or ‘ordinaries’ who, in their respective jurisdictions across the world, displayed a remarkable uniformity in their responses to the child abuse scandal (*Betrayal of Trust* 2013). Cardinal Cormac Murphy-O’Connor, the former Archbishop of Westminster, reflected all too late:

The great lesson for all of us – certainly the most important lesson I had to learn – was that, first and foremost, we have to listen to the victims, to put those who have been abused by priests at the centre of the story (Murphy-O’Connor 2015: 16).

In his autobiography, the cardinal asks himself the difficult question: ‘Why did bishops and religious superiors so grievously mishandle allegations of child abuse?’ He accepts that in his own case, part of the answer was to protect the reputation of the Church:

But a more convincing reason, I think, lay in the way in which episcopal authority was exercised. Like every bishop, I was told at my ordination that I should have a special care for my priests, to treat them as brothers and be merciful in dealing with their faults (Murphy-O’Connor 2015: 16).

Here he touched on the roots of clericalist solidarity: ‘I wanted any priest who was in a hole to be able to feel they could come to me to talk about it. The Church had, in a way, become my family, and the priests had become brothers’. He added:

Perhaps like a lot of people from relatively happy and secure family backgrounds... I found it difficult to face up to the fact that families can be places of terrible abuse and violence as well as of love and security...Of course, we have to look again at the way that we train and prepare men for the priesthood (Murphy-O’Connor 2015: 15).

In his 2010 Pastoral Letter to the Irish bishops Pope Benedict XVI, whose record in dealing with clerical child sexual abuse was superior, although inadequate, to that of his predecessor, Pope John Paul II, blamed the clerical sexual abuse in that nation on poor selection processes, inadequate formation in the seminaries and houses of formation, and a misplaced concern for the reputation of the Church. The Letter then spoke of the secularisation of Irish society, the consequent loss of sacramental and devotional practice and the false interpretations of the Second Vatican Council. But Benedict’s diagnosis was rejected by Bishop Geoffrey Robinson: ‘I find the document alarmingly inadequate’ (Robinson 2011: 91). Benedict’s letter saw the scandal only as a sexual sin, and not a crime, and refused to critique the institutional issues and the deep failings of the Holy See. The Pope preferred the traditional remedies of prayer and penance (Robinson 2011).

The guiding question for this chapter is: **How have the theological frameworks, organisational structures, governance processes and institutional culture contributed to the sexual abuse of children by priests and religious and the inadequate responses of the Holy See, the Catholic bishops, the leaders of religious institutes and other responsible Church personnel?**

Other related questions were also generated in reviewing the literature:

- ***How did the Australian Catholic bishops, bishops across the world, and the heads of religious orders, act in the way they did, against the spiritual, psychological and material well-being of primary victims, together with their families as secondary victims and other tertiary victims, notwithstanding the initiatives of the Towards Healing and the Melbourne Response protocols?***
- ***Why did bishops ordain individuals against informed advice, and why did they and religious superiors so strenuously protect offending priests and brothers, moving them from one assignment to another in a recycling process?***
- ***Why did they not commission serious, well-designed and independent research studies and not follow up on any recommendations, and why did they not do more in terms of evaluation and policy/practice review?***
- ***Why have the Australian bishops, unlike their counterparts in the USA, UK and Ireland, found it difficult to implement a healing and recovery strategy that reaches down to the parish level, using such a strategy not only as a contritional exercise but as a learning experience for the whole Catholic community?***
- ***How have the international human rights regime and the concept of the rights of the child impacted on the Holy See and its interaction with the key United Nations agencies?***

While the psychological theory of groupthink<sup>138</sup> can somewhat explain the inadequate response of Catholic Church leaders to child sexual abuse, the literature also attests that the reasons were deeper and institutional. Drawing on the work of the great German sociologist on institutionalisation, Max Weber, Schupe (2011) reflects that throughout the child sex abuse saga, the Catholic Church, having identified the issue as very serious acted - as do other established institutions which are well integrated into the surrounding cultural environment - with the ubiquitous 'circle-the-wagons' protectiveness that inhibits quick redress or any well-planned strategy. The initial response, in Weber's model, is usually one of denial and dismissiveness of harm. This is then combined with a subsequent insulating and impersonal bureaucratic 'distance-ing' of themselves from the rank-and-file laity by the policy-making and decision-making elites. Zech (2011) places the focus on Church governance, especially in respect of diocesan autonomy, with the bishop independent of other bishops and the nature of parishes as canonical entities.

This chapter is essentially about Church governance. Governance can be described as the processes by which an organisation is directed and controlled to achieve its mission. It is about the best possible processes for making and implementing decisions. It requires high levels of accountability from those exercising authority and leadership, transparency in how and why decisions are made, inclusiveness of members regardless of gender or other diversity, proper consultation policies and practices and consistency with relevant legislation. Those involved in governance require a

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<sup>138</sup> Irving Janis outlined the following symptoms of groupthink based on (1) overestimation of the group's power and morality with illusions of invulnerability and an unquestioned belief in the morality of the group, (2) closed-mindedness with rationalisation of the warnings that might challenge the group's assumptions and negative stereotyping of those opposed to the group and (3) ingroup censorship of any contrary ideas within the group (Janis 1982).

knowledge of all the moving parts of an organisation and how they work together to achieve its strategic objectives.

## Institutional and organisational failures: evidence from the inquiries

In general, the 27 international and Australian reports did not look at the structural/ institutional flaws and governance/organisational failures within the Catholic Church. Usually this was because the terms of reference did not direct them to do so - e.g. in the John Jay studies. The 1985 'Manual', was the first Church document to demonstrate awareness of the governance/organisational and structural/institutional issues, although it did not elaborate. Instead, canvassing a plan of action, which was not realised until almost a decade later, the 'Manual' focused its concern on the potential damage to the Church and its reputation (Mouton, Doyle & Mouton 1985). The Report of the State Attorney-General of Massachusetts into child sexual abuse in the Archdiocese of Boston criticised the Archbishop, Cardinal Law, for not having undertaken any 'comprehensive study of possible systemic causes of the abuse'. It suggested that the institutional acceptance of clerical sexual abuse represented a massive and pervasive failure of leadership:

The mistreatment of children was so massive and so prolonged that it borders on the unbelievable (Boston Report 2002: 3).

The two UK reports (Nolan and Cumberlege reports) did look at structural and organisational issues including the dangers arising from diocesan autonomy, but not at other deeper institutional issues. In its rather odd report, the 1992 Canadian Bishops' Ad Hoc Committee, weighed down with episcopal heavyweights, referred to 'the indirect responsibility borne by the Church' in its *From Pain to Hope* Report. While criticising 'societal structures' and 'the dangers of pornography', it did not question the Church's organisational structures nor even canon law and its deficiencies. However, the 1990 Canadian Inquiry into the Archdiocese of St John's in Newfoundland, did have contributing factors in its terms of reference and showed some awareness of the underlying issues, especially regarding the Church's theology of sexuality and mandatory celibacy. Much later, in the Netherlands, the 2011 Deetman Inquiry saw the sex abuse scandal as a structural problem, referring to the 'culture of silence' and 'the fragmented organisation of the Roman Catholic Church' (Deetman Commission 2011).

In Australia, the 2013 Whitlam Report on the Fr F case in the dioceses of Armidale and Parramatta brought forth a range of key structural, organisational and governance issues. It was a case study in protectionist and clericalist solidarity, in the damaging impact of diocesan autonomy and episcopal failure to protect and care for young victims. Whatever processes existed, they were hidden by ecclesiastical secrecy. Across the whole Church organisation, canon law procedures failed, and the Australian bishops were impeded by the Holy See's obstructionism and its failure to understand the legal and pastoral issues (Tapsell 2015). The Armidale case was also a study of episcopal hubris in that Bishop Harry Kennedy refused to accept the informed advice of seminary staff not to ordain Father F.

The 1997 *Towards Understanding* research report showed significant awareness of institutional factors and problems in governance within the Catholic Church. The 2013 Victorian Parliamentary Inquiry's *Betrayal of Trust* Report also highlighted the institutional issues. The *Betrayal of Trust* Report commented on the trivialisation of clergy child sexual abuse, together with issues about culture and power, complex hierarchical structure, problems with teachings and beliefs, and response processes to allegations and to alleged offenders. Like the Deetman Inquiry in the

Netherlands, the Victorian Inquiry was astounded and dismayed by the organisational and administrative dysfunctionality of the Church and the high risk environment of the Church's internal culture:

A sliding morality has developed, which emphasizes the interests of the perpetrator and the Church over those of victims. The criminal and destructive character of the conduct has been diminished in significance. The Catholic Church appears to have compartmentalised the issues, in order to avoid the obvious moral conflicts (*Betrayal of Trust* 2013: 15).

In explaining the reasons for the scandal of child sexual abuse by Catholic priests and religious, the initial defence of Catholic bishops was the 'rotten apples' theory (White & Terry 2008). This was quickly discredited as more and more cases emerged across the world. The next defence was the false 'homosexuality-as-cause' theory, still much favoured in Italian and Vatican circles, together with the empirically false argument that abuse by Catholic clergy and religious is 'no worse than in other professional groups'. Next came the argument that 'the problem is over and under control' (for example, the 2011 John Jay Report's claim that 'the "crisis" of sexual abuse of minors by Catholic priests is a historical problem'), which is partly supported by the statistical evidence, although this should be considered along with the caveats presented in Chapter Seven.

Another reductionist explanation was the 'learning curve' hypothesis, which suggested that the Catholic Church had been on a learning journey since the 1980s in relation to its understanding of child sexual abuse by its clergy and religious. There is some truth to this, as institutional memory is a problem in many large institutions, particularly when records are badly kept or simply destroyed, as happened under Canon 489 and as documented in the Boston Report in Massachusetts. Two inquiries gave some attention to the 'learning curve' hypothesis: the Irish Ryan Report (2009) decisively rejected it because, among other reasons, it found the allegations of child sexual abuse dated back to before World War II and because the Archdiocese of Dublin took insurance cover to protect itself in the late 1980s, as did many other Irish and Australian dioceses. The Ryan Report also found that many priests had turned a blind eye to episodes of abuse that they were well aware of. Only two canonical trials took place in Ireland, and the Ryan report noted that by the mid-twentieth century canon laws to address the issue had fallen into disuse. All this was a failure in governance. In Australia, the Victorian Parliamentary Inquiry (2013) also firmly rejected the 'learning curve' hypothesis as 'a difficult explanation for the Committee to accept'.

## Church governance at global and local levels: transparency and accountability

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In this part of this chapter, the review of the literature is grouped around, firstly, the parallel and colliding structures of civil and canon law, which leads to consideration of the governance of religion and religious diversity in a civil, democratic society. A second section will examine the issue of secrecy and silencing and the lack of accountability and transparency in the Church, while a final section will outline the pitfalls of diocesan autonomy, miscommunication and the lack of honesty in veiled speech and so-called 'mental reservation'.

## Civil and criminal law vs canon law: the governance of religious diversity and church governance

The Church functions as an absolute monarchy with the Pope as head.<sup>139</sup> The absolute power of the Pope is mitigated by the principle of episcopal collegiality, in the form of Councils (only three in the last 500 years) and the Synod of Bishops, which were resurrected following the Second Vatican Council. However, the Synod of the College of Bishops which functions primarily as an advisory body to the Pope has until very recently been dominated by the Roman Curia, and acted little more than a rubber stamp to pre-set policies. Pope Francis has been working to change this. In Australia, it is now 80 years since the last plenary council was held in 1937. In 2016 the Australian Catholic Bishops Conference voted to hold one - the seventh - in 2020 though it has yet to receive the necessary approval of the Holy See.

Diocesan bishops also function as lesser monarchs in their allocated dioceses, with their autonomy only limited by canon law and certain obligations to consult. Each 'particular' church, usually a diocese or eparchy, is not an administrative unit of the universal church, but a manifestation of the whole Church, which finds its expression in the collegial relationship of the particular churches with each other, united with the pope (Lucas et al. 2008).

The 1995 *Catechism of the Catholic Church*, with its 2,865 paragraphs, is essentially about the presentation of doctrine in regard to faith and morals; it does not deal with canon law and its role in the Church. The Catholic Church may be seen as an independent, multi-national corporation or as an association functioning within the associational state (Bader 2009). Or it can be seen as a statelet, based on Vatican territoriality in Rome, with a huge diaspora in almost every nation state governed universally by the Bishop of Rome, through a central Curial bureaucracy and a network of papal legates representing the Roman Pontiff. As such, it is a unique entity.

A brief reference has already been made to the Catholic Church's past self-perception as a *societas perfecta*<sup>140</sup> alongside the State as a *communitas perfecta - Ecclesia et Imperum*. The continuance of this self-perception was well-illustrated in the disagreement between the Holy See and the Irish State (Republic of Ireland), when the Holy See referred to the two legal codes (canon law and Irish state law) operating 'in parallel'. Throughout the child sexual abuse scandal, the Holy See authorities have insisted on the primacy of canon law and the need to respect the bishop's unique relationship of fatherly care of and priestly solidarity with clergy offenders (Robinson 2011; Tapsell 2015). Keenan (2012) quotes from a letter from a bishop, which expresses this very well:

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<sup>139</sup> 'For us the papacy is not just the longest surviving monarchy in the world, not just one of history's most intriguing examples of longevity and renewal, but one essential part of God's saving plan for his people'. Cardinal George Pell, Address at opening of Domus Australia in Rome, 21 October 2011. Available at [www.parra.catholic.org.au/news---events/latest-news.aspx/domus-australia-opening--cardinal-s-speech.aspx](http://www.parra.catholic.org.au/news---events/latest-news.aspx/domus-australia-opening--cardinal-s-speech.aspx)

<sup>140</sup> The notion of the Church as a *societas perfecta* needs to be carefully understood. It has its foundations in Aristotelian philosophy but was understood by Thomas Aquinas in the sense that the Church was the *societas perfecta* while the State (*civitas*) was the *communitas perfecta*. The notion was very influential during the 19th century and up until Pope Pius XII (1939 – 1958), then during the First Vatican Council (1869 – 1870) and the following Popes, including Leo XIII, Pius X and Pius XI (see Granfield 1979). Its influence has waned, having been replaced by Pius XII's image of the Church as the Mystical Body of Christ and by the Second Vatican Council's notion of the Church as the People of God in its Dogmatic Constitution on the Church, *Lumen Gentium*. The concept of the Church as a *societas perfecta* is the relic of a bygone era but still survives in the Curial and Episcopal mindset that the Church is above the State, especially in thinking that canon law outranks national civil and criminal law.

It is very difficult for someone who is a celibate himself not to be influenced by that (salvaging the priesthood) when dealing with priests. Your whole identity is tied up with your ministry; your ministry is your life. One of the reasons for that is celibacy. I believed at the time that if we took away his ministry that we would take away his life. I didn't want to do that (Keenan 2012: 205)

The historical reality is that since at least the nineteenth century, with the development of democratic nation states, the Catholic Church has had to accommodate itself to a new socio-legal context of the nation state and its civil society. The changes to the Holy See's concordats (e.g. with Poland and Spain) have been one sign of this (Tapsell 2015). In Australia, since the 1960s, the Church-State relationship has been repositioned from a strict, secularist separation to a greater interaction through the support and funding of Catholic schools, universities, health and welfare organisations in the emerging associational state (Cahill et al. 2004; Cahill 2009b), with its insistence that the self-organisation of religious minorities should develop more or less spontaneously from below (Bader 2009, Bouma, Cahill, Dellal & Zwartz 2011). The role of the Australian state in the governance of religious diversity is of a positive and substantive neutrality (Laycock 1990).

The democratic state has a facilitating and brokering role in ensuring that religious freedom as a relative right is assured and enhanced as well as a role in facilitating harmony between the various religious and ethnoreligious groups. In accordance with Article 18 (3) of the International Covenant on Civil and Political Rights, the State, in a multi-faith society, also has a monitoring, self-protective role to prevent the development of violent religious extremism, or a religiously supported ethno nationalism, or a dangerous religious pathology that damages individuals, families and communities (Cahill 2009b; Bouma, Cahill, Dellal & Zwartz 2011).

However, bishops and other Catholic leaders in authority are under a special obligation to follow and implement canon law, even when it conflicts with civil and criminal law, because of the oaths they take when assuming office. They have a quasi-dual citizenship. The Holy See has generally been very successful in keeping cases of priestly misconduct and crimes out of the civil courts (Tapsell 2015). The Dominican whistleblower and canon lawyer, Thomas Doyle, noted the uniformity in episcopal responses:

...the priests when they are discovered, the systematic response has been not to investigate and prosecute...this is not just in the United States where this is happening. This is all over the world. You see the same pattern and practice no matter what country you go to (Doyle 2014).

### The Irish case study of the Diocese of Cloyne

One major clash over sexual abuse between the Holy See and a nation state occurred in Ireland. It is instructive. When the Report of the Commission of Investigation into the Cloyne Diocese was tabled in 2011 in the Irish parliament (Dail), the Irish Taoiseach, Enda Kenny, showed his anger with the Holy See. The Diocese of Cloyne had been headed by the high-flying Bishop John Magee, a former secretary to three popes and appointed to Cloyne in 1987. The Report found it 'a remarkable fact that Bishop Magee took little or no interest in the management of clerical child sex abuse cases until 2008' (Cloyne Report 2010: para. 1, 17). A second major finding pertained to the Holy See, which it found had been unhelpful to bishops endeavouring to implement the procedures agreed to by the Irish bishops. It pointed out that the Congregation for the Clergy had assessed the Irish Bishops' 1996 national Framework document for responding to child sexual abuse as: 'not an official

document of the Episcopal Conference but merely a study document'. Further, it found that the Congregation's assessment of the Framework document had concluded that:

...procedures and dispositions which appear contrary to canonical discipline and which, if applied, could invalidate the acts of the same Bishops who are attempting to put a stop to these problems. If such procedures were to be followed by the Bishops and there were cases of eventual hierarchical recourse at the Holy See, the results could be highly embarrassing and detrimental to those same Diocesan authorities. In particular, the situation of "mandatory reporting" gives rise to serious reservations of both a moral and a canonical nature (Cloyne Report 2010: 1.18).

The Holy See was claiming that canon law trumped civil law. The outraged Kenny was withering in his criticism:

For the first time in Ireland, a report into child sexual abuse exposes an attempt by the Holy See to frustrate an Inquiry in a sovereign republic...the Cloyne Report excavates the dysfunction, disconnection, elitism...the narcissism...that dominate the culture of the Vatican to this day...the Vatican's reaction was to parse and analyse it with the gimlet eye of a canon lawyer. This calculated, withering position being the polar opposite of the radicalism, humility and compassion upon which the Roman Church was founded....The Government awaits the considered response of the Holy See....This is the 'Republic' of Ireland...But if the Vatican needs to get its house in order, so does this State.....For far too long Ireland has neglected its children (Department of Taoiseach 2011, quoted in Keenan 2012: 197).

### The ecclesia-imperum parallelism

Tapsell (2015) has documented in some detail the historical and continuing tension between civil and criminal law and the Church's canon law. It is a tension embedded in the larger issues of the relationship between Church and State and the governance of religious diversity. The Catholic Church, functioning as a monarchy, has no separation of powers at global or diocesan level. While there is much debate about the role and functions of canon law, with some seeing it as 'quasi-divine' and others taking a more pragmatic line, the general principle, reflecting the *Ecclesia-Imperum* parallelism, is that canon law prevails over civil and criminal law except to the extent that civil and criminal law are provided for in canon law (see canon 22, although there is some ambiguity about the exact meaning of this canon).

As a consequence, in cases of clerical sexual abuse at the local level, the bishop or religious superior, for all intents and purposes, acts as prosecutor, judge and pastor, hopelessly entangling all three roles and creating insoluble conflicts of interest (Tapsell 2015). There is simply a lack of the separation of powers in Church law which is theologically enshrined in the bishop's triple role of 'teaching, sanctifying and governing' as a sharer in Christ's prophetic, priestly and kingly office. (*Catechism of the Catholic Church* 1994: paras. 871 & 873). In Australia, this functional entanglement, transposed to the *Towards Healing* and *The Melbourne Response* protocol with a façade of independence, was heavily criticised in the Victorian Parliamentary Report (*Betrayal of Trust* 2013).

As a consequence, at the global level, the Holy See until 2010 was still insisting both on the rights of the accused priest and, in the eyes of canon law, the wrongfulness of mandatory reporting to the civil criminal justice authorities, even if the nation state required it. The situation has gradually been changing, due to efforts made by the bishops of the English-speaking world, but so far only to

marginal effect. The Holy See has little empathy or sympathy for its bishops at the coalface, who have struggled to comply with canon law.

## Secrecy, silencing and denial – a mechanism for lack of transparency and accountability

Secrecy and secretiveness are at the heart of the governance of the Catholic Church. The principle of secrecy is enshrined, at the highest level, in the confessional seal, and throughout the twentieth century secrecy was enshrined in canon law through the ‘secret of the Holy Office’ (later the Pontifical Secret). Secrecy was expanded to include the secrecy of hiding and not reporting the ‘delicts’, alleged or otherwise, of offending clergy, the secrecy of keeping documentary material from police or not reporting offences, the secrecy of the canonical trial, and the secrecy of the episcopal selection and appointment process. The secrecy ethos was further reinforced by the mechanism of the secret archives (canons 489 and 490). In short, secretiveness, obfuscation, silencing and denial were all part of the governance secrecy of the Catholic Church. The Australian canonist, Ian Waters (2016), in rejecting the argument that Church secrecy was used to cover up child sexual abuse, argues that the secrecy laws must be understood in the context of the Eighth Commandment (‘Thou shalt not bear false witness against thy neighbour’). Drawing on Häring (1967), he focuses his comments around the professional secrecy that applies to lawyers, psychologists, psychiatrists etc.

Tapsell (2015), however, suggests that, at least from the mid-nineteenth century, there has been a commitment on the part of the Holy See to keep clerical misconduct away from the sight of the Catholic faithful. He speculates that one of the fears behind the 1922 instruction *Crimen Sollicitationis* was the introduction of radio broadcasting in the same year, whereby news about priestly misconduct and Church scandal could be disseminated much more efficiently to the general public than ever before. Within two years after the first radio broadcasting stations began to appear, Pope Pius XI imposed the ‘secret of the Holy Office’ on all information about clerical child sexual abuse: ‘One solution to the “scandal” problem was to cut off the information at its source’ (Tapsell 2015: 72). In what was a highly anti-clericalist environment in continental Europe at the time, the Holy See feared that priests would not receive fair trials. *Crimen Sollicitationis* envisaged that offending clergy could be transferred from place to place in order to avoid ‘scandal’ (*Crimen Sollicitationis*, 1962 par. 64(d)<sup>141</sup>). *Crimen Sollicitationis* exemplifies the principle of secrecy expanding to cover even the laws themselves, in that *Crimen Sollicitationis* was never publicly promulgated or allowed to be commented upon. As already noted, the document included an instruction that it was ‘to be kept carefully in the secret archives of the Curia for internal use, not to be published or augmented with commentaries.’

The investigations of several government inquiries, such as the Dublin Murphy Inquiry in Ireland and the Australian Senate’s *Lost Innocents* inquiry into the child migration scheme, were forced to confront ‘the culture of secrecy’ and ‘the culture of silence’ in the Catholic Church. Keenan (2012), on the basis of her data, gives a good explanation of the mechanisms of denial in a hierarchical institution:

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<sup>141</sup> It reads: ‘As often as, in the prudent judgement of the Ordinary, it seems necessary either for the amendment of the delinquent, the removal of a near occasion (of sin) or the prevention or repair of scandal, there is to be added an order to live in a certain place or a prohibition from the same (Canon 2302)’. (*Crimen Sollicitationis* 1962 par. 64 (d) Available from the website of the Holy See [www.vatican.va](http://www.vatican.va).)

To gain approval and remain in good standing, inferiors on the hierarchical ladder will strive to exemplify the institution's values and deny or repress their own realities when they are in conflict with institutional values. In subtle ways, "deviance" begins to occur, usually with lasting and devastating institutional effect (Keenan 2012: 39).

Within the constraints of structural secrecy, enhancement of the institution, and reinforcement of the organisation's authority (Cozzens 2002), openness and honesty become submerged. It was not in the clericalist interests of a diocesan bishop aspiring to an archbishopric, or an archbishop aspiring to a cardinal's hat, to bring clerical sexual abuse out into the open. It was and is not in the careerist's interests to be open and honest. Keeping clerical abuse under wraps was and is a career enhancer. It became an exercise in denial and disavowal.

There are several key examples of this. The Murphy report into the Dublin Archdiocese found that in the Archdiocese's 100-page October 2006 quinquennial report,<sup>142</sup> a bare ten lines were devoted to the topic of child sexual abuse and contained no statistical data. Another is the 1998 *Statement of Conclusions*, an official Church document which purported to give an accurate picture of the current state of the Catholic Church in Australia, as gauged by a group of senior Australian bishops and the heads of several Roman dicasteries. It made not a single mention of clerical sexual abuse even though the abuse was widespread and in the public domain. Except for the flawed 1998 internal Christian Brothers' report (Faulkner 1998), no Church-sponsored inquiry has ever investigated the situation in the Church's residential care institutions. It was left to the Canadian, Irish and Australian state authorities to do this. Another consequence of the secrecy and denial provisions was the failure of whistle blowers to emerge and the failure to develop a whistleblower policy, as had been recommended in the UK Nolan report and discussed in the Australian Senate report into the child migration scheme, which asked the pointed question: *Why did there not emerge some whistle blowers in the 40 – 50 years of the program?* (Lost Innocents Report 2001).

As Tapsell (2015) documents well, the use of secrecy mechanisms as a means of organisational control began with the so-called 'Secret of the Holy Office'. This Secret was first imposed on penal trials in the 1917 Code of Canon Law, although its origins go back at least to 1867 when Pope Pius IX imposed secrecy on cases involving soliciting in the confessional. The reasons given for this secrecy were the prevention of scandal and the leaking of documents to the Church's enemies. Under the 1922 instruction *Crimen Sollicitationis*, the 'Secret of the Holy Office' was imposed on all information obtained by the Church during its inquiries and trials in relation to priests accused of soliciting for sex in the confessional, homosexuality, bestiality, and the sexual abuse of children. The Secret of the Holy Office was a permanent silence that bound not only the bishop and those involved in the canonical inquiries and trials of these delicts, but victims and witnesses who were sworn to observe the same secret on pain of automatic excommunication, which could only be lifted by the pope personally (*Crimen Sollicitationis*, clauses 11, 13, 23 and 70, cited in Tapsell 2014: 100). Until 1974, a bishop was still free to report a priest to the criminal justice authorities prior to commencing canonical proceedings. However, this changed with Pope Paul VI's 1974 instruction *Secreta Continere*, which imposed the newly named 'Pontifical Secret' on the allegations as well as the canonical proceedings. *Secreta Continere* also expanded the reach of the pontifical secret to cover all 'delicts against faith and morals', including child sexual abuse, and allegations against religious brothers and sisters in addition to ordained clergy (Tapsell 2015: para. 264).

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<sup>142</sup> *Ad limina reports* are used as a monitoring and accountability mechanism by the Vatican.

As the following examples provided by Tapsell (2015) demonstrate, the Holy See through its Curial Congregations was and remains most insistent that the pontifical secret prohibits any mandatory reporting to police unless required by civil law:

- In 1984, when an Arizonan archbishop wanted disciplinary action taken against a priest for drunkenness and womanising, the Congregation for the Clergy stated that no files were to be handed to any civil lawyer because a priest's files are private and it would be 'an intolerable attack upon freedom of religion in the USA'.
- In 1996, when the Irish bishops sent their Framework Docum for approval to the Holy Seen, which included proposals for mandatory reporting, the *recognitio*<sup>143</sup> was refused. A subsequent letter to the Irish bishops from the papal nuncio writing in the name of Cardinal Dario Castrillon Hoyos (1930 - ), Pro-Prefect for the Congregation for the Clergy, outlined how mandatory reporting 'gives rise to serious reservations of both a moral and canonical nature' and that the *Framework* Document contained 'procedures and dispositions which appear contrary to canonical discipline'
- In 1997, when Cardinal Dario Castrillon Hoyos met the Irish bishops in Ireland, Cardinal O'Connell insisted on the right to report priest abusers to the Irish police but this was rejected on the grounds that the Holy See must defend the rights of the priest. Cardinal Castrillon seemed to have no idea of the criminality of the offences. The meeting is said to have ended in uproar with the Colombian cardinal stressing to the bishops: 'Be fathers to your priests, not policemen'.
- In 2001, when a French bishop was given a suspended sentence for keeping secret the abuse of several boys by a priest, Cardinal Castrillon wrote a letter to the bishop, with the support of Pope John Paul II, saying 'You have acted wisely, and I am delighted to have a fellow member of the episcopate who, in the eyes of history and other bishops, would prefer to go to prison rather than denounce a priest-son'. At the same time, the cardinal president of the French Bishops' Conference condemned demands for mandatory reporting as 'intellectual terrorism'.
- In 2002, Archbishop (later Cardinal) Julian Herranz, head of the Pontifical Council for the Interpretation of Legislative Texts, said: 'When ecclesiastical authorities deal with these delicate problems, they not only must respect the presumption of innocence, they also have to have the rapport of trust, and the consequent secrecy of the office, inherent in the relations between a bishop and his priest predecessors. Not to honour these exigencies would bring damages of great seriousness for the Church'.
- In 2002, the Honduran Cardinal Oscar Rodriguez Maradiaga, said that he understood paedophilia as a sickness: 'I say this with great clarity. We must not forget that we are pastors, not agents of the FBI or CIA'.

Other more recent and complex examples are given by Tapsell (2015). As the consequence of this secrecy, denial and disavowal, accountability and transparency provisions have been trashed. Secrecy also impedes the growth of individuals and

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<sup>143</sup> However, as Tapsell has noted, the US bishops did receive a recognition in 2002 for their amended Dallas charter.

organisations, including the Church and the clergy, making openness and honesty almost impossible (Arthurs, Ferguson & Grace 1995).

## Accountability – the problem of many hands

It has been said, 'You either make yourself accountable or you will be made accountable by your circumstances'. The most senior officials of the Holy See and the Catholic bishops would see themselves as accountable to God, but not to the State. Under Canon 333.3, 'no appeal or recourse is permitted against a sentence or decree of the Roman Pontiff'. In the matter of clerical child sexual abuse, the global Catholic Church, despite the various papal and episcopal apologies and statements of regret, has still not taken ownership of its mistakes and failings. Several government reports, such as the 2013 *Betrayal of Trust* Report, drew attention to this. Accountability in terms of answerability, trustworthiness, liability and responsibility is foundational, not only in ethics and morality, but also in governance. The Catholic Church exercises internal administrative accountability through its Code of Canon Law. The Code has not been and remains clearly not up to the task of dealing with the sex abuse scandal because it does not have a child focus, based on a theology of the child.

In the contemporary world, accountability mechanisms are complex. According to Thompson (2005), accountability is a problem of many hands which creates dilemmas and tensions between individual and collective responsibility. Accountability is a conundrum for all organisations, including international organisations which have a special problem in as much as there is no global democratically elected body to which they can be held to account. Ultimately, with the Catholic Church, it is the College of Bishops which has to take responsibility for the overall structural and organisational design of the Church. But each individual national Church is accountable within its own nation state and to the citizens of that state. The Holy See must also operate within the law, structures and legal processes of that state. The Holy See, as a state (or perhaps statelet) in its own right, has considerable difficulty with this statement.

In responding to the demands of accountability, good management practice would see good governance and performance in terms of efficiency, effectiveness and appropriateness with justice and due process. Policies, processes and programs, especially if implemented globally, need regular and open evaluation and monitoring to meet the requirements of transparency and accountability. Part of this is the need for good research functionality. Except for the annual collection of basic statistics, the Vatican does not have a credible and sophisticated research arm able to systematically investigate selected issues, evaluate policies and programs and provide empirically-grounded advice, and consequently it cannot research the dimensions of the sex abuse scandal, its causes or its solutions.

## Issue identification

The Holy See, on the evidence from the national and local inquiries, has never committed itself to resolving the issue of child sexual abuse within the ranks of the Catholic Church. It should have requested that systematic data be included in the five-yearly *Ad Limina* reports from each diocese and reports from its global network of papal diplomats as the Code of Canon Law stipulates that the report must contain the pastoral difficulties of the diocese, their causes and the means being taken to resolve them (Canon 399). Papal nuncios also have an obligation to provide similar information. The stream of official statements on seminaries, priestly formation and priestly conduct strongly suggest that the Holy See knew about the problem – the Dutch bishops discussed it at some length in the 1940s. Essentially, the Holy See's inadequate response to child sexual abuse became a gross

and lamentable failure in issue identification. Crimes were being committed against the humanity of young, innocent and vulnerable children. The Church's usual accountability and governance mechanisms through the quinquennial reports, the diplomatic reports and the reports of special investigations and visitations<sup>144</sup> should have alerted the Holy See authorities to the problem and its extent, but these were inadequate for a problem so riven with denial and disavowal and shame.

Hence, according to the Report of the 2013 Victorian Parliamentary Inquiry the Church became a high risk environment through its 'self-created damage' to itself. The Report speaks of 'noble cause corruption' where risk of public exposure waylaid the demands of accountability and answerability (*Betrayal of Trust* 2013). As Moliere wrote: 'It is not only what we do, but also what we do not do for which we are accountable'.

## Diocesan autonomy, miscommunication and mental reservations

The problematic governance and organisational practice of diocesan autonomy featured significantly in several reports. The Deetman Report in the Netherlands was critical of the fragmented organisational structure of the Church, as was the Victorian Parliamentary Inquiry. In addressing the notion of diocese, the Catholic Catechism describes it in terms of 'a particular Church', referring to 'a community of the Christian faithful in communion of faith and sacraments with their bishop ordained in apostolic succession' (*Catechism of the Catholic Church* 1994: para. 833). What this means is that the Catholic Church is not the sum of its dioceses, nor a federation of dioceses, but the whole Church is incarnated or localised in each territorial diocese in direct communion with and accountable to the Bishop of Rome. Hence, there is a fairly fixed ecclesiological basis for diocesan autonomy, although it can be mitigated to a limited extent by membership of national or regional episcopal conferences and global, national and provincial synods or councils.

Every diocesan bishop in his own diocese possesses all the ordinary (i.e. related to his office), proper (i.e. exercised in his own name, not vicariously), and immediate (i.e. without the mediation of another) power needed to perform his pastoral ministry (*Lumen Gentium* 1962 n. 2). This means that diocesan bishops are not vicars of the Pope; rather they exercise the power they possess in their own right. Their power comes from Christ by virtue of their ordination as successors of the original Twelve Apostles. Their power of governance is a sacred and personal power which is radically conferred by episcopal ordination, and becomes a juridical power by means of canonical mission from the supreme authority. It is also a power which bishops are expected to exercise collegially. Hence, while there is a fixed ecclesiological basis for diocesan autonomy, every bishop is expected to exercise his power as a member of the College of Bishops which, in practice is usually done to a limited extent in his national episcopal conferences and to a greater extent through provincial, national and ecumenical synods or councils.

In Australia, diocesan autonomy became a major source of dismay when Archbishop George Pell, very soon after becoming Archbishop of Melbourne in 1996, implemented *The Melbourne Response*, while every other Australian diocese implemented *Towards Healing*. This caused some difficulty for the Victorian Parliamentary Inquiry, because the three Victorian regional dioceses (Ballarat, Sale and

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<sup>144</sup> An example of this is when in 1969 the Australian seminarians at the Collegio De Propaganda Fidei in Rome formally complained against the staff and administration of the College. The Sacred Congregation for the Evangelisation of People initiated an investigation by an American priest, Father Kevin Manning – his report led in July 1970 to the removal of the rector who had been in charge since 1947.

Sandhurst) were following the national *Towards Healing* protocol. In The Netherlands, the Dutch bishops were also badly divided from the early 1970s, when the Holy See attempted to discipline Dutch Catholics and their bishops for their progressive vision by appointing very conservative bishops such as Bishop Gijsen of Roermond, who established his own separate seminary, as happened in Australia in the diocese of Wagga Wagga. There was a lack of episcopal collegiality, solidarity and cohesion.

Diocesan autonomy was most clearly addressed in the two UK reports. Both the Nolan (2002) and Baroness Cumberlege (2007) inquiries endeavoured to ensure that all English and Welsh dioceses signed up to the same protocol. As with the Nolan report, the Cumberlege Report likewise aspired to 'a culture of vigilance'. In a most interesting use of canon law, it recommended that the Bishops' Conference in consultation with the Conference of Religious:

should make the *decreta generalia* and secure canonical *recognitio* of them (c. 455), so that there will be a special territorial law (c. 13 §1) for England and Wales which would give juridical authority to the Church's most important safeguarding rules for children and vulnerable adults and also secure a right of recourse to the Holy See against a diocese, religious congregation or other juridical person which failed to fulfil the obligations laid down in the law (Cumberlege Report, Rec. 72).

Episcopal autonomy in each diocese, together with ecclesiastical careerism, can explain why auxiliary bishops and senior clergy failed to confront a bishop who was clearly failing to adequately address child sexual abuse either in individual cases or as a systemic phenomenon. Threatening to resign, or threatening to report the matter to the police, would have put an immediate dampener on career advancement prospects for any talented priest or ambitious bishop. In many situations, auxiliary bishops were cowardly in not confronting archbishops about their child sex abuse responses, as is clearly seen in the 2003 Report of the Massachusetts' Attorney-General – this point is not made in the film *Spotlight*.

In reviewing the literature, two other adjacent issues arose: (1) educational preparation and episcopal readiness to govern, and (2) miscommunication, veiled speech and mental reservations.

### Educational preparation and episcopal readiness to govern

In governing and administering their dioceses, it is clear that the Australian bishops as well as the superiors of religious congregations were not well-placed or well-prepared to deal with the sex abuse issue in Catholic settings. In particular, the educational preparation of these church leaders did not provide the basis for assessing the quality of the professional advice they sought about individual abusers from psychiatrists and clinical psychologists, or from their legal and financial advisers. They seem to have relied heavily – perhaps far too heavily - on their legal and insurance experts. Though all bishops had completed their basic eight years of priesthood training in philosophy and theology, few had done secular degrees. In 1990, according to the details in the Catholic Directory<sup>145</sup>, of the 28 bishops in charge of dioceses, only eight had degrees beyond their basic seminary training and of these, only four had secular degrees. By 2014, the situation had

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<sup>145</sup> The RMIT research team is not fully confident that the details in the Catholic Directories are completely accurate. Also it is to be noted that upon appointment each bishop is given an honorary Doctor of Divinity (D.D.) to indicate his participation in the teaching authority of the Church.

improved somewhat, so that of the 28, eleven had degrees, including six who had secular degrees. Three of the current eight Australian archbishops (Adelaide, Hobart and Melbourne) have only their seminary training as their post-secondary education. The Australian hierarchy was thus weakened by the fact that episcopal appointments were constricted mainly to those with only ecclesiastical degrees and few had expertise outside the ecclesiastical disciplines.

A similar situation has existed in the USA. Gaunt and Muldoon (2012) from the Center for Applied Research into the Apostolate at Georgetown University, in their analysis of the educational qualifications of 170 US bishops, found that 66 had earned doctoral degrees but only 25 had earned a non-ecclesiastical degree outside a Catholic setting (mostly in theology, church history and philosophy). Only five had a civil law degree. And many had only done an eight year seminary training course. Gaunt and Muldoon also found that the episcopal educational profile had improved over the decades, but it must be questioned whether the bishops, individually or collectively in each nation, were sufficiently equipped to deal with the legal and financial and psychiatric complexities of a globalising and interconnected world.

When assessing contrasting reports on individual offending priests, it was inevitable that bishops would select the most positive report for the priest, because of the bishop's pastoral and canonical responsibilities, his feeling of priestly solidarity, and because of the shortage of priests. Cardinal Cormac Murphy-O'Connor admitted to such a mistake with Fr Michael Hill. Yet the most interesting case study came from the Fr F case in Armidale, where Bishop Harry Kennedy received conflicting psychiatric advice about the priest. Though Bishop Kennedy was advised to seek a second opinion, he did not. Later, a new bishop received a second report from a more experienced professor psychiatrist which was much more damning of Fr F (see Whitlam Report on the Fr F Case in the Armidale and Parramatta Dioceses 2012).

In Dublin, the Murphy Commission drew attention to the same vexed issue. In some cases, the diocesan or religious congregation authorities did not provide full information about the priest's history to the treatment centres, remembering that child abusers are notorious for not making full disclosures. This failure to disclose resulted in some useless and flawed reports and the return of the priests to unsupervised ministry.

Sometimes psychiatric and/or psychological reports were used to justify decisions and sometimes they were just ignored. Ultimately it was a matter for the Archbishop in office to assess the weight he gave to such reports' (Murphy Report 2009: paras 1.71 – 72).

### Miscommunication, veiled speech and mental reservations

Nested in these cases is also the problem of communication and miscommunication. The Murphy Report expressed great concern about intra-diocesan and inter-diocesan communication in the Archdiocese of Dublin. In this archdiocese, the sex abuse problem was never discussed by the archbishop and his auxiliary bishops until the 1990s, allegedly because of the issue of priestly solidarity, confidentiality, and the principle that a priest, even an offending priest, has a right to a good reputation. Communication between the bishops and the major superiors of religious orders was also poor. In fact, Dublin's auxiliary bishops had not seen important documentation until the Murphy Commission began its work in 2002.

The Cloyne report documented an example of poor interdiocesan communication involving the Diocese of Cloyne and the stonewalling actions of the Archdiocese of Brisbane in relation to the offending of Fr Rion (1908–1976). Fr Rion was ordained in 1933 for the Archdiocese of Brisbane,

where he spent his entire priestly career, before retiring back to Cloyne in 1971 on the grounds of ill health. An offence against an altar boy who came to Fr Rion's house to serve his Mass was alleged to have taken place back in Cloyne in the early 1970s.

While it was not directly asked, the Archdiocese of Brisbane never volunteered information that there had been two sets of allegations in Brisbane against Fr Rion, until directly asked by the Irish Government Commission. Allegations surfaced in 2002 and 2003, more than a quarter of a century after Fr Rion's death, about incidents in the 1937 – 1944 and 1950 – 1955 periods. The Brisbane auxiliary bishop, Brian Finnigan, saw Cloyne as having the major responsibility for the priest even though Fr Rion had never worked as an incardinated priest in Cloyne. He commented in the correspondence that 'we are avoiding the American path of large financial payments which do not seem to assist in any real inner healing' (Cloyne Report 2010: par. 20.14). The bishop, previously the vicar-general in the Diocese of Ballarat, expressed surprise at the practice of an altar boy attending a priest's Mass in his private home. Eventually Brisbane sent a letter of apology and a cheque of AUD\$20,000 to the Cloyne complainant.

Another Australian example of miscommunication comes from the 2012 Whitlam Report on the case of Fr F and the dioceses of Armidale and Parramatta, which followed an *ABC Four Corners* report on 2 July, 2012. After receiving allegations of sexual abuse of altar boys in Moree, Bishop Harry Kennedy approached Bishop Bede Heather of Parramatta about transferring Fr F to that diocese. Whitlam found that Bishop Kennedy was less than honest in what he told Bishop Heather, who should have been more inquiring about Fr F's history. Fr F served in the parishes of Kenthurst and Merrylands in the Parramatta Diocese before his appointment was terminated in mid-1992 after strong and decisive action by the new Bishop of Armidale, Kevin Manning. Earlier, Bishop Kennedy had also been less than honest with a parish priest, Fr (now Bishop) Gerard Hanna, when he transferred Fr F from Moree to Tamworth parish where Hanna was the parish priest.

The McAlinden case in the Maitland-Newcastle diocese provides yet another Australian example. The Cunneen Report gives insufficient attention to Bishop John Toohey (1956 – 1975) and his predecessor, Bishop Edmund Gleeson CSsR (1931–1956), a member of the Redemptorist religious order which, after its Australian beginnings in 1882 at Singleton, had been associated with the Maitland diocese. Denis McAlinden had trained as a Redemptorist seminarian in Ireland. In 1949, the Redemptorist provincial in Limerick, Fr John Treacy, using the Redemptorist network, had written to Bishop Gleeson asking him to accept and incardinate McAlinden into the Maitland diocese because he had serious personal difficulties living in community. Fr Treacy seems not to have been honest in outlining the reasons for the transfer.

## Veiled speech and mental reservations

Behind most of these examples lies the issue of mental reservations and veiled speech. The notion of mental reservation, which can be dated back to the Spanish Dominican, St Raymond of Pennafort (1175–1275), comes out of Catholic thinking on lying and the safeguarding of secrets. Jesus himself had used veiled speech (e.g. *Mt* 13, 32). It is designed to protect a truth whose disclosure would violate love of neighbour or, in our context, priestly reputation and clerical solidarity. An indiscreet inquirer may be rebuffed with silence or diverted by a counter inquiry. Veiled speech, while it does not constitute the telling of outright lies, conceals more than it discloses. It may be 'a response with deeper meaning' (*hintergruendige Antwort*), but to be morally justified there must be a proportionate reason (Häring 1967). In protecting a professional secret to an unjust or unwarranted inquiry, one may respond, 'I don't know anything about it' (with the moral reservation, 'to

communicate to others'). The notion has been much discussed in Catholic moral theology. Mental reservation has been seen as an 'order of necessity' in an evil world, although it has never been officially approved by Catholic authorities (Doyle n.d.).

The renowned moral theologian Fr Bernhard Häring (1912–1998) would allow veiled speech to protect an inviolable secret, although he makes clear that one is 'obliged in charity or in virtue of one's office to inform or instruct others regarding errors or dangers which may beset them' (Häring 1967: 575, emphasis added). This suggests that in the above examples, the Bishop of Armidale, the auxiliary bishop of Brisbane, and the Irish Redemptorist superior should have disclosed information about the child sexual misconduct by the particular priest, and they improperly and immorally used the mental reservation mechanism. In the Armidale case, the reasons were probably baser – the bishop knew that if he fully disclosed, the Bishop of Parramatta would not have altruistically accepted Fr F into his diocese. Häring's thinking strongly suggests that in making parish appointments or moving priests across dioceses, a bishop is required by virtue of his office to be open and fully honest to his College of Consultors about the reasons behind the move.

## Human dignity and the rights of the child

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Another key issue that has been at the core of the clerical sexual abuse scandal has been the relationship between the UN human rights authorities and the Holy See. Beginning in the late nineteenth century, scientists from very different disciplines have been studying the spiritual, psychological, cognitive, linguistic, moral, educational and physical development of the child and much has been learned. After World War II, the Catholic Church has grappled uneasily with the expansion of the fundamental notions of human dignity that came with the introduction of the human rights regime and the 1948 UN Declaration on Human Rights. Prior to the Second Vatican Council (1962–66), the catchcry that 'error has no rights' was used within the Catholic Church to justify action against heretics and schismatics for centuries. The Second Vatican Council overturned this view with its Declaration on Religious Freedom, *Dignitatis Humanae*, which had been driven by human rights thinking in the English-speaking world. This was not positively accepted by conservative Italian cardinals, led by the Prefect of the Holy Office, Cardinal Ottaviani – they felt that it challenged the religious superiority of the Catholic Church vis-à-vis the Orthodox and Protestant traditions. The major figure in bringing about this Vatican II revision was the US Jesuit, John Courtenay Murray. An important contribution to this revision was also made by Australian priest philosopher, Eric D'Arcy (1924–2005), a member of the philosophy department at Melbourne University and later the Archbishop of Hobart. He showed that the statement 'error has no rights' was a categorical error in the linguistic analysis sense, in that its real meaning that 'a person in error has no rights' was simply unsustainable (D'Arcy 1963). In his view, conscience has its right to freedom, although there is an obligation to seek for it to be rightly formed.

The thinking against a human rights regime continues to resonate in Italy and Rome itself, although the Holy See has accepted and been a signatory to various international legal instruments beginning with the 1948 Universal Declaration. The best and most recent expression of this resistance is that by Marcello Pera (1943 - ), an Italian philosophy professor and politician who has been a President of the Italian Senate (2001–2006). He had a close relationship with Cardinal Josef Ratzinger (later Pope Benedict XVI), with whom he co-authored a book, *Senza Radici* (Without Roots) (Pera & Ratzinger 2004). In a more recent book on human rights and Christianity, Pera (2015) does not accept that human rights are derived from the goods of justice, able to be justified on the base of reason, or universally valid.

In his view, human rights are fundamentally about rights and responsibilities towards God rather than about rights and responsibilities towards other human beings. Pera further argues that the Catholic Church has eaten the forbidden fruit in accepting the human rights regime. He suggests that 'human rights belong more to the history of secularisation than of Christian eschatology'. The result in his view is that so-called human rights are being arbitrarily constructed by parliamentary majorities and supreme courts. Pera would be critical of the Convention on the Rights of the Child (Pera 2015).

## United Nations Convention on the Rights of the Child

The dialogue between the United Nations Committee on the Rights of the Child and the Holy See has been ongoing for some time. The Convention on the Rights of the Child, with its 54 articles, was passed in November 1989 by the General Assembly of the United Nations. The Holy See ratified the Convention a year later, although with some reservations concerning contraception methods, the life of the unborn child, and the primary right of parents in relation to the education, freedom of association, and privacy of their children. The UN Committee on the Rights of the Child is a body of 18 independent experts to which each ratifying state party must report every five years. The current dispute between the Committee and the Holy See stems back to the Holy See's fifth report to the Committee, made in 2012.

Relevant to this literature review is that in February 2014, the Committee made the following observations and recommendations in response to the second period report of the Holy See. It welcomed the establishment by Pope Francis in December 2013 of the Pontifical Commission for the Protection of Minors chaired by the Archbishop of Boston, Cardinal Sean O'Malley. The Pastoral Commission has been Pope Francis' innovation in the face of the scandal, although almost four years later little seems to have been achieved. The Committee stated:

While welcoming the Holy See's approach to ensuring that the legislation of Vatican City State complies with the Convention, the Committee regrets that the same approach has not been followed in relation to its internal laws, including Canon Law. The Committee is also concerned that some of the provisions of the Canon Law are not in conformity with the provisions of the Convention, in particular those relating to children's rights to be protected against discrimination, violence, and all forms of sexual exploitation and sexual abuse (UN Committee on the Rights of the Child 2014: para. 13).

It recommended that the Holy See undertake a comprehensive review 'of its normative framework, in particular Canon Law, with a view to ensuring its full compliance with the Convention' (par. 14). In response, the Holy See indicated that it 'will consider' the Committee's recommendations.

The Committee was critical of the budgetary resource allocation within the Holy See to child rights issues and called for better monitoring mechanisms and training in child protection for all clergy and members of religious orders and Catholic teachers, as has been seen in the UK and US churches. It also called upon the Holy See to observe Article 2 of the Convention and abolish any discriminatory classification of children born out of wedlock as illegitimate children. Furthermore, it regretted the Holy See's continuing emphasis on the promotion of complementarity and equality in dignity of the two genders as part of its opposition to constructivist gender theory, and again regretted that the Holy See had not provided any information of moves to remove gender stereotyping from Catholic school textbooks first requested in 1995.

The Committee further affirmed the right of the child to have his or her interests taken as a primary consideration. It also raised the situation of children fathered by priests who, in many cases, are not aware of the identity of their fathers. The Committee added: 'Mothers may obtain a plan for regular payment from the Church until the child is financially independent only if they sign a confidentiality agreement not to disclose any information about the child's father or the plan' (UN Committee on the Rights of the Child 2014: para. 33). The Committee raised the issue of the anonymous abandonment of babies before zeroing in on the saga of the Magdalene laundries<sup>146</sup> in Ireland.

The Committee then addressed the issue of clerical sexual abuse. It expressed regret that the Holy See had declined to provide data on all such cases during the reporting period. It drew attention to the recycling of priests from parish to parish. It noted the escape of the vast majority of abusers from State judicial proceedings, the lack of protection given for whistleblowing religious sisters and priests who have been ostracised and demoted, and the failure to insist on mandatory reporting to State law enforcement authorities.

The Committee also recommended that the Holy See 'adopt a policy for the de-institutionalization of children placed in Catholic institutions and for the re-unification of children with their families, where possible', especially those children under three (UN Committee on the Rights of the Child 2014: par. 53), and also called for periodic review and evaluation. The Holy See has been invited to submit its next report by September 2017.

In May 2014, the Holy See's envoy, Archbishop Silvano Tomasi, an expert in migration, appeared before the UN Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and stated that since 2004, 3,400 credible allegations of child sexual abuse by clergy had been referred to the Congregation for the Doctrine of the Faith. Of those accused, 848 priests had been dismissed from the clerical state, while 2,500 others had had other forms of disciplinary action taken against them. In its recommendations, the Committee demanded mandatory reporting by the Church in all countries as part of its reviewing of all its concordats with nation states.

Although the report of the Committee on the Rights of the Child was measured and weighty, the Holy See through its then official spokesman, Fr Federico Lombardi, indicated that it was deeply upset by the report, because of the Committee's alleged lack of understanding of the nature of the Holy See, a perceived influence on the Committee by NGOs hostile to the Church, and the apparent neglect of some of the material supplied to the Committee by the Holy See. Some independent Catholic commentators felt that the report entered a little too much into the 'culture wars' and failed to give sufficient weight to the efforts made thus far by the Holy See. Clearly much more could be done in accountability and transparency (Rowe 2014).

Assessing the Holy See's response to the UN Committee in September 2014, Tapsell has observed that the Holy See:

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<sup>146</sup> The history of the Magdalene laundries began in Ireland in 1765. They were run by various mainstream female religious orders for so-called 'fallen women' and 'their bastard children' and this coverage was extended to mentally disabled and orphaned young women. It is estimated 30,000 women passed through the laundries. By the 1920s they had abandoned any attempt at rehabilitation. The laundries were designed to launder the clothes of seminarians and priests as well as other groups. They had their equivalents in Australia such as the Good Shepherd convent laundry in Abbotsford in Melbourne whose residents washed the clothes of Melbourne's seminarians.

said that its only responsibility under the Convention was to the children resident in the Vatican City<sup>147</sup> and said that to implement the provisions in the territory in other States could constitute a violation of the principle of non-interference in the internal affairs of States. This new found sensitivity to the sovereignty of States when it came to reporting clergy to the police is in marked contrast to its riding roughshod over it when demanding the cover up of such sexual abuse under canon law, when that conflicted with local reporting laws. The national sovereignty of a country would only be infringed by mandatory reporting under canon law if the domestic law forbade such reporting. No such country exists. The hearings on the Committee on Torture in May 2014 suggest that the Holy See intends to continue the cover up wherever the civil law allows it (Tapsell 2015: 176).

## The selective moral disengagement of the Catholic bishops

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At the 2002 Kohlberg Annual Lecture sponsored by the US Association of Moral Education, Albert Bandura, the renowned social psychologist, presented his theory of Selective Moral Disengagement in answering the question: **Why, over the centuries, has much destructive behaviour been perpetrated by decent people in the name of righteous ideologies, religious principles and nationalist ideologies?** Bandura's theory offers a very useful heuristic device around which to present the findings of this literature review and the accompanying interpretation.

Bandura suggested that a moral philosophy and, by extension, a moral theology, is built upon a rationalistic moral-based reasoning, but that this is to the neglect of actual moral conduct based on a well-constructed anthropology of human behaviour, including deviant behaviour. In Bandura's view, 'the regulation of humane conduct involves much more than moral reasoning. A complete theory of moral agency must link moral knowledge and reasoning to moral conduct' (Bandura 2002: 101). Catholic Church morality is directly based on moral reasoning.

In the process of moral decision-making, the moral selves of decision-makers, such as bishops, self-organise, self-reflect and self-regulate within a socio-cognitive process, monitoring their own conduct and the conditions under which it occurs, judging it in relation to their own standards and perceived decision-making circumstances, and regulating their actions by the consequences they apply to themselves. But, in certain circumstances, this moral self-censoring process can become disengaged by redefining harmful conduct as even honourable, through a process of moral justification, exonerating social comparison, and sanitising language through euphemistic labelling.

Through action or inaction, curial and episcopal decision-makers can minimise their role in causing harm through diffusion or displacement of responsibility. This may involve, in regard to the detrimental effects on the victims, their families and supporters, either minimising, ignoring or misconstruing the consequences, especially upon children with whom they may have had very little direct experience. Curial officials in the Holy See are at a very considerable distance from the realities of child sexual abuse since most of their time is spent dealing with bishops, priests and religious in their rarefied offices in Rome.

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<sup>147</sup> There are 31 children who live in Vatican City, all the children of Swiss guards.

Very little moral heroism has been demonstrated by the Catholic Church during the whole sorrowful saga of clerical child sexual abuse. How many bishops have resigned in protest or because of their own failures or at disgust with the failures? How have the bishops and religious superiors morally justified their actions or inactions to themselves? The data suggests that they justified their actions or inactions to themselves by portraying them as serving the worthy purpose of defending the reputation and integrity of an 'all-holy' Catholic Church. They wanted above all to prevent salacious ammunition reaching the hands of opponents of the Catholic Church. In this way, they were able to preserve their view of themselves as moral agents. The same process is regularly seen in bishops who condemn homosexuality, when they themselves are homosexual. Through this cognitive redefining process, they see themselves fighting ruthless secular opponents, media attack-dogs and fierce advocacy groups, protecting their cherished Catholic values learned through their narrow seminary formation and education, preserving the Church's reputation and honouring the Church's stated commitment to marriage, the child and the family.

## Euphemistic and sanitising labelling

Another aspect of selective moral disengagement is through euphemistic and sanitising labelling, which was used to render harmful conduct to young children not only as respectable, but to reduce personal responsibility for action or inaction. It was seen in the Catholic Church context with the use of phrases such as 'health problems' or 'against the sixth (commandment)', instead of the direct truth of 'raping a young girl', or 'sodomising a young altar boy', or 'masturbating a teenager', or 'fondling the genitals of a young boy'. Another way of sanitising language was through the use of the agentless passive voice ('it was...'), whereby bishops and religious superiors who mechanically moved priests and brothers are portrayed as not really the agents of their own actions or inactions. Words and sentences were corrupted in the service of immoral and criminal conduct.

## Exonerative comparisons

According to Bandura's model, another way to morally disengage is through advantageous, exonerative comparisons. In the Catholic context, these are relevant especially when the episcopal mentality is imbued with religious exceptionalism that the Catholic Church not only is, but must be seen to be, more holy and apostolic than the other competing Christian Churches.

The scandal of child sexual abuse by clergy and religious needed to be kept hidden from the Catholic community, and the criminal sexual proclivities of priests and religious brothers needed to be kept secret. The reputation of religious orders had to be protected. Hence, the cognitive restructuring of harmful action and non-action was achieved. The conduct was invested with a high ecclesiastical purpose, which eliminated self-censure – destructive action and lack of action against violated vulnerable children could be internalised without personal distress and awkward moralising. Crimes against the humanity of children could be tolerated. Inadequate responses could be sanctified and self-approved in the name of priestly solidarity and ecclesiastical reputation, and supported by the canonical provisions and the counsel of Holy See authorities. It was a systems failure of the most profound kind at all levels of the Catholic Church throughout the twentieth century, beginning at least with Pope Pius X.

## Displacement of responsibility

The second set of selective moral disengagement practices, in Bandura's heuristic model, operates by obscuring or minimising the role of the decision-makers in the harm they cause. In the process of the displacement of responsibility, authorities view their action or inaction as stemming from the dictates of ecclesiastical law or theological dogma, rather than seeing themselves as personally responsible. Because they were not the actual agents of the sexual, physical and emotional abuse of children, the bishops and religious superiors were spared any need either to morally critique their own actions and reactions, or to ask questions about the underlying systemic factors. In fact, their whole success in their ecclesiastical careers was built upon obedience and not questioning any systemic factor or magisterial view. They would not be whistle blowers, as that was a definite career dampener.

From the late 1960s, the reality was that no new bishop would be appointed unless he explicitly supported Catholic Church teaching against masturbation, artificial contraception and abortion in every circumstance, homosexual acts and same sex unions, *in vitro* fertilisation, and the ordination of women. The result was a church full of obedient episcopal clones who were managers and administrators, rather than episcopal leaders and entrepreneurs for the Christian Gospel (Cornwell 2005).

In Bandura's view, authorities act in ways that keep themselves intentionally uninformed. They do not go looking for evidence of wrongdoing, either through proper and thorough investigations or through properly conducted research studies to inform understanding of the issues and the ecclesiastical contexts. Obvious questions remained unasked, and thus bishops and religious authorities did not find out what they did not want to know. Perhaps it was because they feared the consequences for their reputation in Rome and their progression up the ecclesiastical ladder. More likely, it was caused by the realisation that the answers would destabilise and even destroy their whole cognitive edifice of Mother Church when they had made a promise on oath to the pope to defend the Church. Australia was a laggard on this score. The Australian Catholic Bishop' Conference never instituted truly independent inquiries, as happened in Canada, the Netherlands, the UK, and the USA, aside from the poorly executed, in-house *Towards Understanding* research study (which did, however, make some outstanding comments). Eventually it became clear that the Australian bishops could not solve the problem by themselves. With the establishment of the Royal Commission in 2012 they came to realise for the first time that they were now in seriously dangerous territory and so the Truth, Healing and Justice Council was set up with competent lay professionals in the leadership positions. This was after the Victorian and NSW governments had initiated their own inquiries. Catholic Australia Felix was no longer a happy place.

As dramatically bad evidence and harmful practices began to be made visible in Australia, religious authorities engaged in steps to prepare their communities to hear the bad news. In Bandura's view:

perpetration of inhumanities requires obedient functionaries. They do not cast off all responsibility for their behaviour as if they were mindless extensions of others. If they disowned all responsibility, they would be quite unreliable, performing their duties only when commanded to do so. It requires a strong sense of responsibility to be a good functionary. One must, therefore, distinguish between two levels of responsibility: a strong sense of duty to one's superiors, and accountability for the effects of one's actions. The best functionaries are those who honour their obligations to authorities but feel no personal responsibility for the harm they cause (Bandura 2002: 107).

Obedience is key.

## Diffusion of responsibility and disregard of consequences

Another feature of moral disengagement is that responsibility for detrimental behaviour becomes diffused. Group decision-making allows otherwise good people to behave inhumanely. When everyone is responsible, no individual really feels personally responsible. Moral control is further weakened by minimising, disregarding or distorting the effects of one's action. Episcopal decision-makers avoid facing the harm they cause or minimise it when an offending priest is moved to another diocese, province or country, as happened in Australia in several high profile cases. Out of sight, out of mind. Evidence of damage to children and their families can be minimised, discredited, or simply downplayed as 'they'll soon get over it' or 'they just need to move on and put it behind them'.

It is much easier to disregard the harm done to others when the person's suffering is not visible with open, gaping wounds, or when destructive decisions are remote from their injurious effects in terms of time. The process becomes depersonalised. The bishops were not physically present to see the consequences of their action or inaction. In the case of clerical sex abuse of children, there has not been a powerful image or photograph to capture the anguish of the child victims like the little naked girl whose clothes were burnt off by the napalm bombing in Vietnam. And there still is no such photograph. The overriding image in Australia remains that of the predator priest, Gerard Ridsdale, entering a courthouse with Bishop (now Cardinal) George Pell.

## Dehumanisation of the primary and secondary victims

The final set of moral disengagement mechanisms impacts on the victims. As Bandura states, 'The strength of moral self-censure depends on how the perpetrators regard the people they mistreat...it is difficult to mistreat humanised people without risking personal distress and self-condemnation' (Bandura 2002: 109). In the case of clerical abuse, the problem was that, on average, it took more than two decades for victims to disclose. To be fair, the Catholic bishops did not demonise the primary victims or strip them of human qualities, although the continuing refusal of the Australian Catholic bishops to dialogue with individual advocacy and support groups partly reflects their depreciation of the child. Blaming one's adversaries or the particular circumstances serves as a self-exoneration and one's own actions become excusable. However, it was the children in Catholic residential care who were dehumanised, rendered defenceless, isolated and depersonalised, often because they were children stigmatised by illegitimacy, poverty and the alleged lack of sexual control by their parents (McLoone-Richards 2012). They were spiritually and institutionally trapped (Pilgrim 2012). Paraphrasing the aphorism of Edmund Burke, Bandura observes, 'The triumph of evil requires a lot of good people doing a bit of it, in a morally disengaged way, with indifference to the human suffering they have collectively caused' (Bandura 2002).

In concluding, powerful dynamics are at play with human sexuality (Grant 2015) and the Christian Church does not have a contemporary vision of sexuality (Grant 2015). As David Ranson (2002) has pointed out, besides their being the denial of the feminine and 'an over- developed masculine ethos', there has also been in the Catholic Church a denial of eros and imagination and prophecy because of the carapace of clericalism. Judge Chris Geraghty, reflecting on his priestly training and his life as a priest notes how 'clericalism is ultimately perfidious because, in its attempt to establish its own unalterable maxims, which in the end are self-serving, it commits the unpardonable sin of short-

selling the magnanimity of Christ. The clericalist winces at the prospect of life before death' (Geraghty 2003: 371).

The Catholic bishops in Australia and worldwide were and remain cogs in a global clerical network. Monolithic, hierarchical organisational systems exercising tight control, centralised power and the crushing of dissent and whistleblowing, are much more prone to engage in moral disengagement than decision-makers in pluralist and diverse organisational structures. Aside from all the personal, psychological and socio-structural factors as well as the canonical and theological factors that have been documented in this multidisciplinary review of the literature, church governance based on authentic synodality and conciliarism might have prevented or mitigated the Catholic tragedy of the twentieth century. But power, centralism, and religious exceptionalism prevented that. As C P Snow once insightfully observed: 'More hideous crimes have been committed in the name of obedience than in the name of rebellion'.<sup>148</sup>

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<sup>148</sup> Quoted in Bandura (2002)

# 11. AN INTERPRETIVE REPRISE

This has been a multidisciplinary desk study using a complex research strategy that was multi-national and multilingual in its scope though with the Catholic Church in Australia always as its central focus. It is a learning journey that has taken five years. In endeavouring to understand the contemporary Catholic tragedy and scourge of the sexual abuse of children under 18 by its priests and male and female religious as well as its long historical lineage, the objective in this final chapter is to summarise all the contents of the previous ten chapters. In our task of interpreting and extrapolating all the accessed data through which we have accessed historical and contemporary reality, the concentration has been upon the enormous global entity of the Catholic Church, headed by the Bishop of Rome, its doctrinal beliefs with their theological and pastoral expressions, and its committed and trained personnel, particularly those committed to a life of celibacy and service. To contain its parameters, it has deliberately not been focused on the victims nor on the serious canon law defects in the 1917 and 1983 Codes that have been unmasked in other contributions (Tapsell 2014, 2015).

This review task has been accomplished according to the research methodological principles of interpretivism which is a standard practice in qualitative research, as set out in Michael Crotty's book on methods of social science research (Crotty 1998). This approach involves such elements as hermeneutical understanding, contextualisation of the data, the balancing of multiple interpretations, the use of dialogical reasoning, and the adoption of the principle of suspicion in making abstractions and generalisations. This final chapter will also take the form of an executive summary based, firstly, on the 26 Australian and international formal inquiries in Belgium, Canada, Ireland, the Netherlands, the UK and US, that were summarised and analysed together with additional information from across the Catholic world in countries such as Chile, France, Germany, Italy, the Philippines, Poland, South Africa and Spain, and, secondly, on the myriad of academic research studies that have emerged since about 1990. While the heuristic model that was outlined in Chapter Nine and which identified the significant factors was a useful device for understanding the contours of the terrain, one step further must be taken and the material placed in a more interpretive framework.

An interpretation of the voluminous number of inquiries and studies covered in this desk study has been done by the two lead researchers who have brought to the task a deep-seated knowledge of the Catholic Church based on their theological and missionological studies in Australia and Rome during the 1960s and 1970s, their pastoral experience as priests in Australia and Korea, their successful transitions out of the priesthood into civil life, their work in Catholic and secular tertiary institutions, their subsequent involvement and membership of many Catholic organisations up until the present and their continuing faith commitment to the Catholic Church. Without this knowledge of the Catholic teachings, law, institutional arrangements and culture it would have been impossible to accomplish the self-defined task. Equally important have been their knowledge and skills in research methodologies in the social sciences and applied humanities, and in policy and program evaluation, together with their expertise in the areas of psychology, education, languages, public policy and interfaith studies.

## Preliminary observations

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At the outset, it is important to observe that for many, many Catholics this literature review has entered the very difficult terrain of the sexual lives and sexual offending against children by priests and religious brothers and sisters. Some may accuse us of conducting an anti-Catholic vendetta. As practising Catholics, the lead researchers understand such feelings. Anti-Catholicism and sectarianism has always been a part of Australian society and this has probably played some role in the societal condemnation of the Catholic Church as the scale and scope of this tragedy have unfolded. But such allegations serve only to obfuscate the truth and the search for the truth. Many Catholics have been very disapproving of the media and its journalists in exaggerating the scope of the abuse and in repetitively regurgitating the same material. Certainly there has been some of this, but it has been the press which has rightfully and responsibly brought the issue to the surface. And, as Jesus himself said, it is the truth that will make us free. There is no doubt that the public image of the Catholic celibate priesthood and vowed religious has been irrevocably damaged and this has impacted upon the self-image of countless good and holy priests and religious sisters and brothers who have given their lives to ministering to Catholic communities across the world, sometimes in difficult and dangerous situations. This has been both unfortunate and inevitable – if anything, this review and its conclusions suggest that a thorough-going renewal of the priestly ministry and its theology in policy and praxis is needed. But that task is well beyond our brief.

The second observation is to make it quite clear that the probability risk level of a young Catholic child being sexually, emotionally and physically assaulted by priests and religious brothers and sisters was always relatively small but not low. It certainly was not close to zero. But the probability should have been zero, and Catholics had and still have a right to think it should be zero. Any risk is a real risk. And the ripple effect to family and supporters has been huge, and hugely damaging. The damage was magnified because of the secretive and ham-fisted response by the bishops.

The prevalence evidence for victims from the Netherlands and Ireland was that it ranged from one in a 100 up to one in 300 but the probability was especially heightened if the Catholic child, usually male, was an acolyte or altar server and, most particularly, the probability rose exponentially if the child was living in a Catholic residential institution, particularly if male religious brothers were in charge. As well, it needs noting that some of the sexual abuse was committed by lay people who were allowed to have access to vulnerable children whether they were orphans, blind, deaf or disabled. For Australia, our estimate (see chapter seven) is that the probability of being a victim of a priest or religious ranged from one in 200 to one in 400. But the risk was very much higher for boys and it was very high for children, especially boys, in Catholic residential institutions. The risk was never nil or low.

The research evidence is clear and definite that the probability of a child being sexually abused has always been higher in family settings where most abuse occurs. Most experienced diocesan pastors have come across cases of incest in their parish work. At the same time, children have been at risk in Catholic Church institutions and remain so today, although the risk is now extremely low in Australia, especially in Australian Catholic schools which are now run by Catholic lay teaching professionals. It is also clear from the evidence available to us that, while many steps have been taken to address the problems associated with abuse, the Australian Catholic bishops have not, despite proclamations to the contrary, been in the lead in implementing child protection measures – Ireland, the UK and the US have been ahead by a considerable margin. However, Catholic school principals in Australia under the leadership of the State Catholic Education Commissions in Australia have done a very

good job with their student welfare policies and practices. Their student welfare officers have been vigorous in designing and implementing child protection policies and procedures. However, it is disappointingly noted that the Australian National Catholic Education Commission has not had student welfare in its terms of reference.

Outside Australia, the risk remains very high, particularly in Catholic children's homes in India and Italy. The Church has 9,492 such homes with 28 per cent in India and 17 per cent in Italy.

The third observation is that clerical sexual abuse is an issue that reaches beyond the current divisions of so-called traditionalists or Tridentine restorationists and so-called progressives. Priests on both sides of the ideological and pastoral fence offended; likewise bishops of both persuasions dealt most inappropriately with the problem by the way they covered it up and treated the victim survivors and their families with disrespect, lack of compassion and even contempt. In fact, the courses of action by bishops around the world have been remarkably uniform. In Australia, however, the political and religious divisions stemming from the mid-1950s split in the Australian Labor Party over communist ideology, the normal Sydney-Melbourne rivalry and the differential and contested responses to the reforms of the Second Vatican Council (1962 – 1965) made it much more difficult for the Australian bishops to reach a fully satisfactory and co-ordinated response strategy. Moreover, it is the cold, hard and damning reality that while within the Australian Catholic Church the cultural, political and theological wars were being played out in the second half of the twentieth century, children were being sexually abused by priests and religious. But such abuse did not begin in the 1950s; it extends back to early patristic times. It has always been present, and, as always, it was kept hidden.

The fourth observation is that Catholic bishops around the world have been found to be incapable of addressing the problem of clerical sexual abuse on their own. The various Church inquiries that were controlled by the bishops (e.g. the Canadian 1992 *From Pain to Hope* report) were basically failures. The best research studies were usually done by women (e.g. Keenan, Terry, Anderson, Bohm, Knox, Lueger-Schuster, Power, Winship). Active priests (e.g. Cozzens, Doyle, Ranson) and resigned priests or former seminarians (e.g. Sipe, Tapsell) have been also important because of their in-depth understanding of Catholic culture, theology and pastoral practice. The Australian Catholic bishops to their credit recognised their own incapacity in November 2013 when they appointed the Truth, Justice and Healing Council under the leadership of Francis Sullivan, as has Pope Francis with his appointment of a Pontifical Child Protection Commission in March, 2014. This Commission, headed by the Capuchin Archbishop of Boston, Cardinal O'Malley and mostly comprised of professional lay men and women, has yet to fulfil its promise at the time of writing in mid-2017. But the recent resignations from this Commission point to the headwinds it is facing.

A further observation from the data, as seen in the studies based on the material from the medieval penitential manuals, the archives of the Spanish Inquisition, the extent of sexual soliciting in the confessional, and in the diaries of John Bede Polding (1794 – 1877), Australia's first bishop, found that sexual misconduct by clerics and religious with adult lay men and women was of considerably greater extent than the abuse of children, notwithstanding that the abuse of children is far more reprehensible and does much more long-term spiritual, cognitive, emotional and psychosexual damage.

The final preliminary observation is that within the Catholic Latin rite Churches where celibacy is mandatory, the problem of child sexual abuse has been both global and systemic. This is very clear now that the lid on the abuse has been partially lifted though it is still to be lifted in Eastern Europe,

Latin America, Africa and Asia. The deep, dark history of clerical child sexual abuse has been found to exist in every corner of the Latin rite of the Catholic Church. To attribute it solely to a series of personal failings of individual priests and religious insinuating that they were just a few 'rotten apples' is simply not credible. Such a downplaying explanation shows analytical incompetence and is ultimately intellectually dishonest – it would be another exercise of selective moral disengagement. Moreover, children in Catholic settings, whilst their endangerment has been considerably lowered in Australia, have been and still remain at risk in Catholic parishes and schools and Catholic residential institutions in other countries across the world, especially in the developing world where there are over 9,000 Catholic residential institutions for children.

## Clerical child sexual abuse in historical perspective

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Jesus Christ had crystal clarity about children and the protection of their innocence, and how their abuse should merit the severest of punishments. His own childhood is a study in child protection. When the threatened King Herod, astute but brutal, wished to eliminate him as a potential rival in the Massacre of the Innocents, his parents fled with him as a refugee family to Egypt. They returned when Herod was dead and it was safe to live in Nazareth again.

Despite this, and though the Baby Jesus is at the heart of the Christmas story (with the ritual of the crib in many parish churches), the Church has never developed a proper theology of the young child, nor of the adolescent. Even today it allows the marriage of children - girls at fourteen and boys at sixteen. This issue was not raised in the recent Synod on the Family, nor in Pope Francis' 2016 post-synodal apostolic exhortation, *Amoris Laetitia* - even though child marriage has been constantly mentioned as a serious issue in recent UN documents and in declarations by bodies such as Religions for Peace Asia. As a consequence of Jesus' explicit teaching and the toleration of pederasty in the Greco-Roman world of the first century, the early Church was very concerned about child sexual abuse. There was never any doubt that from New Testament times it was seen as gravely sinful, contravening both the divine law and the natural law. In his letters to the Christian communities at Ephesus and Colossus, St Paul refers obliquely to the practice of the *paterfamilias* as owner of his slaves, sexually targeting children and young men and women belonging to slave families. Often, his slaves were his own biological offspring from his exploitative dalliances with slave women (MacDonald 2014).

Whereas many early Christian writers condemned sexual corruption, usually within a negative framework towards sexuality, the first formal reference in official Church documents comes in the Synod of Elvira in Spain, probably in 305-6 CE. While insisting upon consecrated celibacy of the clergy and linking sexuality to procreation, and forbidding the practice of syneisaktism whereby a woman moved into the house of a man, perhaps a priest, to live in an alleged brother-and-sister relationship - the Church, while uneasy about virginal marriages because of the procreative end of marriage, never condemned them because of the virginal marriage of Jesus' parents (Elliot 1993). It did subsequently allow the practice of child oblation where 5 to 7 year-old sons were donated by the parents to a monastery, but this practice was eventually stamped out through ecclesiastical legislation. But for over 1,700 years since the Synod of Elvira, the Church's struggle to maintain the law of consecrated celibacy for its clergy, and the other struggle to deal with the clerical sex abuse of adults and children, have run in parallel.

Canon 71 of the Elvira synod condemned the raping of boys and, whilst not explicitly linked to the priesthood, this canon was supplemented by Canon 18 which explicitly made the connection

between priests and 'sexual immorality' by ruling that such priests were not to be given Holy Communion, even at the hour of death. Thus begins the long and continuing struggle of the Church against the sexual misconduct of many of its clergy in their adult liaisons and of some in their sexual abuse of children.

In 1051, Peter Damian (1007–1072) wrote his book, *Liber Gomorrhianus*, where he particularly singled out the sodomising of young boys by clerics as one of their common sins. But the German Pope Leo IX (1049–1054) was persuaded, perhaps correctly, that he had exaggerated the problem, preferring forgiveness to punishment (Anderson 2004). At this time, new penitential manuals for confessors were being introduced and it is clear that child sexual abuse was not an upfront topic in the 26 manuals examined by Payer (2009,) although three of the manuals dealt explicitly with clerics and monks who pursued young boys.

In the post-Reformation period, Lehner's study of monastic prisons and torture chambers showed how severe punishment was meted out in cases of child sexual abuse and sexual abuse generally (Lehner 2013). The best evidence comes from several analyses of the case files of the Spanish Inquisition (Carrasco 1986, De Dieu 1987, Haliczzer 1996) where there are many cases of priests and monks abusing adolescents, including religious novices, students, and boys plying 'the street trade'. This abhorrent practice would reach its denouement at the beginning of the Spanish Civil War in 1935 with the killing of 7,000 priests that partly resulted from child sexual abuse by priests and their general sexual misbehaviour (Mitchell 2000), which must be understood within the fierce anti-clericalism imaginary of nineteenth and twentieth century Spain.

The problem of child sexual abuse, including of under-age novices, was present almost from the very beginnings of the Catholic Church's presence in Australia. This is clear from the diaries of , Australia's first Catholic bishop, John Bede Polding OSB, who used the word 'goosey' to describe such abuse – however, the most infamous case in Australian Catholic history, revealed only in recent years, occurred in 1871 when Mary MacKillop, Australia's first saint, now known as St Mary of the Cross, was excommunicated as a result of collusion between a group of Franciscan friars, upset when one of their confreres, the parish priest of Kapunda, Fr Ambrose Patrick Keating, had been reported by Mary's religious sisters for sexually abusing children. These confreres manipulated the Franciscan Bishop of Adelaide, Laurence Shiel, into excommunicating MacKillop. In 1919, a Christian Brother was jailed for child sexual abuse in Western Australia, and the archives of the Christian Brothers reveal that the sexual abuse of boys was a recurring problem for this religious teaching order throughout the twentieth century - nothing systemic was ever done about it, and it was kept carefully hidden from the Australian Catholic community.

Any cohesive and comprehensive narrative of the deep history of child sexual abuse in the Catholic Church over the past 2000 years is virtually impossible, notwithstanding the many clues throughout that history. This is because of the systematic destruction of secret archival material according to the requirements of Canons 489 and 490, the non-searching of archives, the downplaying of the issue by Catholic priest and religious historians who had examined the relevant archives, the use of code words and euphemisms, the perception of adulthood as beginning at puberty, and the elements of some Holy See-nation state concordats that sought to keep clerical crimes away from any damaging publicity. Child sexual abuse was always identified as a serious issue, but never a systemic issue because of the over-riding concern to avoid reputational damage in the eyes of the Catholic faithful, a desire to protect the good name of the offending priest or religious, and to protect the reputation of the Catholic Church as All-Holy. Nothing in the historical evidence shows any concern whatsoever for the abused children themselves, their subsequent welfare, or for their families. As the short,

tragic life story of the Italian St Maria Goretti shows, throughout the twentieth century the Catholic Church framed child sexual abuse within the dynamics of protected virginity and sexual and ritual purity, rather than within the dynamics of power and powerlessness, sexual violence, the vulnerability of children, and machismo masculinity.

## Priest and religious perpetrators: the major findings

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On the basis of the meta-analysis the findings point overwhelmingly to the central conclusion: that young and vulnerable Catholic children, especially boys, were in danger and at risk in the presence of psychosexually immature, psychosexually maldeveloped and sexually deprived and deeply frustrated male priests and male religious, particularly those who had not satisfactorily resolved their own sexual identity. This was especially so if these priests and religious were confused or in denial about their homosexual orientation while training and operating in a profoundly homophobic Church environment. Their offending behaviour was mediated by a set of cognitive and emotional distortions, denial mechanisms and neutralisation techniques that were generated by macro-level theological substrates of (a) a patriarchal imaginary of God, (b) a sacrificial theology of priesthood and religious brotherhood based on their vocational calling and divine chosenness, and (c) an essentialist theology of human sexuality, and by a set of psychological realities including: (i) unresolved sexual identity, (ii) an ungrieved loss of sexual intimacy, and (iii) overwhelming feelings of emotional loneliness.

There was little psychological evidence that the priest and religious offenders were suffering from any psychotic illnesses. In fact, it indicated that most of the offenders were talented and attractive men, although a minority clearly had significant personality defects. They were found to be better educated and had higher IQs than the average sex offender. They came from intact families but there was evidence of a pattern where discussion of sex was taboo, where the father was generally distant and aloof, perhaps alcoholic or physically abusive, while the mother was smothering, perhaps covering up her own unhappiness vicariously through her son whose priesthood would raise the social status of herself and her family.

The various studies also indicate that the cognitive styles of the offenders were much more distorted than those of non-offending priests and brothers, and these distortions were multilayered. One layer consisted of distortions found in all kinds of child sexual offenders as identified by Abel, Becker and Cunningham-Rathner (1984):

- children really want to have sex as they do not physically resist advances
- having sex with children is a good way for adults to teach them about sex
- children do not tell about it to others because they really enjoy sexual activity
- only fondling their genitals is not really having sex with children so no harm is being done
- when children ask questions about sex, it means they want to see the adult's sex organs
- relationships with children are enhanced by having sex with them.

However, another layer of cognitive distortions was found that was driven by psycho-spiritual and theological factors and the offender's wilful suspension of their publicly espoused moral standards. The offending often occurred in the context of the over-use of alcohol and led to diminished

responsibility. Alcohol or drinks laced with alcohol or other enticements such as sweets were also used to neutralise victims into acceptance. Parts of their distortions were driven by their cognitive imaginary of a patriarchal all-seeing, all-powerful and all-forgiving God.

## Patriarchal imaginary of God as all-seeing, all-powerful and all-forgiving

The clinical and empirical evidence (Sipe 1990, Keenan 2012, Winship 2013) unambiguously suggested that the offenders were caught up in a vortex of a distant, all-seeing, punishing, perhaps vengeful God who would cast the offender into the hell of eternal damnation, even for sins committed in complete privacy such as masturbation, or the secretive acts of the actual sexual assaults, which, however, were seen only by the all-seeing God.

The offender's ideation of God was compounded by the vow of obedience to the divine will as mediated through Church morality and praxis and internalised during their training in the seminary or house of formation. It was not a blind obedience but a submissive and deferential obedience to God and his representatives on earth. So it became necessary to conduct a negotiating and bargaining process with God, such as: 'God allows the good and the bad; he allows the offending because of all the good that I do'; 'God will look after this particular child and see that it comes to no harm; it will have its special protection'; and 'When God called me, he knew what I was like, what my needs were' (Saradjian & Nobus 2003). Offenders were able to justify the 'stealing' of sex from the child, for 'how could it be that bad if God allows it?' and 'it is not really abuse, no actual penetration and no violence. They are not harmed or affected' (Saradjian & Nobus 2003).

These cognitive and emotional distortions which often reflected a narcissistic self-absorption, further included neutralising techniques to justify and excuse their sinful and criminal behaviour by condemning those who had accused, condemned and punished them, or by blaming their offending on such things as alcoholism, mental health problems, pornography and sometimes on the child for having initiated it; or placing the onus on their own family upbringing and their sexual orientation; or by denying any responsibility for the seriousness of what had occurred, or for any cerebral, emotional or physical injury to the child, as if it were 'not the end of the world...worse things have happened and are happening'; and minimising the impact: 'it happened but it didn't hurt them' (Vollman 2011, Winship, Straker & Robinson 2011, Spraitz & Bowen 2015). Some offending perpetrators were also in denial because of the implication that they would be classified as homosexual, which they saw as aberrant, sinful and perverse as conditioned by their moral theological training (Winship, Straker & Robinson 2011).

While God was conceived as all-seeing and all-powerful, the loving God was also understood as all-forgiving, leading to the view that: 'how could it be that bad if God forgives it?' and 'I can go to a priest and confess my sins and promise not to do it again'. If perpetrators ever went to confession to confess to sexually abusing a child, usually cheap forgiveness was imparted in the confessional by the priest-confessor to his priestly confrere. Since the offender knew that the confessor was bound to absolute secrecy, this became an element in the systematic cover-up. The Catholic bishops were also bound to secrecy in the name of priestly solidarity and the canonically required 'fatherly' episcopal care for their priests. The 2013 Victorian Parliamentary Report, *Betrayal of Trust*, found that the Church had trivialised the whole issue, including the sacrament of penance, and there was no attempt to promote any reparative action on the part of the perpetrators. A New Zealand sacramental theologian had suggested that Catholic confession grossly underplays restitution to the

victim; the undue emphasis on the actual confessing of the sin and its immediate absolution ignores the need for just and interrelational acts of restitution (Grayland 2004). Again, the plight of the victim was totally ignored.

A further consequence of the patriarchal imaginary was the failure to ever develop a theology of the child, notwithstanding that Catholic theology emphasises that we are all the children of God, Our Father, with the same innate human dignity. Mother and child lie close to the centre of Christian imagery, but it is the unfortunate reality that the Church has never articulated a theology of the child based on a scientifically-based anthropology and psychology of childhood. Children are seen as blessings, but the child is not usually at the centre of the thinking of consecrated celibates since they have renounced the begetting of children and they neither live with nor care directly for children, even though they may have a great love for them. But there is also the strand in the Catholic tradition which sees the child as somehow fallen and sinful, with their original sin washed away by the waters of baptism (Browning & Bunge 2009).

Underpinning their cognitive imaginary were the other theological factors as listed above.

## The sacrificial theology of a clericalised priesthood and religious brotherhood

The notion of sacrifice has been central to Catholic thinking for two millennia, especially represented in the Holy Sacrifice of the Mass which relives the sacrifice made on the cross by Jesus, God the Son, on Good Friday, and supplemented by the figure of the weeping *Mater Dolorosa* at the foot of the cross. The Catholic community has had enormous respect for clergy and religious, whom they perceived as having sacrificed their lives in vowed and promised celibacy for the spiritual and pastoral well-being of Catholics. Throughout the Church's history, this self-sacrifice has brought great and good benefits to the Church and humanity generally, for history is replete with the lives of great priests.

Candidates for the priesthood and religious novices spend considerable time in formation in discerning and testing the authenticity of God's call to the priesthood. For the priest, the training generally lasted eight years, with an introductory rhetoric year followed by three years of philosophical studies and four years of theological studies. Philosophy was built around the thirteenth-century neo-scholastic framework of Thomas Aquinas. The historical framing was that the golden period of philosophy took a wrong turn with Descartes, and all major subsequent philosophers such as Hume, Locke, Kant, Sartre etc., were therefore dismissed as 'adversarii' with nothing to offer the neo-Thomist philosophical world-view. Theological studies were built around the same neo-scholastic Thomistic framework, and Reformation theologies as expressed in Anglicanism and Lutheranism were seen as having little to offer the Catholic world-view. Hence, deeply built into this Catholic scholarly framework was a profound resistance to modernity and a surety in and commitment to the notion of Catholic superiority and exceptionalism.

The sacrificial theology of answering the divine call, always carried with it the possibility of generating some negative second-order, flow-on effects. Theologians and priest psychiatrists and psychologists such as Eugen Drewermann in Germany, Richard Sipe in the USA, and David Ranson in Australia, have outlined the tension between divine chosenness and individual human freedom and psycho-spiritual fulfilment. In the process of discerning the divine calling, the unconscious may be repressed and ignored, resulting in cognitive distortions and psychological alienation based around the sacrificial image of God and the Church's celibacy mandate not to humanly love and not be

sexually fulfilled. The seminary formation regime was likely to produce psychologically infantile clergy susceptible to sexual repression and subsequent acting out. Of course, many priests refused to fully internalise this classical, ideal “black-collar” type, and they lived genuine celibate lives according to the philosophy of Irenaeus’ dictum that ‘The glory of God is man (and woman) fully alive’.

However, in answering God’s vocational call to enter the religious life, any subsequent attempt to reverse the decision to sacrifice one’s life is stymied because it inevitably must lead to questions about one’s faith – God has made the call, and so the seminarian and priest may become psycho-spiritually and unhealthily trapped in a religious life lacking the courage to make the break and resign, knowing that the only knowledge, skills and attitudes they have are professionally useless outside the ecclesiastical environment except for the soft skills they have usefully developed such as report writing, techniques of analysis, public presentation skills etc... But their sexual deprivation and frustration are still very real.

Alongside the notion of sacrificial call was another quite ambivalent theological idea nested within the theology of the Catholic priesthood, namely, that priestly ordination confers an indelible spiritual character (‘once a priest, always a priest’). Never part of the Eastern Church tradition, this idea, as taught by the Council of Trent, is that the man who becomes a priest is ‘ontologically changed’ in his very being at ordination. This change has been explained as a ‘mark on the soul’. While providing a very sacral view of priesthood, this idea provides the theological substrate for a clericalised priesthood with its specialised knowledge and competencies somehow boasted by the use of Latin. Becoming a member of the clerical caste system confers automatic status with its associated trappings - special dress, special forms of address, and a generally secure and comfortable lifestyle. The Catholic priesthood has always been very attractive to males from poor family backgrounds and poor nation states. The impact is not only on the individual cleric but on the collective psyche of the clergy with the concomitant dangers of groupthink and the refusal to countenance dissent, failure and vulnerability. Clericalism, notwithstanding all its positive elements for the historical well-being of the Christian community, has developed defences to protect the sacral image of the Church, the cosy benefits of the priesthood, and the *bella figura* of the corporate priesthood at all costs (Robinson 2007).

Another second-order effect of the twin notions of sacrificial calling and ontological differentiation was the objectification of the office and the failure to differentiate between the individual persona and the clerical office. All researchers who have interviewed offending priests and religious brothers have drawn attention to this. The Irish psychotherapist, Marie Keenan (2012), expresses well this confusion of clerical role and identity. There was no boundary between their sacred identity as priests and their human identity as male human beings with a particular sexual orientation, whether straight or gay, which led to a denial of their sexual and emotional lives and their inability to distinguish their work as priests and their personal lives. There was a distinct lack of self-care, and the priests and religious brothers would hide their depression, their burnout and loneliness, as part of their sacrificial calling and the requirement of religious obedience. Keenan would add that all of this leads to individual and institutional hypocrisy.

## An essentialist theology of human sexuality

All priests and religious offenders were inculcated into a theology of human sexuality that was act-centred and not founded on a developmental and relational anthropology. It was based mainly on the thirteenth century scholastic thinking of St Thomas Aquinas, laced with a negativity that

extended back to very early patristic times, and helped along by St Augustine of Hippo, and reinforced by the Council of Trent and by a twentieth century series of papal encyclicals, such as the two encyclicals, *Casti Connubii* (1930) and *Humanae Vitae* (1968), denouncing artificial contraception. In Church discourse, as laid out in all the moral theology manuals, sexual pleasure is described as ‘venereal’ pleasure and associated with concupiscence, while virginal purity is exalted. Most independent government and Church-sponsored reports into clerical sexual abuse expressed significant reservations about the Church’s theology of human sexuality, as did the various clinical and interview studies of priest and religious offenders which questioned their theological training and their consequent lack of moral judgement (Drewermann 1990, 2002, Ranson 1997, Keenan 2012).

This Catholic theology of human sexuality is based on natural law thinking that sharply differentiates between male and female in the physicalist, genital sense, their social roles, and their different personality traits, and highlights the utter importance of the family as the basic unit of society. It exalts consecrated virginity over marriage, emphasises procreation as the primary purpose of each act of intercourse (although this has been officially modified since the 1960s with the acknowledgement of the unitive purpose of sexual acts, although only within the context of heterosexual marriage and very strict gender differentiation), and understands homosexuality as an intrinsically disordered condition that is best cured medically, psychologically and spiritually (Kinney 2015). Underlying this is the natural law differentiation between serious sexual sins that are according to nature (*iuxta naturam*) such as adultery, rape and incest, and those that are objectively more sinful because they are contrary to nature (*contra naturam*), such as artificial contraception, masturbation, and oral and anal sex – there was no consideration of the manipulation of nature through scientific progress. With sexual sins, the moral theological manuals taught that there was no ‘parvity of matter’ (no allowance for the insignificance of the act or the smallness of harm done). Each and every sexual act, including thoughts and desires, outside marriage was mortally sinful and eternally damning.

Catholic neo-scholastic theology of human sexuality, still reinforced by the network of Pontifical John Paul II Institutes of Marriage and the Family across the world including in Melbourne until very recently<sup>149</sup>, is based on an outdated anthropology that fails to see that sexual communion between marriage partners occurs on an average of 3,086 occasions over a 50-year period of marriage (Smith 2003) – only extremely rarely do they procreate a pregnancy, and obviously never after menopause.

Historically the Church emphasized procreation because knowledge of fertility awareness and the menstrual cycle was not understood until the 1920s – every act of sexual communion was perceived as potentially procreative. And it surely was. As well, the modern anthropology of sexuality sees a person’s sexuality on a continuum from exclusive same-sex attraction to mainly same-sex attraction to mainly opposite-sex attraction to, as in the great majority of people, exclusive opposite-sex attraction (Epstein 2016). Criss-crossing this is the level of sexual desire or libido, which can be quite low or nil in some, is situationally dependent, and tends to decline but is generally not fully extinguished as a person ages. With some exceptions, such as Anna Poltawska, the friend of Pope John Paul II, Catholic women theologians tend to be very critical of this sexual anthropology because it implies, among other things, a passive receptivity by the woman during sex.

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<sup>149</sup> Late in 2016, it was announced that the Melbourne branch would be closing on the basis of cost because seemingly of lack of students.

Among clerical and religious child sex offenders, according to the clinical and interview evidence, this Catholic neo-scholastic theology of human sexuality led to a distorted and highly negative, juridical, and act-centred sexual morality that was obsessed with the actual act of penetration and with masturbation. Offenders rationalised genital fondling and digital penetration as not being too serious as it did not involve penile penetration of the vagina, and they were obsessed with masturbation, which would earn eternal damnation.

All this had severe second-order flow-on effects in creating a damaging incubator for the emergence of the ideation of having sex with a child:

- a depreciation and denial of the adult feminine and of the spirit of eros
- the terrorisation of priest and religious offenders by their masturbation fears in their struggle for sexual purity
- the condemnation of same-sex attraction and the creation of a deeply homophobic Church environment
- their isolation, loneliness and lack of emotional intimacy.

## Denial of the feminine and of the spirit of eros or life energy

The denial of the adult feminine and of the spirit of eros (meaning life energy in the Platonic and Jungian senses) was a direct consequence of the Catholic Church's theology of human sexuality, which has had devastating consequences. Eros as the source of desire, passion, imagination, dreaming, prophecy and innovation is the life impulse, connecting people and affirming creation and engagement with the sensate. The Australian priest theologian, David Ranson<sup>150</sup> (1997), has written that without a mature affirmation of eros, the life of desires and aspirations becomes distorted and, at worst, perverted. The John Jay reports referred to the lack of innovation in the Church while the German theologian and depth psychologist, Eugen Drewermann, refers to the 'spiritless' Church – a Church without much imagination or innovation in a period of globalisation where imagination is key. The US John Jay reports also drew attention to this lack.

The doctrinal and *de facto* depreciation of women in Catholic theology and praxis has been well documented. The consequences of the lack of the adult feminine and the spirit of eros are seen most clearly in the Irish Christian Brothers, who serve as a case study par excellence for the rest of the Church. Despite their enormous educational achievements in countries such as Australia and Ireland, as a collective they failed to self-diagnose a community pathology that was present throughout the twentieth century, if not before. One brother was jailed in Western Australia as early as 1919 and many more cases emerged throughout the subsequent decades. Their situation was not helped by the congregational turbulence that emerged in the 1960s and 1970s with the departure of so many brothers to continue their teaching careers outside the congregation's schools.

The consequences of their lack of interface with the adult feminine was seen in the very high offending rate among the religious brothers in their schools and residential institutions. Their contact with women had been minimal, beginning with the fact that they were educated generally in

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<sup>150</sup> Father David Ranson is now the vicar-general of the Diocese of Broken Bay on Sydney's north shore.

male-only secondary colleges, and trained for the religious life in male-only juniorates, novitiates and scholastics without the space to reach a mature and integrated sexual identity. Their contact with women in teacher training institutions would have been carefully proscribed, and then they were appointed to male-only schools where they were in charge of young boys and adolescents. And they were living in all-male religious communities. They had to make do with a sacralised image of a sexless Virgin Mary. It was a recipe for a psycho-spiritual disaster. The Irish Ryan Report (2009) contains by far the most sophisticated analysis of the situation of the Christian Brothers, highlighting their failure to appreciate the emotional needs of the children in their care or to pursue appropriate training in community child and youth welfare. It documented their lack of acknowledgement of congregational responsibility for what happened, the consequences of the regime of obedience with its humiliating punishments, their fear of change, the lack of institutional memory, and their use of government funds to cross-subsidise other activities. However, it must be said that the veil covering the inner world of the Christian Brothers is yet to be fully lifted. The psychological fear of women and their gendered depreciation of women were factors that operated right across the Church.

## The terrorisation of priest and religious offenders by masturbation fears in their struggle for sexual purity

Many of the priest and religious offenders reported their struggles against masturbation in order to remain pure and holy in God's all-seeing eyes (Rodriguez 1995, Keenan 2012). The Church's stance against masturbation can be traced back to Pope Leo IX in 1054, who declared that 'masturbators should not be admitted to holy orders'. Nothing has changed. The 1994 *Catechism of the Catholic Church* proclaims, quoting from the Declaration on Certain Questions Concerning Human Ethics, *Persona Humana*, issued by the Congregation of the Doctrine of the Faith in 1975, states:

Both the Magisterium of the Church in the course of a constant tradition and the moral sense of the faithful have been in no doubt and have firmly maintained that masturbation is an intrinsically and gravely disordered action. The deliberate use of the faculty, for whatever reason, outside of marriage is essentially contrary to its purpose. For here sexual pleasure is sought outside the sexual relationship which is demanded by the moral order and in which the total meaning of mutual self-giving and human procreation in the context of true love is achieved (*Catechism of the Catholic Church* 1994: para. 2352).

In their struggle for sexual purity and when regularly faced with the reality of their desires and penile erections, priests and religious offenders were not permitted by the Church to resort to masturbation to obtain sexual relief, nor were they morally permitted to ideate having sex with an adult partner. They tried to become sexless but this could not be maintained. The desire for sexual pleasure began to take distorted pathways as they ideated having sex with the most accessible, most vulnerable, and least likely to resist. And thus began the cognitive mutations.

## The condemnation of same-sex attraction and the creation of a deeply homophobic environment

While the Catholic Church has always had persons with same-sex orientation in its priesthood and religious orders, perhaps as high as 30 per cent if not higher, Catholic moral teaching, developed centuries before the recent emergence of concepts such as sexual orientation, sexual preference, and same-sex attraction, is very clear. It is crystal clear. The core argument in the Catholic tradition against homosexual behaviour is that homosexual sex is contrary to the natural law. This reflects the

act-centred philosophy of the Catholic tradition not complemented by a relational ethic. It is also the theological basis for homophobia and gay discrimination which is allowed to be promoted, including through therapy, by the exemptions given to religious groups under a range of anti-discrimination and equal opportunity legislation at Federal, State and Territory levels in Australia.

The official Catholic position, now deeply contested in many parts of the Church, is that all gay people are called to live fulfilled lives of complete sexual abstinence through God's grace overcoming nature:

By the virtues of self-mastery that teach them inner freedom, at times by the support of disinterested friendship, by prayer and sacramental grace, they can and should gradually develop and resolutely approach Christian perfection (*Catechism of the Catholic Church* 1994: no. 2359).

Simply stated, gay Catholics are required to live a life of celibacy and total continence, according to the Church's Magisterium. As the data attest, priests and religious with a gay or confused sexual identity were deeply impacted by these moral dictums even though they felt called to the priesthood and religious life. Some became offenders. However, it is important to note, as all the empirical studies note, that homosexuality as such is not the cause of clerical child sexual abuse. There are many mature, psychosexually balanced gay clergy and religious who are not sexually attracted to children and present no danger to children. And there were many heterosexual clergy and religious who abused children, including boys. It is to be emphasised, however, that the majority of offenders were heterosexual even if they abused young boys.

However, both the major and minor seminaries and religious houses of formation in Australia provided a deeply homophobic environment suffused with a fear of homosexual activity. Three rules were in place in these houses of formation. The *noli tangere* (no touching) rule, which disallowed touching and hugging; the threshold rule, which forbade entry into the room of another seminarian or novice; and the warning against so-called 'particular' friendships. These were designed to prevent homosexual activity. As a consequence, the religious training environment did not give those with a gay orientation the moral and psychological space to successfully and maturely work through their sexual identity. Hence, many remained psychosexually immature, thereby increasing the risk of offending against children, especially boys, as was the case. The other consequence was that when in therapy, it took gay offenders who had not yet faced up to their sexual orientation an inordinate amount of time and engagement to out themselves and accept their sexual orientation, because they had so deeply internalised that homosexuality is perverse and morally hateful (Keenan 2012). While the US John Jay evidence does not fully support this, many researchers and clinicians have commented on the developmental dangers of minor seminaries, juniorates and novitiates, where young teenagers aged 13 or 14 began their religious life.

## Their isolation, loneliness and lack of emotional intimacy

Keenan (2012) and Winship (2012) show that the clinicians and researchers were struck by the loneliness of priest and religious offenders despite their membership of the caste clerical group and the support they may have received from their parishioners or their religious order colleagues. They were also struck by their lack of emotional intimacy. They had not maturely developed the tools for sexual and emotional health with intimacy and attachment as its key components. Their loneliness and lack of intimacy increased after they left the closed, supportive environment of the seminary or house of formation. Winship (2012) found that her Australian priest and male religious offenders

subjects craved for physical intimacy and affection which they found in 'these kids I feel safe with', and with whom they found an emotional congruence before they transgressed sexually.

## Pre-service and in-service training in seminaries and houses of formation

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Priests, including offending priests and religious, were not well-served in their pre-service formation training by their eight or more years of preparation for ordination. Australia has always had to import priests from overseas and there were never enough seminarians to service the needs of a growing Church except perhaps during the 1930s and 1960s. Through the 1950s and 1960s, seminaries and houses of formation proliferated as dioceses and individual religious orders did 'their own thing' in terms of training for the priesthood and religious life and much duplication resulted. In 1900, it seems there were seven seminaries in Australia; by 1940 there were 30, and by 1960 there were 37 seminaries for the priesthood with 1,380 seminarians. By 1980, the number had declined to 27 with 456 seminarians, including 307 diocesan seminarians. At December 2014, there were eight diocesan seminaries with 220 seminarians, over half (52.3%) of whom were overseas born or sourced, especially from Vietnam. There were 19 male religious houses of formation with an unknown number of seminarians.

### Screening processes

This review of the literature, usually based on personal accounts of seminary life together with other documentation, found that until the 1980s screening processes for entry into training for the priesthood and religious life were inadequate and defective. There were screening processes in place in deference to Rome's continuing insistence but they were usually superficial. Many of the 27 Australian and international reports expressed misgivings about the screening processes and the use of personality tests whose limitations they were aware of. Such tests such as the M.M.P.I. cannot provide guidance as to whether a candidate has the capacity to live a celibate life though they can identify serious and less serious personality defects. Moreover, once entry had been achieved, there were well-documented cases where bishops ignored or overruled the advice of seminary rectors and other senior advisors and proceeded to ordain some quite unsuitable candidates. Also a very important issue was the recycling of seminarians through different houses of formation, or from one religious order to another or, more typically, from a religious house of formation to a diocesan seminary, or between seminaries. The danger of this recycling pattern was known about in Rome at the time of the Council of Trent, but the warnings were frequently ignored. In Australia the recycling problem seems to have been more prevalent in Melbourne than Sydney which has had fewer, though many, religious houses of formation.

Several recent good quality studies have demonstrated that the personality profiles of candidates for the permanent diaconate, usually married men, exhibit a more stable character than those entering the celibate priesthood. They were generally free of disabling neuroticism, addiction proneness and anger, while showing psychological attributes of adaptability, leadership capability and healthy ego strength (Gamino et al. 2007, Plante & Lackey 2007).

## Life in the seminary and curriculum content

Until the 1970s, formation centres for the priesthood and religious life were usually situated in rustic settings, well away from the dangerous secular world and the possible seductive wiles of the feminine. Formation occurred in segregated, regimented, and celibate clerical settings. They were based on obedience to the religious superiors and conformity to the system. They were generally happy places, filled with the natural exuberance of youth. One former priest, now a philosophy professor, has described the Springwood seminary outside Sydney as ‘a place of innocence and youth, infused with a spirit of generosity’. And it must be acknowledged that they did produce many good, competent and pastorally minded priests – otherwise one cannot explain the pastoral success of the Australian Catholic Church until recent times with the 2016 census highlighting the beginnings of the Catholic decline.

As already suggested, the seminary curriculum was heavily intellectualised and rationalistic, sometimes taught in Latin or with Latin textbooks. The current curriculum development principles of competency-based and work-integrated learning were not integrated into the teaching and curriculum philosophy. In recent times there has been some positive shift in this direction, but not nearly enough. In terms of knowledge, skills and attitudes needed by a priest working in a parish, there was a serious mismatch between competencies and capabilities. The Rome-approved curriculum, even in the latest version approved in 2016, seems more designed to produce professional philosophers and theologians than pastoral workers, parish community leaders, confessional counsellors, spiritual directors for lay people, family and community informal educators, and so on.<sup>151</sup>

## Preparation for the celibate lifestyle

More seriously from our perspective were the manifest deficiencies in the spiritual and psychological formation for the often arduous living of a celibate life. The religious entrant was acculturated into a clericalist hierarchy in which priestly and religious holiness was seen as superior to lay holiness, and consecrated virginity was seen as a higher calling than marriage because of the sacrificing of sexual intimacy. However, the preparation for a celibate life was minimal and usually entrusted to priests without any special training. Celibacy was simply accepted as part of the priesthood ‘package’ and presented in terms of sacrifice to a higher ideal of sexual purity and asexual fulfilment, and in imitation of the celibate Jesus. Serious discussion of sexuality never happened, and the psychological aspects were completely ignored.

## The proliferation of religious orders, corrupted leadership and abuse risk

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An unexpected issue to emerge from this desk study of the literature was corrupted leadership in some Catholic religious orders, and at risk communities with a heightened risk of sexual abuse of

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<sup>151</sup> There is much more that could be said on curriculum content but it is beyond the scope of this desk study. It is to be noted that both researchers have educational degrees and the lead researcher regularly supervises Ph.D. theses on educational curriculum topics such as in tourism education, youth education and language education as well as in the internationalisation of the curriculum.

children and young male and female novices. It is an area that is unresearched, although it may have an historical pedigree: in 1215, the thirteenth canon promulgated by the Fourth Lateran Council 'strictly forbids anyone in the future to found a new order'.

The proliferation of religious orders is currently a problem in Australia. Our analysis, based on the information given in the Official Directory of the Catholic Church in Australia (see Appendix Six for complete listings), shows that since 1940, 27 male religious orders made a foundation in Australia and now represent 285 priests. But eight of these orders now have fewer than six priests. The situation is more complex with nuns. Since 1940, a total of 54 female religious orders have made their first foundation in Australia. At present, there are 147 separate religious communities operating in Australia, with just over half having only one community house. There is a certain congruence between these post-World War II foundations and Catholic Australia's ever changing multicultural profile and the need to respond to changing pastoral needs with multilingual services.

Aside from questions about administrative efficiency, possible duplication of religious service delivery, and capacity to acculturate to Australian society, the concern about sexual corruption of vulnerable children, young seminarians, and male and female novices emerged from recent international newspaper data. While there are internal monitoring mechanisms, such as annual community visitations by religious superiors, and diocesan and national mechanisms, these have been unlikely to uncover very hidden abuse. The problem would seem to lie mainly with diocesan-based religious orders which are further from the control of the Holy See and possibly not well enough supervised by the diocesan bishop.

Our concern is based on historical and contemporary episodes, beginning with the Piarist scandal in sixteenth century Italy, and in Australia with the 1940s case of the Institute of St John the Baptist in Thebarton in the Archdiocese of Adelaide under Archbishop Beovich. More recent cases in Australia where the founder of a religious order or pious society sexually abused young novices, include the Society of St Gerard Majella which was disbanded in 1994 by the Bishop of Parramatta, and the now deceased Tasmanian priest Rex founder of a national altar boys' society who is known to have abused altar servers.

Overseas, there have been four notorious and documented cases: Fr Marcial Maciel Degollado, the Mexican founder of the Legionaries of Christ, Fr Luigi Burrelli, Italian founder of the Servants of the Immaculate Heart of Mary and, in Peru, Luis Fernando Figari, a layman who founded the Sodalitium Christianae Vitae. These cases would have impacted upon the Holy See. Finally, as revealed in December 2016, the founder of the Institute of the Incarnate Word in 1984 in Argentina, Fr Carlos Miguel Buela, was stood down by the Holy See after unsuccessful efforts many years earlier by the Argentinian bishops to rein in his activities. On 20 May 2016, a rescript of the Holy See was published directing that if new religious orders or diocesan institutes are being established, the Apostolic See through the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life must be consulted as to whether there has been 'sufficient discernment of the originality of the charism' (or spiritual characteristics, values, and mission) of the new movement. It is of note that, in May 2016, the Irish National Board for Safeguarding Children in the Catholic Church ([www.safeguarding.ie](http://www.safeguarding.ie)) published its second group of findings on the safeguarding policies and practices on thirteen male orders, sixteen female orders, and the personal prelature Opus Dei – nothing similar is known to have occurred in Australia.

## Access to young vulnerable children and situational opportunity

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Another part of the explanatory jigsaw is that foundational to the sexual and emotional abusing of children and their pre-offence grooming is having access to children or manufacturing access to children. There is a fairly direct correlation between religious offending and having access to children. Contemplative monks do not abuse children because they do not have access to children.

However, the unfortunate reality is that over the past several centuries, access to children, particularly vulnerable children, by priests and religious brothers and sisters has increased exponentially. One major factor was the growth in educational opportunities for children and particularly the massification of Catholic schooling which occurred at different rates in the various nations during the nineteenth and twentieth centuries. This led to the founding of many male and female religious orders with a specific charism for teaching in primary and secondary schools, beginning with the Piarist priests in the sixteenth century who soon had a serious sexual abuse problem that was poorly handled, and its significance was not properly recognised. Secondly, it also led to the formation of the parochial primary schooling system attached to the geographical parish and of secondary schools usually run by religious teaching orders. The coverage of the Catholic day schooling system in countries such as Australia and Ireland was very extensive, whereas coverage was less in countries such as Italy and the United States, because of the stricter provisions of the Church-State relationship, and hence offending seems to have been proportionally less.

Alongside this schooling expansion was the development of residential institutions for orphaned and vulnerable children. Some religious orders, founded with the best of intentions to care for children and families, were significantly involved in this work of charity, and in Australia the Queensland Forde Inquiry (1999) and the two Australian Senate reports into child migration (2001) and children in residential care (2004) showed that these Catholic male and female religious orders were at the forefront of receiving funding from the State to care for the children. In fact, the State came to rely on these not-for-profit religious orders to solve their child welfare problems and subsequently underfunded them, especially in Ireland. The Irish Ryan Report (2009) also highlighted how State funding became a convenient cash cow for Catholic religious orders through cross-subsidisation. In war-torn Europe, as the Dutch Deetman Report mentioned, there were many orphaned children at war's end who became vulnerable in residential accommodation, and the Dutch bishops were aware of this by the mid-1940s. Some countries, however, such as the UK and New Zealand, followed a foster care welfare strategy going back to the 1920s rather than relying only on large residential orphanages, and the offending incidence seems to have been less in these countries than Australia and Ireland, but there is no hard data. In Ireland, the male religious orders, as has been well documented in the Ryan Report, were very reluctant to switch to a foster home care strategy and close their orphanages, whereas the female religious orders moved much more quickly – the women understood better and sooner the emotional needs of children.

During the twentieth century, as access to children increased, three other access factors came into play, the lowering of the age for first confession to seven years, one-priest presbyteries, and priests' having access to cars. In 1910 in *Quam Singulari*, Pope Pius X (1903 – 1914) lowered the age of first confession and first communion from 12 – 14 years to seven years (the age of reason). Pope Pius seems not to have considered the potential implications. He was very well aware of the issue of soliciting in the confessional, which had been a continuing issue for many centuries and was the

major reason why confessional boxes had been introduced in the first place (Haliczer 1996, Cornwell 2014). In 1922, soon after the lowering of the age of first confession, Pope Pius XI (1922–1939), in one of his first actions as pope, issued the highly secret *Crimen Sollicitationis*, outlining guidelines for the canonical investigation and trial of diocesan priests subject to accusations of solicitation in the confessional, and also priests accused of child sexual abuse. *Crimen Sollicitationis* was reissued forty years later, having been revised to extend its coverage to religious priests as well. It would seem from the various victim accounts that it was often in the confessional box that priests were able to identify possible victims and begin the grooming process. This was abetted by two other processes later in the twentieth century.

The 2004 John Jay study for the U.S. bishops found that the actual abuse occurred most often in the priest's residence (40%). This was not surprising as one-priest presbyteries became more common in the second half of the twentieth century. In Ireland there was the custom for the curate to live separately from the parish priest in a smaller town. But it also occurred in the church or a chapel, probably more in the sacristy than in the confessional. Some offending occurred in the parish school and in holiday homes where the offending priest would take the victim by car or it may have occurred in some cases on specially arranged camps for children and young people. However, the introduction of cars for priests as normal practice began in the 1930s, and this increased the possibility for offending in lonely, isolated places. In fact, the priest's car was itself a site for the committing of the sexual abuse. As well, there were cases, where the abusing priest transgressed the inner sanctum of family life and grossly betrayed their hospitality, as in the case of Anthony and Chrissie Foster (Foster & Kennedy 2010) where the parish priest sexually abused their two young daughters upstairs in their bedrooms and then at school and in the church. Many similar cases have come to light across the world, including cases of priests incestuously abusing nephews and nieces, and in the infamous case of Fr Maciel Degollado, founder of the Legionaries of Christ, his own children as part of his ultra-secretive life. Priests leading double lives are part of the phenomenon we have been addressing.

For situational opportunities in Catholic residential institutions, there is less systematic evidence. But both the three Australian government inquiries and the voluminous Irish Ryan Report document how the offender's bedroom was often adjacent to the dormitory for the children who would be dragged into the bedroom where the offence took place, usually on a very regular basis, often as a punishment for a child's indiscretions during the day.

## The prevalence of child sexual abuse in Australian and global church perspective

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With the major exception of the two John Jay studies (2004, 2011) commissioned by the US bishops, and the Dutch Deetman inquiry, the Holy See and bishops generally and heads of religious orders have shown a remarkable reluctance to scope the prevalence of child sex abusing by priests and religious. Extrapolating from comparable countries such as the US, Ireland and Spain, the prevalence of child sexual abuse by diocesan priests since 1950 has hovered in the 5.5 – 8.5 per cent range, using an unweighted estimation that does not statistically control for length of service in the priesthood. The weighted figure, which controls for such length of service, would be significantly higher as the Australian figures attest. Serious priest predators with more than 10 victims would account for 1 – 5 per cent of the total number of priest abusers – yet they accounted for about one third of all offences according to the US figures. Regarding false allegations, the 2004 John Jay study

estimated that the figure was 1.5 per cent of all allegations, although the Dutch Deetmann estimated that the figure was much higher.

In February 2017, the Australian Royal Commission into Institutional Responses into Child Sexual Abuse has, on the basis of exhaustive studies, produced the most accurate figures worldwide, finding that in regard to diocesan priests the unweighted percentage of priest perpetrators was 6.6 per cent (one in fifteen), and the weighted percentage was 7.9 per cent (almost one in thirteen). The equivalent figures for religious order priests were 4.4 per cent (one in twenty-three) and 5.7 per cent (one in seventeen). This dovetails with the US evidence. According to the US John Jay figures, religious order priests offended at a significantly lower rate than diocesan priests, presumably because of greater care in screening and training, stronger and more supportive community life with less loneliness and isolation, the fact that many religious orders have less or no access to children, and closer monitoring of the daily lives of congregational members.

The prevalence rate of child sexual abuse by religious brothers and sisters was not known with any certainty until the Royal Commission published its findings in February 2017. It was always presumed to be much higher for the brothers, because of their greater access to children in their schools and residential institutions and the gendered nature of their religious life and culture, and low for the religious sisters because the rate of offending by women is very considerably below that of men. However, many sisters have been guilty of severe emotional and physical abuse. In February 2017, the Royal Commission reported that for the Christian Brothers the unweighted and weighted offending rates were 16.7 per cent (one in six) and 22.0 per cent (one in 4.5) respectively. For the Marist Brothers, the rates were 14.3 per cent (one in seven) and 20.4 per cent (one in five), while the rates for Salesians priests and brothers were comparable. However, by far the worst rate occurred amongst the St John of God brothers with offending rates of 30.4 per cent (almost one in three) and 40.4 per cent (two in every five).

The Royal Commission also found significant differences in offending rates between dioceses though the reasons are unclear. On the basis of our review, the answer may lie in differences between the screening of candidates, between the seminaries, where screening processes differed, or where a more collaborative and supportive diocesan clergy environment in some dioceses existed and the presence of less isolation or greater rapport between priests and their bishop, or the fact that some dioceses appear to have been more affected than others by the recycling phenomenon mentioned above. The February 2017 figures published by the Royal Commission found the offending rate in the Archdiocese of Adelaide was considerably below every other diocese (4.1 per cent for unweighted statistic and 2.4 per cent for the weighted figure), perhaps because Archbishop Beovich, chastened by the Thebarton episode in the early 1940s at the beginning of his archbishopric, was very careful in the selection process and less tolerant of priest perpetrators.

Any cross-national comparisons are also affected by differences between countries, although less so with regard to diocesan clergy. On a pro rata basis, the UK, USA and Poland have fewer Catholic schools through which to access children. Countries such as the UK and New Zealand moved to a foster care policy rather than orphanages decades earlier than Australia and Ireland, so it was to be expected there would be a lower offending rate among their religious carers. According to a very rough measure, whereby publicly available Royal Commission data on number of allegations in particular faith-based groups was triangulated against their total number in the Australian population, the Jehovah's Witnesses and the Salvation Army had higher proportional ratios of sexual offending against children than the Catholic Church. But in the case of the Salvation Army, this was due to lack of effective oversight of residential care facilities by Army officers, and in the case of the

Jehovah's Witnesses, much of the abuse was intra-familial and may have been impacted by the two-witness rule based on the literalist interpretation of Deuteronomy 19, 15. However, any conclusions should be treated with great caution. Perhaps most significantly, in comparison with other professional groups, such as male Catholic school teachers, the prevalence rate of abuse by Catholic priests is very considerably higher (Keenan 2012).

## Reasons for the decline since the 1980s

In the studies of the various countries studied, including those for Australia, it is clear there has been a substantial decline in clerical child sexual abuse since the 1980s. Offences are still being committed, but rarely. However, this will not apply in developing countries where the veil of secrecy has not been lifted. In the view of the RMIT research team, based on a close reading of the literature, there are ten reasons for the decline:

- the high and sustained public visibility given to the abuse issue since the early 1980s - the media attention has had a severe mitigating and reforming impact
- the better child protection mechanisms now in place, including state legislation introducing mandatory reporting and reportable conduct, together with various Church initiatives, especially in Catholic schools
- the greater vigilance of Catholic parents and Church employees generally as a result of the publicity
- the declining number of active priests over the past four decades and the associated aging of the remaining cohort
- the dismissal of many at-risk priests and religious brothers from the clerical or religious life
- the almost total collapse of the altar-server system
- the substantial decline in the number of Catholics who regularly make use of the sacrament of Confession, reducing the risk of solicitation
- the closure of the majority of Catholic boarding schools, farming schools, orphanages and other Catholic residential institutions, particularly in the developed world
- the reduced interaction of students with Catholic priests in Catholic schools as schools have become more professionalised and more carefully monitored
- the partial reform of the selection processes for admittance to seminaries and houses of formation, especially in the developed countries, and the inclusion of human formation elements in seminary curricula.

Although the decline in offending is apparent in Australia, the Catholic Church here has not imitated Catholic churches in other major comparative countries by putting in place safeguarding mechanisms in every parish, nor by setting up better monitoring or training mechanisms, or by establishing special initiatives such as hotlines and helplines (as in Germany and Ireland). In relation to the Catholic churches outside Australia, probably the leading three countries in respect to preventative measures are Ireland, the UK and the US.

The important question has now become: is the phenomenon of child sexual abuse by priests and religious likely to re-appear and increase in the short- or long-term? Frankly the answer is unclear. The Irish and North American evidence is that sexual abuse by priests and religious is still occurring, although numbers of cases are very small. One speculative hypothesis is that the phenomenon might re-appear several decades from now after the current crisis has receded into the past, simply because the underlying systemic and institutional issues have not been addressed. Despite even the most stringent checks, it might happen that an offending priest or religious is recycled to Australia from an overseas country. In the USA, not a few overseas-sourced overseas priests, especially from the Philippines and India, have been charged and convicted of child abuse. Another hypothesis is that clerical dysfunctionality will continue to manifest in different ways in different times and places, whether in various forms of mental illness, or alcoholism, or sexual abuse. There is not the historical or contemporary data to be able to determine the issue.

## Evaluating claims that Vatican II, the sexual revolution, and liberalism are recent causes

Since the publication of the two John Jay reports, it has sometimes been claimed that the outbreak of child sexual abuse during the 1960s and 1970s was a direct result of the changes and turbulence of the Second Vatican Council, and the sexual revolution beginning in the freewheeling 1960s, leading to sexually deprived priests and religious brothers and sisters beginning to experiment sexually. Another claim has been that child sexual abuse was caused by libertine 'liberalism'.

While the evidence is strong that the offending rate increased markedly from the late 1950s, this should not be exaggerated - if only because we have no idea about the offending rate in the first five decades of the twentieth century. Data in Austria found that clerical offending against children dated back to the 1930s and peaked in the late 1950s and early 1960s before the Second Vatican Council (Lueger-Schuster et al. 2014). The international inquiries, especially the John Jay studies (2004 & 2011) and the Dutch Deetman study (2011), all documented that the offending rate before the late 1950s was not insignificant although there is no way of quantifying it. Very close to half of the offending priests considered by the John Jay studies were ordained before 1962, even though the study chose 1950 as its baseline. It is thus clear that there was already a significant level of offending during the 1950s, in an era when there would have been much under-reporting. The rise in the level of offending from the late 1950s, several years before the Second Vatican Council, to the late 1970s/early 1980s, would seem, on the basis of the data available, to be attributable to the following factors:

- the greater access to vulnerable children in the aftermath of the Second World War, including the increased number of such children in Catholic residential care institutions, including migrant children and children displaced and orphaned as a result of the war
- the marked increase in the Catholic population, particularly in the migrant-receiving countries such as Australia, with resultant pressure on bishops to fill ministry vacancies in parishes, especially working-class, high migrant density parishes, sometimes with less than suitable priests who should never have been admitted to the seminary or been ordained
- the changing lifestyle of the diocesan priests with (a) the proliferation of one-man presbyteries from the 1960s, (b) greater mobility with easy access to cars, (c) less monitoring of priestly activity, and (d) less accountability of clergy

- the increasingly positive and pedestalsed image of the Catholic clericalised priesthood during the first half of the twentieth century attracted an increased number of altruistic young men to the priesthood and religious life, with mandated celibacy as a non-negotiable part of the package, combined with the hubris of bishops who ordained some psychologically immature and even disturbed candidates against the advice of seminary staff formators
- the greater access to children through the growth of Catholic schools, especially boarding schools, Catholic youth groups, and youth clubs such as the Boy Scouts and the Young Christian Worker (YCW) movement
- the greater general turbulence in the Catholic Church during and immediately after the Second Vatican Council, with the mandatory celibacy debate masking a deeper crisis about the role of the priest in a globalising, technologically advanced and more professional world, together with the resignation of many priests and religious brothers
- the impact of the sexual revolution and greater knowledge of sexual matters, particularly on psychosexually immature men whose sexual deprivation led to greater sexual experimentation and distorted cognitive thinking about children
- a deep rejection by the Catholic faithful of the Church's theology of sexuality based on the interlinking of sexuality and procreation, especially following *Humanae Vitae* in 1968, with the result that the Church has had no widely accepted theology of sexuality since that time
- the unfulfilled expectation during the 1960s and 1970s, especially among Catholic clergy and religious, and documented in the Deetman Report in the Netherlands, that the law of mandatory celibacy would be changed quite quickly.

## Mandatory consecrated celibacy: Is the best the enemy of the good?

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The issue of mandatory celibacy for priests and male and female religious living a life of consecrated service to God has been a pervasive theme in this review of the literature. It is constant reference in the various government and Church reports and in the academic studies to the the need for the issue to be more openly discussed. While there is much value in consecrated celibacy, the analysis of the issue in this review seems best framed in terms of the question: Is the best the enemy of the good?

From our review of the literature, it cannot be argued that celibacy on its own has caused clerical sex abuse in Catholic settings. There have been too many good priests and religious who have successfully lived a celibate life. Celibacy has been a critical factor in the successful achievements of the Catholic Church throughout its long history, although there has been a recent softening in the Latin Church's commitment to celibacy with married former Anglican clergy being ordained as Catholic priests and the Holy See's recent decision to allow married Eastern-rite priests to serve in Latin-rite countries. But it cannot be claimed that celibacy has been an unparalleled success.

Although, from a social science perspective, it is impossible to conclude that celibacy has directly caused child sexual abuse, the preferred approach is to see celibacy as the major precipitating risk

factor that has led to psychosexually immature identities and sexual deprivation on the part of those priests and religious who have offended against children. In assessing whether the ideal 'best' is achievable, the following points are made:

- a significant proportion of celibate Catholic clergy (about one in fifteen) and (overwhelmingly male) religious (about 15 – 40%) have sexually offended against children
- the fact that prevalence rates in the Eastern-rite churches, where priests are allowed to marry before ordination, would seem to be negligible
- the isolation and loneliness of priests in presbyteries provide a further risk factor in which psychological ill-health, substance abuse, and sexual misconduct are interrelated
- the increased number of overseas-sourced priests coming into Australia carries with it a danger that some are being 'recycled' from their previous dioceses
- the psychological profile of (mostly married) permanent deacons is much healthier than for diocesan priests.

This review of the literature points to the incidence of a damaging, if not neurotic, perfectionism and clericalist narcissism in many priests, with a grandiose sense of self-importance and vocational uniqueness (Hamachuk 1978, Meloy 1986, Stoeber & Childs 2010, Sipe, Benkert & Doyle 2013). The clerical sexual abuse crisis has highlighted the need to rethink priesthood policy and practice which until now has operated on the village *paese* model based on the territorial parish. In 2008, humanity passed a very significant milestone when, for the first time in history, more people were living in urban cities than in rural villages. A rethought and repositioned priesthood will need to involve reflection on the increased diversity, complexity and professionalism of the contemporary global and urban world. The clerical child sexual abuse scandal has brought this embedded issue to the fore according to the socialscience evidence.

## The episcopal response: a case study of selective moral disengagement

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Generally speaking, the 26 international and Australian inquiries and their reports did not examine institutional flaws in the structural/organisational and governance/administrative arrangements of the Catholic Church locally and globally, although the two U.K. reports under Lord Nolan and Baroness Cumberlege focused on the dangers of diocesan autonomy so enshrined in the Church's ecclesiology and in its canon law. In assessing the remarkably uniform response to child sexual abuse by the world's bishops and leaders of religious institutes, the key question is: how did a group of good, decent and intelligent men (and women) as bishops and heads of religious congregations act in the way they did against the spiritual, psychological and material well-being of the victims and their families?

Ultimately, the answer to this question lies in a series of gross failures in transparency, accountability, openness and trust, at both the global and local church levels. These failures were embedded in a governance framework that does not provide for the separation of powers, where the bishop's prosecutorial, judicial and pastoral roles towards the offenders were hopelessly entangled, and where there was no justice nor even the appearance of justice. Canon law processes legislated by the Holy See simply failed, and senior Roman Curia officials such as the former Prefect

of the Congregation for Clergy during the 1990s did not have any appreciation that church law must always be subservient to civil and criminal law and that basic human rights are not contravened. Senior Roman Curia officials saw the canon law and civil law systems as being autonomous from each other, imbued with the parallelism of the historic Ecclesia-Imperium relationship which has long been surpassed by the rise of the democratic nation state. They even appear to have believed that canon law was above the civil and criminal law. Such ideas are enshrined in the notion of the Church as a *societas perfecta*, and in the theology of scandal which holds that scandal must be avoided at all costs to protect the simple faith of the People of God. These ideas are also bound up with the cause of religious exceptionalism which has operated since the Reformation to protect and maintain the Catholic Church's claim that it is the One, True, Holy, Catholic and Apostolic Church, superior in all these aspects to all the other Christian churches. Simply put, if the clerical sexual abuse of young children was known about in the public arena, this would constitute a scandal and be a threat to the Catholic Church's claim to be the All-Holy Church.

## Secrecy and accountability

These failures and deliberate attempts to cover up the abuse were enmeshed in the secrecy and secretiveness at the heart of the governance of the Catholic Church. During the twentieth century, more and more secrecy provisions were imposed, beginning with the Secret of the Holy Office imposed by *Crimen Sollicitationis* in 1922 and later the imposition of the Pontifical Secret on all matters and more persons associated with child sexual abuse. With the development of the radio transmission, newspapers, television and internet-facilitated social media and the ever more powerful dissemination of information, the Holy See became increasingly fearful of public scandal as did the bishops. The Holy See and diocesan bishops were always fearful of scandalising the Catholic faithful, as seen during the early 1940s with the actions taken by the Archbishop of Adelaide in response to the Thebarton case.

The Holy See was always concerned that the accused priest and religious would not receive a fair trial, but it showed no concern whatsoever for the victims of the accused priests and their families. One aspect of the cover-up was the use of a casuistical approach to ethics which permitted veiled speech and mental reservations to protect an inviolable secret. In fact, mental reservation was wrongly used, according to the one of best known moral theologians of the second half of the twentieth century, Bernhard Häring (1963, 1967). Although Häring allowed that veiled language was permissible in order to protect an inviolable secret, he nonetheless held that one was obliged, 'in virtue of one's office', to communicate information to others in order to prevent further errors and situations of moral endangerment. The bishops should have shared the information about offending priests and brothers with those who participated in the Church's decision-making processes.

The refusal to accept accountability and transparency measures was seen in the lack of a research function within the Holy See that might have contributed to a process of issue identification. The 2013 Victorian Parliamentary Report, *Betrayal of Trust*, described the Catholic child sexual abuse scandal in terms of 'noble cause corruption' whilst we have framed it in terms of selective moral disengagement. Associated with all this were issues of communication and miscommunication, as seen in the case studies of the Melbourne, Ballarat and Dublin dioceses where the bishop, in the interests of protecting the good name of the offending priest, and priestly solidarity, simply did not discuss the many sexual abuse offences with his most senior advisors.

## Displacement and diffusion of responsibility and disregard of consequences

Albert Bandura's theory of selective moral disengagement seems most appropriate in understanding why much destructive behaviour has been perpetrated by good men in the name of righteous ideologies, religious principles and nationalist ideologies. Bandura (2002) suggests that any rationalistic moral-based reasoning such as that based on natural law theory may be elaborated to the neglect of actual moral conduct. The regulation of moral agency is built on much more than moral reasoning. Any moral self-censoring process on the part of the bishops was able to remain disengaged from the consequences, through re-imagining and re-framing harmful conduct as even honourable by very questionable moral justification, exonerating social comparisons, and sanitising language through euphemistic labelling as we have seen.

Through action and inaction, Holy See officials, diocesan bishops, and leaders of religious institutes could minimise their role in causing harm to the victims and their families, through the diffusion and/or displacement of responsibility (eg through recycling the offender to other parishes or dioceses). Paraphrasing the aphorism of Edmund Burke, Bandura states that 'The triumph of evil requires a lot of good people doing a bit of it, in a morally disengaged way, with indifference to the human suffering they have collectively caused' (Bandura 2002).

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In April 2016, the former Catholic Bishop of Ballarat, Ronald Mulkearns (1930 – 2016), gave evidence to the Royal Commission into Institutional Responses to Child Sexual Abuse from his nursing home in Ballarat and admitted that many, many cases of clerical sexual abuse of children had been exceedingly poorly handled. Later, as Mulkearns was on his deathbed, his cousin, the Catholic theologian Michael Morwood, reflecting that Mulkearns was 'a thoroughly decent man' and 'there is not an ounce of evil intent in him', went on to say:

Behind Ron Mulkearns looms the institution he gave his life to. That Institution groomed him in loyalty to its cause from his earliest years....He accepted that Rome was "the boss" and not to be questioned. And there can be no doubt that when he found himself out of his depth both personally and professionally with the reality of clerical sexual abuse that he turned to Rome for advice. And he also trusted the expertise of psychologists. He had to; he was out of his depth in this....But two features of Rome's dealing with sensitive issues are secrecy and protection of the Institution at all costs. Rome would cover its tracks – and still does so – while the bishop would be left high and dry in damage control when the dam walls broke open (Morwood 2016: 2).

In the first two paragraphs of this multi-disciplinary and complex literature review of the studies and public inquiries of the sexual abuse of children by clergy and religious, we focused on the child victim although this was decided not to be part of the brief. In the Christian tradition, children are seen as close to the mystery of God. Each and every child is embraced in God's infinite tenderness, and God is present in each of their lives. A recent statement by the Catholic Education Office of South Australia reflected how children, in their openness and trust and receptiveness, offer us a glimpse of what it is to be open to God (CESA 2015). Parenting is not becoming any easier in a complex and interconnected world, and for parents to have their patient, time-consuming and loving handiwork of rearing a child to adulthood, damaged or destroyed by abusing clergy and religious, is the very

core of the evil of this Catholic tragedy. In the words of the Catholic Education Office of South Australia:

We see the grace of God at work in their sense of wonder at the beauty of the sea, a landscape or a flower; we see it in their enquiring minds, their search for knowledge; we see it when they are at play, exploring their imagination; we see it in their uncomplicated affection, trust and warmth; and we see it in their reaching out, in their sometimes surprising inclusion and care of others (CESA 2015: 7).

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# APPENDIX 1: EXPLANATION OF THE SIX RESEARCH STRATEGIES

To address the two core questions and the eight sub-questions, the following eight research strategies were pursued.

## 1. A systematic meta-analysis of the content of the 27 international and Australian inquiries and reports using appropriate documentation analytic techniques

Analysis of public policy documents is always a difficult and imprecise process, most especially when they are reports and evaluations. Such analysis differs significantly both from historical document analysis even though they are, of course, historical documents, and from theological and pastoral analysis. The objective of this first and core strategy was to conduct a meta-analysis of the content of the 16 international and 10 Australian reports and inquiries in the Catholic Church context regarding their aims, content, findings and recommendations.

Document analysis models (e.g. Cooper, Fusarelli & Randall 2004) designed to understand organisational policy and practice documents, speak of: (i) technical, (ii) structural, (iii) constitutive, and (iv) normative dimensions. Prior (2003) highlights that any analysis using documents must examine their authenticity, portability, precision, and impartiality. Scott (1990) writes of the four control criteria: authenticity, credibility, representativeness, and meaning.

Each of the 26 reports was analysed using a Documentation Meta-Analysis Evaluation Checklist, built around four dimensions: **(a) Contextual Dimension**, which looked at the particular context and the triggering circumstances, the sponsoring organisation and details about the personnel involved in conducting the inquiry or writing the report **(b) Structural Dimension**, which detailed the aims and objectives or the terms of reference as well as the methodology together with the structure and length of the report. Most reports were of 600 – 1,000 pages, with the Irish Ryan Report being the longest at 2,205 pages across five volumes, followed by the Dutch Deetman Report. The shortest was the 2007 UK Nolan report **(c) Constitutive Dimension**, which outlined the major findings and the recommendations, followed by **(d) Assessment Dimension**, which assessed the authenticity, coherence and credibility of the report and the possible portability of findings to the Australian context and the work of the Royal Commission.

The following are the Australian and international inquiries and reports with the type of sponsoring organisation:

**Table 1 - List of the 26 international and Australian Reports**

	<b>AUSTRALIAN REPORTS</b>	<b>Sponsoring Organisation</b>
1.	Wood Royal Commission Report into the New South Wales Police Service, Vol. 5 (1997)	State Government of New South Wales
2.	<i>Towards Understanding Report</i> , Australian Catholic Bishops (1997)	Australian Catholic Bishops' Conference
3.	<i>An Initial Report on Child Sexual Abuse</i> , Report to the Christian Brothers Congregational Leadership Conference	Religious Order (Irish Christian Brothers)

	(1998)	
4.	Forde Report. Commission of Inquiry into Abuse of Children in Queensland Institutions (1999)	State Government of Queensland
5.	<i>Lost Innocents: Righting the Record</i> , Australian Senate Standing Committee on Community Affairs inquiry into child migrants (2001)	Parliament of Australia, Senate
6.	<i>Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children</i> , Australian Senate Standing Committee on Community Affairs (2004)	Parliament of Australia, Senate
7.	Whitlam Report on the Father “F” Case (2012)	Dioceses of Armidale & Parramatta–Independent Report
8.	<i>Betrayal of Trust</i> , Inquiry into the Handling of Child Abuse by Religious and Other Organisations, Family and Community Development Committee, Parliament of Victoria (Victorian Parliamentary Inquiry) (2013)	State Parliament of Victoria
9.	NSW Special Commission of Inquiry concerning the investigation of certain child sexual abuse allegations in the Hunter region (Cunneen Inquiry) (2014)	State Government of New South Wales
	<b>INTERNATIONAL REPORTS</b>	<b>Type of Sponsoring Organisation</b>
10.	Mouton, Doyle & Peterson Memorandum to the US Bishops (‘The Manual’) (1985)	Catholic Independent Report
11.	Winter Commission Report to Archbishop Penney, Canada (1991)	Catholic Archdiocese (St. John’s, Newfoundland)
12.	Chicago Commission Report to Cardinal Bernardin (1992)	Catholic Archdiocese (Chicago, Illinois)
13.	<i>From Pain to Hope Report</i> , Canadian Bishops (1992)	Canadian Catholic Bishops’ Conference
14.	<i>Restoring Trust Report</i> , US Bishops Ad Hoc Committee (1994)	US Catholic Bishops’ Conference
15.	<i>A Programme for Action</i> , Lord Nolan Report (2001)	Catholic Bishops’ Conference of England and Wales
16.	<i>The Sexual Abuse of Children in the Roman Catholic Archdiocese of Boston</i> , A Report by the Attorney-General of Massachusetts (2003)	State Government of Massachusetts
17.	A Report on the Crisis in the Catholic Church in the United States. The National Review Board for the Protection of Children and Young People. Report to US Catholic Bishops’ Conference (2004)	Independent Board of US Catholic Bishops’ Conference
18.	<i>The Nature and Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States, 1950-2002</i> , First John Jay College of Criminal Justice Report, City University of New York (2004)	US Catholic Bishops’ Conference
19.	<i>Safeguarding with Confidence: Keeping Children and Vulnerable Adults Safe in the Catholic Church</i> , Baroness Cumberlege (2007) UK Report	Catholic Bishops’ Conference of England and Wales

20.	Ferns Diocese: Commission to Inquire into Child Abuse Report, Ireland (2008)	Government of the Republic of Ireland
21.	Ryan Report, Commission to Inquire into Child Sexual Abuse, Ireland (2009)	Government of the Republic of Ireland
22.	Murphy Report, Commission of investigation into Catholic Archdiocese of Dublin, Ireland (2009)	Government of the Republic of Ireland
23.	Adriaenssens Commission Report into Sexual Abuse in the Context of Personal Relations, Belgium (2010)	Independent Inquiry of the Catholic Bishops of Belgium
24.	Cloyne Diocese: Commission of Investigation Report, Ireland (2011)	Government of the Republic of Ireland
25.	<i>The Causes and Context of Sexual Abuse of Minors by Catholic Priests in the United States, 1950-2010</i> , Second John Jay College of Criminal Justice Report, City University of New York (2011)	US Catholic Bishops' Conference
26.	Deetman Commission Report into Sexual Abuse of Minors in the Catholic Church, the Netherlands (2011)	Independent Inquiry of Catholic Bishops of the Netherlands

**2. A critical review of the research and associated literature on child sexual abuse within the Catholic Church based on the Thomas Doyle bibliography and the Langeland annotated bibliography from the Dutch Deetman Report**

For many years, Thomas Doyle has been compiling *Clergy Sexual Abuse: A Bibliography of Selected Sources Related to Clergy Sexual Abuse, Ecclesiastical Politics, Theology and Church History*.<sup>152</sup> In July 2015, it was 101 pages in length. Thomas Doyle, USA Dominican priest, canon lawyer and long-time supporter of justice and compassion for victim survivors, is the first and most important whistleblower of the child abuse issue beginning. In 1984 while working at the Apostolic Nunciature in Washington DC, he prepared a report after he became aware of all the cases that were coming to the nunciature's attention. The report was sent to Rome and, allegedly, to Pope John Paul II. There are very few people with a better knowledge and understanding of child sexual abuse in the Catholic Church.

During the conduct of this study, the research team came across the English version of the Deetman report from the Netherlands, which contained a similar bibliography by Langeland (2012), but with the additional feature that its entries were annotated. Moreover, as the project progressed and different leads emerged, other bibliographic items were added after an initial culling of items to make the project manageable.

**3. A critical review of the Australian and international research literature pertaining to child and adolescent sexual and physical abuse and family violence as applicable and relevant to its prevalence within the Catholic Church**

The objective of this third research strategy was to review the Australian and international research literature of child and adolescent sexual and physical abuse, its individual effects on the victim and its family and community repercussions as well as its perpetrators and their

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<sup>152</sup> This bibliography is available on the website of Richard Sipe ([www.awrsipe.org](http://www.awrsipe.org))

characteristics, together with responses by social institutions and their leaders, as applicable and relevant to its occurrence within the Catholic Church. The resources of the Australian Institute of Family Studies (AIFS), through its Sexual Violence Research (previously delivered under the name of the Australian Centre for the Study of Sexual Assault) were utilised, as was the database of the Australian Institute of Criminology (AIC). The key research journals listed on the RMIT library list of e-journals were also searched.

**4. A critical review of the research literature pertaining to clergy misconduct both in Catholic and Protestant settings, including celibate observance and breakdown within the broader context of personality dysfunctionality**

There is a considerable literature on clergy misconduct, in the religious research literature, especially in the USA. Its main focus tends to be on boundary violation and sexual liaisons between clergy and adult partners, rather than child sexual abuse. Because it is very focused on misconduct in Protestant settings, it was of limited value in applicability to Catholic settings and child abuse.

**5. A critical review of unpublished Australian and international research theses that have relevance to child sexual abuse within the Catholic Church**

Many theses and dissertations are never published even though they contain much valuable information. Catholic institutions in Australia and perhaps worldwide have tended to avoid the clergy sex abuse issue. Theses were obtained from the following websites and databases: (1) Australian Catholic University, (2) Melbourne University of Divinity, (3) TROVE thesis listing held on the website of the National Library of Australia, and (4) Canadian and US theses on the TROVE database. Accordingly, the objective of this sixth research strategy was to examine the content of these Australian and international research theses for information that could be incorporated in addressing the research questions. No claim is made that our search was exhaustive.

**6. A critical review of pre-service formation, service induction and subsequent in-service education in seminaries and religious houses of formation based on (i) Vatican documentation since the Council of Trent and the Second Vatican Council, (ii) formal historical studies and other personal accounts, and (iii) research studies**

Joseph White in his 1989 study of the history of the diocesan seminary in the US, noted that very little formal research had been carried out on Catholic seminaries across the world, except for individual seminary histories and many valuable personal accounts or details embedded in biographies or autobiographies. Little has changed. An initial search of the religious research literature over the past 40 years confirmed White's observation. There appear to be no formal scientific case studies of Catholic diocesan seminaries in Australia. Among Australian histories of individual seminaries is the history by Kevin Walsh of St Patrick's College at Manly, written to mark its closure in 1993. Personal accounts include that of Geraghty (2003).

The objective of this strategy was to assess the personal, historical, ecclesiastical and social science literature in terms of: (i) selection and admission standards and processes, (ii) formation processes especially in regard to personal growth, psychosexual development and sexual deviancy as defined in Catholic moral theology and in Australian civil and criminal law by legislation in each Australian state and territory, and (iii) curriculum content related to the six

research questions of this study. The RMIT research team drew on a myriad of Vatican sources regarding priestly and seminary training, especially the key documents of the Second Vatican Council. There were many more than we had anticipated.

# APPENDIX 2: THE SEAL OF CONFESSION: ITS HISTORY AND INTERFACE WITH CIVIL AND CRIMINAL LAW

## Introduction

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During the first three decades of the twentieth century, the issue of the confessional seal received some scholarly attention, although none of it referred to children's confession. This is particularly surprising given that in the Instruction *Quam Singulari*, Pope Pius X (1903–1914) had lowered the age of first communion and first confession from 12 to 14 years (around puberty) to seven years (the 'age of reason'). But from another perspective, this is not so surprising given that the Catholic Church does not have a theology of the child. Pius X insisted that children make their first confession before their first communion. But this had been consistent Vatican policy for many centuries. In 1927, the English translation and updated version of the German Franciscan Bertrand Kurtscheid's (1877–1941) *A History of the Seal of Confession* was published. Kurtscheid referred to an earlier 1708 work on the confessional seal by Lenglet du Fresnoy, to another work from 1910 by Fritz Sauter, and to a third from 1911 by E. Schwartz. All three were dismissed as inadequate. In particular, Kurtscheid (1927) criticises the historical inaccuracy of Sauter's contention that confessional secrecy is not an official obligation of the confessor since this would bind anyone who came to know what has been confessed, often accidentally, to the secrecy provisions.

Kurtscheid's monograph has been described as a masterpiece by Thompson (2011), a New Zealand scholar who has examined thoroughly the interface between the 'privilege' of religious confession and the common law in English-speaking countries. Kurtscheid seems not to have had access to English language sources as he does not reference Nolan's entry in the 1912 *Catholic Encyclopedia*. It is probably emblematic of the twentieth century neglect of the topic that there is no entry in the 2003 *New Catholic Encyclopedia*. Kurtscheid does reference the Mormon scholar, Charles Lea's *A History of Auricular Confession and Indulgences in the Latin Church Vol I* (1896), but not O'Donnell's *Seal of Confession* (1911), published in Ireland, nor Watkins' *A History of Penance* (1920), published in London. In the various sources of the history of the sacrament of Penance (or Reconciliation, as it became known after the Second Vatican Council), reference is made to the seal, but only in passing as it is always assumed that the seal is inviolate and absolute.

The canonists add little to the subject in the second half of the twentieth century, as seen from a search of *Canon Law Abstracts* from 1973 – 2016. However, since the turn of the millennium, interest has increased. Smith (2001) suggests that if a long conversation ends with a sacramental confession, then the whole conversation is privileged under the seal. Earlier, Moriarty (1998) had discussed a case in Oregon where a confession had been taped in a prison cell on the orders of the district attorney. The bishop requested the destruction of the tape, which was achieved when the taping was found to be unconstitutional.

The age of first confession was also raised as a serious pastoral issue in the 1970s. Cardinal Julius Döpfner of Munich was allowing first communion to be made before first confession, but Rome, in keeping with its centuries-long policy, stepped in to forbid it. Later, Cardinal Ratzinger, as head of

the Sacred Congregation for the Doctrine of the Faith, strongly supported the official policy. Several years earlier, in 1973, apparently in response to a similar request from the American bishops, a Vatican declaration had decided in favour of first confession before first communion on three grounds:

1. The rights of the child as a human being to privacy of conscience and his or her right as a Christian to participate in the sacrament of Penance
2. The spiritual benefits accruing to young Christians as yet incapable of serious sin
3. The linking of Penance with the Eucharist from the very beginning, lest the Eucharist be approached lightly.

Any discussion in the academic literature has invariably emphasised the inviolability of the confessional seal. In Australasia, Daly (2013) emphasised it when citing the case of Francis Douglas, a New Zealand Columban priest, who was executed by the Japanese after visiting some guerrilla fighters who wanted his spiritual services. The Japanese wanted to know the contents of his conversations, but Douglas refused. He is seen as a martyr for the confessional seal. The 1993 *Catechism of the Catholic Church* is quite clear that:

the Church declares that every priest who hears confessions is bound under very severe penalties to keep absolute secrecy regarding the sins that his penitents have confessed to him. He can make no use of knowledge that confession gives him about penitents' lives. This secret which admits of no exceptions is called 'the sacramental seal', because what the penitent has made known to the priest remains 'sealed' by the sacrament (*Catechism of the Catholic Church* 1993: par. 1467).

In par. 2490, quoting Canon 983 §1, the Catechism declares that 'the sacramental seal is inviolable; therefore it is a crime for a confessor in any way to betray a penitent by word or in any other manner or for any reason'.

## The seal of confession in patristic times

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The following account is based very largely on Kurtscheid's forensic analysis of the sources. Thomas Aquinas defined the seal of confession or the *sigillum confessionis* as the obligation to keep secret whatever has been revealed in confession. Kurtscheid (1927) suggests that the seal flows from the very nature of confession and is based on the divine law even though it does not flow from Jesus' actual sayings. The seal is not intrinsic to the sacrament because in the early Church the public confession of one's sins was the norm. Secrecy was not the norm. However, it is clear from *Mt* 13, 31 that Christ expressly conferred on his Church, through the ministry of the Apostles (*Mt*. 18, 18), the power to forgive sin in his name, although the development of the details was left to the Church.

She (the Church) therefore has the right to fix the formalities and conditions for the exercise of this power. This fact explains the various changes which Penance underwent in the course of time. The Church simply accommodated herself to the times and to the views of the people without altering any essential part of the Sacrament (Kurtscheid 1927: 2 – 3).

Writing well before Vatican II, Kurtscheid states: 'Christ gave no express command regarding the seal; at least none that has come down to us. Moreover, the seal necessarily presupposes a secret confession which Christ has nowhere proscribed as the sole admissible form' (Kurtscheid 1927: 3).

This gives great power to the Church in respect of the conditions surrounding the administration of the sacrament.

The very early history of the confessional seal is entwined with the two questions of whether and to what extent secret sins were a matter of a public confession, and whether they were subject to public penance. The biblical sources, in Kurtscheid's view, are not able to tell us whether confession should be public or private. But various documents, including the Didache (80 – 100 CE), the Epistle of Barnabas towards the end of the first century, the letter of Pope Clement I (88 – 99 CE) to the troubled Corinthian community, and the Shepherd of Hermas (late first century), all stated clearly the obligation to 'publicly' confess one's sins. In the third century, Origen used the analogy that sins concealed in the heart are like undigested food which causes distress until it is vomited up. The central and controversial issue at that time was whether certain serious sins, though committed in secret, were subject to public penance and thus to public knowledge. Irenaeus answered in the affirmative (Adv. Haereses 1, 6, 3). Tertullian, Cyprian and Ambrose were of the same view. Pacian thought that only murder, idolatry and adultery were to be subject to public penance.

The pastoral leaders of the Eastern Church, including St Basil of Caesarea in his *Letter to Amphilochius*, and Gregory of Nyssa in his *Letter to Letorius*, were also in agreement. In 314, the Council of Ancyra ruled that unnatural vices such as adultery, abortion, bestiality, incest with one's sister, and theft, required public penance. In the Eastern Church, by the beginning of the fifth century, the practice of public penance for secret sins had probably disappeared. But it lasted longer in the Western Church.

During this early period, given the emphasis on public confession and public penance, there were no regulations regarding the confessional seal, although in a remarkable development in Church doctrine, indications did begin to emerge that confessed sins were to be kept secret. St Basil of Caesarea (330–379) mentions a Church directive for safeguarding confessional secrecy, while St Augustine of Hippo (354–430), in his *Sermo 82*, emphasises that he endeavours to keep secret sins secret. In effect, by the time of Augustine, the dispute about whether secret serious sin needed to be publicly confessed, had been resolved – Augustine simply does not mention public confession.

Kurtscheid suggests that it was Pope Leo I, known as the Great, in his letter to the bishops of the Italian regions of Campania, Samnium and Picenum, who issued the first decree safeguarding the secrecy of confession. He considered that it was an abuse for secret sins to be written down and read in open assembly as part of the practice of public penance. Leo believed that the shame and fear of legal prosecution would deter many from benefiting from the 'salutary remedy of penance'.

The documentary silence until the ninth century suggests that confessional secrecy rapidly passed into normal pastoral practice. Public penance was never introduced in Ireland or England – their monk missionaries, from the sixth century onwards, took the practice of secret, individual confession to continental Europe. The emphasis was on secret atonement for secret transgressions. The Synod of Pavia in 850 did allow that confessional secrecy could be transgressed if the confessor needed advice – he could consult the bishop, but only if the sinner's name was kept confidential.

At the close of the ninth century, canon 105 of the *Penitentiale Summorum Pontificum* represents the first direct legislation on the seal in the Western Church – breaking the seal was to be punished by removal from ecclesiastical office and lifelong exile. Other documents from the tenth and eleventh centuries reinforce the confessional seal.

In the context of confessional secrecy, Peter Abelard criticises priests ‘who are light-minded and careless, and it is difficult for them to hold their tongues’ (*Hon. II om Ramis Palmarum, Sermo VIII*). Anselm (1033–1109), Archbishop of Canterbury, insists on secrecy as a strict obligation of the confessor, although the duty was still ill-defined. It is at this time that there emerges an issue that would dominate pastoral considerations until the nineteenth century: whether the seal could be violated in order to prevent a calamity to the State or to the common good. During the eleventh and thirteenth centuries, controversy also arose concerning the use of knowledge received during a sacramental confession, although the dominant thinking was that: ‘he must act as if not he, but God alone, knew this’.

The key moment in the history of the seal of confession is the Fourth Lateran Council, held in Rome in 1215. Its canon 21 decrees:

All the faithful of both sexes shall after they have reached the age of discretion faithfully confess all their sins at least once a year to their own (parish) priest and perform to the best of their ability the penance imposed, receiving reverently at least at Easter the sacrament of the Eucharist, unless perchance at the advice of their own priest they may for a good reason abstain for a time from its reception; otherwise they shall be cut off from the Church (excommunicated) during life and deprived of Christian burial in death. Wherefore, let this salutary decree be published frequently in the churches, that no one may find in the plea of ignorance a shadow of excuse. But if anyone for a good reason should wish to confess his sins to another priest, let him first seek and obtain permission from his own (parish) priest, since otherwise he (the other priest) cannot loose or bind him.

Let the priest be discreet and cautious that he may pour wine and oil into the wounds of the one injured after the manner of a skilful physician, carefully inquiring into the circumstances of the sinner and the sin, from the nature of which he may understand what kind of advice to give and what remedy to apply, making use of different experiments to heal the sick one. But let him exercise the greatest precaution that he does not in any degree by word, sign, or any other manner make known the sinner, but should he need more prudent counsel, let him seek it cautiously without any mention of the person. He who dares to reveal a sin confided to him in the tribunal of penance, we decree that he be not only deposed from the sacerdotal office but also relegated to a monastery of strict observance to do penance for the remainder of his life.

Kurtscheid interprets this canon as requiring the confessor to treat his penitents ‘with leniency and prudence’. The seal rests solely on the confessor, but he can seek advice from another on the condition that the identity of the penitent is never revealed. Caesarius of Heisterbach reported various abuses such as a priest who attempted to seduce a woman penitent by threatening to reveal the contents of her confession. He was denounced by the woman and subsequently banished.

The absoluteness of the seal was stressed by many, such as St Anthony of Padua, who in commenting on Canon 21 wrote: ‘I maintain that whosoever reveals the confession made to him sins more grievously than the traitor Judas’ (Kurtscheid 1927: 124–125). However, there continued to be disputation about the absoluteness of the seal. In his *Summa Aurea*, William of Auxerre documents the opinions of several theologians that the seal could be broken for grave reasons. But support for the notion that the seal could be broken in extenuating circumstances was only ever a very minority position.

While the teaching of the Fourth Lateran Council was renewed in successive centuries, including at the Council of Trent, issues continued to arise such as: **Can a confession be called a sacramental confession if it is made without contrition and without a firm purpose of amendment?** Thomas Chabham of Salisbury Cathedral, who wrote the most complete account of the Lateran decision, placed the question in the context of heresy, asking whether a heretic who confesses his doctrinal errors but refuses to stop disseminating them or to reveal and denounce his fellow heretics, can be absolved. He opined that any confession made with the intention of continuing in a sinful state cannot be regarded as a sacramental confession, and hence the confessor is not bound by the seal. In fact, he asserted, if anyone confesses that he or she is determined to commit some serious and damaging sin, the confessor would be bound to reveal the details. Other eminent canon lawyers between the fourteenth and sixteenth centuries, such as Francis a Ripen and Jacob Menochius, were of the opinion that the confessor must take the same attitude to future possible sins as towards other secrets confided to the priest outside confession that might be revealed for justified reasons. They argued that only past and confessed sins fell under the seal.

## Teaching of the French Church

In France, the so-called Gallican teaching emerged, which allowed for the breaking of the seal. This followed a decree of King Louis XI in 1477, requiring every citizen under pain of death to report any known plot against the king or the State. As the theologians attempted to accommodate Church practice to the civil law, the canonical response was developed that the confessor was obliged to denounce conspiratorial and seditious plots. Kurtscheid gives several examples, including the conspiracy of Charles of Bourbon against King Francis I (1515–1547). In this case, the Bishop of Autun, having been subpoenaed as a witness, said that he knew of the affair only through Charles of Bourbon's confession. However, it transpired that Charles had not made a complete confession and had not asked for nor received absolution. Because it was not a sacramental confession, the bishop felt free to reveal all he knew. In 1547 in Paris, in the *Glossa Ordinaria* to the *Decretum Gratiani*, it is recorded that a priest could secretly communicate a confession to the bishop in certain circumstances (Kurtscheid 1927).

The Gunpowder plot in England led to the execution of the Jesuit, Father Garnet, because he refused to break the confessional seal in order to denounce the conspirators in relation to information that he knew about through the confession of Thomas Winter. Horrified at the revelation, the priest consulted his superior, who urged Fr. Garnet to do all in his power to dissuade Winter from carrying out the plot. But to no avail. The episode generated much antipathy against the Jesuits. King James I intervened, claiming that the Jesuits had instituted a new doctrine, since the Scholastic theologians had taught that the seal could be broken when necessary to prevent a heinous crime provided that the name of the penitent not be revealed. In France, the stricter view - that the confessional seal was inviolable for any reason - was not popular, and King Henry IV became very agitated in the early 1600s when his confessor said the seal must never be broken, not even to save the king's life. Much pressure was put on the Jesuits, and in 1612 they accepted, probably reluctantly, the Sorbonne teaching which made an exception for breaking the seal in order to protect the king's life. Gallican canonists, such as Durand of Maillane, expressly exempted the crime of *lese-majeste* from the confessional seal. There are subsequent cases where the confessional seal was broken when priests revealed conspiracies against the king. Lenglet du Fresnoy (1708) cites seventeen violation cases, although Kurtscheid thought it was doubtful that the seal was broken in at least half of them.

Kurtscheid states explicitly that he considered the French Gallican teaching as an aberration, quoting many theologians over many centuries who had usually based their views on the teaching of St. Thomas Aquinas that the seal was strict and universal. But controversy did not dissipate until the twentieth century. A central issue in the intervening centuries was: **how can the obligation of the seal be reconciled with the precept of charity, which mandates that we should shield our neighbour against physical and spiritual injury to the best of our ability?** This raised the issue about the confessor making use of knowledge gained in the confessional to the detriment of the penitent. The negative response to the question was based on the claim that the information was beyond human knowledge. Quoting St Thomas Aquinas, Kurtscheid summarises:

Whatever the priest knows through confession he in a sense, does not know, because he possesses this knowledge not as a man, but as the representative of God. He may, therefore swear to his ignorance in court, because the obligation of a witness extends only to his human knowledge. Similarly a superior may let a transgression of a subordinate go unpunished if he knows of it solely through confession (Kurtscheid 1927: 195).

However, Aquinas does allow that a priest, provided he keeps intact the integrity of the sacrament, must take preventative measures to stop 'an impending calamity'. As an example, a member of a religious community in an election for a superior may not vote for a candidate if the unworthiness of the candidate is known only through the confessional. Duns Scotus is even stricter than Aquinas. Alexander of Hales writes that a priest may refuse communion to a person whom he knows to be unworthy through confession, if he asks for communion in secret - such a refusal could not be exercised publicly. The majority view that confessional knowledge could be used but only if others did not notice it, had its opponents such as Richard of Middleton, on the grounds that it might deter Catholics from making their confessions. But the consensus has been to hold to the strict view.

Another issue concerned the lawfulness of bishops and religious superiors making use of knowledge gained through confession in making or participating in making appointments. Thomas Sanchez cites forty theologians and canonists who considered it lawful, although he himself, supported by Suarez and Cardinal de Lugo, held the contrary because the penitent may grow suspicious and some people would be deterred from confession. An interesting case was in 1673, when the vicar-general of Trent asked his clergy about what sins were the most frequently committed in the city but they refused to answer. In China, some missionaries gave a certificate to those who had confessed in order to admit them to communion, but in 1806 this was condemned by the Vatican Congregation for the Propagation of the Faith. At various times, the Holy Office complained about priests who spoke privately or publicly about what they heard in confession, even for 'the edification of the people' during sermons (Kurtscheid 1927: 240).

Another issue with a long history going back to the eleventh century, was whether a penitent could confess to a layperson in an emergency. Gratian, Peter Lombard, and Huguccio agreed that this was permissible, and Albert the Great and Aquinas held that such confessions had a 'quasi-sacramental' character (Aquinas uses the phrase '*quoddam sacramentale*'). But this view was opposed by the Franciscan school led by Alexander of Hales, including by Bonaventure and Duns Scotus. Was the lay confessor bound by the seal? Pope Innocent IV answered in the affirmative, as did Aquinas. This opinion was held until the middle of the sixteenth century when the view emerged that confession to a lay-confessor required the confessor to maintain a natural but not sacramental silence. If a person confessed to a layman believing him to be a priest, the layman was bound by the seal.

Another issue was the use of an interpreter for a confession. Thomas Aquinas argued that because the interpreter supplements the actions of the priest, the interpreter is obliged to keep the sacramental seal. This is the view of most, but certainly not all, commentators. But that the penitent was not bound by any sacramental secrecy was accepted by all authors.

The next issue was the extent of the coverage of the confessional seal. Kurtscheid comments:

The Seal of confession, therefore, extends to all those communications the revelations of which would lower the penitent in the estimation of the others and thus deter him from the sacrament of Penance (Kurtscheid 1927: 266).

Covered directly by the seal were the actual sins, whereas other information that might cause the identity of the penitent to be known was indirectly covered by the seal. Another question was whether confessors could reveal confessional material in any posthumous beatification or canonisation process. In *De Servorum Dei Beatificatione et Canonizatione*, Pope Benedict XIV ruled in the affirmative, but the Church's Magisterium changed its mind on this in the 1917 Code of Canon Law (Canons 2027 §2, no. 1 and 1757 §3, no. 2).

There was also debate about whether the seal was based on natural law and/or divine law. The Fourth Lateran Council had not ruled on this, although later councils ruled that confession was a divine institution. The opinion was firm that the confessional seal could not be based merely on church law, which would imply that a pope could dispense with the seal. It was argued that not even a pope can dispense a priest from the obligation of keeping the sacramental seal. It was held that the seal belonged to the essence of the sacrament although it was not the core of the sacrament, which was absolution. The argument that the confessional seal is based on divine law is not without problems. As Kurtscheid acknowledges, there is no express command of Christ regarding the confessional seal and in the early Church the form of the sacrament was unequivocally public.

Prior to the Fourth Lateran Council, there were few stated penalties for violating the confessional seal. The subsequent penalty of ecclesiastical imprisonment became problematic given that eventually the Church no longer has the right to inflict the penalty. The 1917 Code of Canon Law, following a 1915 Instruction of the Holy Office, makes a clear distinction between direct and indirect violation of the seal – for the former, excommunication is the punishment; for the latter, a lesser sentence such as suspension from saying Mass or hearing confessions, loss of ecclesiastical benefices or honours, and even formal laicisation (Canon 2368).

## The seal of confession and the civil and criminal Law

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As we have already indicated, our review of the literature suggests that, after Kurtscheid's encompassing and thorough research, not much attention was given to the issue of the confessional seal. Several canonists (Moriarty 1998, Connaghan 2011, Coronelli 2013, Daly 2013) have written about the seal as representing the highest and most rigorously protected form of secrecy within the Catholic Church (Coronelli 2013). Some attention has been given to a comparison of the Eastern and Western codes (Abbass 2011), but much more attention since the Second Vatican Council has been given to the third rite of reconciliation and general absolution where the penitent is not required to make an individual confession unless they have committed a serious mortal sin.

However, much attention has been given to the intersection of the seal and the common law in the contexts of legal history and the right to religious freedom. Zubacz (2009) has examined the issue in

this context, and the New Zealand legal scholar, S. K. Thompson, has provided a focused and well-researched account of the privileging of the confessional seal in the major common law countries.

Thompson (2011) broadens the debate beyond religious confession in the various Christian traditions, to a religious communications privilege analogous to that between a lawyer and client or physician and patient. He is very dismissive of evidence law textbooks as being misdirected and misinformed in accepting the conclusion that no religious confession privilege at common law existed. He goes back to when the first such texts began to appear at the beginning of the nineteenth century, with Peake in 1801, Phillips in 1814, and Starkie in 1824. These denied there was a common law privilege, although Best in 1849, Nokes in 1950 and Winchworth in 1952, disagreed.

Thompson (2011) notes that except for Queensland, South Australia and Western Australia, the other seven jurisdictions in Australia have religious confession privilege statutes. In New Zealand, the privilege was accepted in 1885 and broadened in 1895 with the Evidence Further Amendment Act. The 2006 Act broadened the confession privilege even further, making New Zealand 'one of the most generous expressions in the common law world' (Thompson 2011: 374).

The privilege has been justified simplistically in terms of freedom of religion and conscience. Thompson gives five other reasons for the privilege, including: the protection of the confidentiality of religious communications because of their special nature; the privacy interests of the penitent; the futility principle insofar as the priest confessor would always be prepared to be imprisoned if required; the legitimacy principle, based on Benthamite utilitarianism, that the legitimacy of the courts would be undermined by the futility principle; and the eighteenth century idea that no one should be compelled to give evidence.

Thompson (2011), who supports the common law privilege, suggests that no single argument suffices but only the aggregation of them all. His view is that the strongest argument for a religious communications privilege is in society's interest in the preservation of the religious freedom principle.

## The confessional seal in the context of clerical child sex abuse

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Bertrand Kurtscheid would have been well aware of Pius X's 1910 instruction *Quam Singulari*, which lowered the age of first confession. He does not make reference to it in his treatise even though he knew that soliciting in the confessional had been a problem in the Church for many centuries. Younger children were now at risk. It is surprising, perhaps even reprehensible, that Kurtscheid himself, canonists, and sacramental theologians throughout the whole of the twentieth century, failed to alert themselves and discuss the seal of confession or the duty of care that was intrinsically being placed on the confessor when confessing young children.

There were serious issues at stake regarding disclosures about child sexual abuse given by children during a confession. It is likely that where this occurred, the priest would have felt obliged to not act on the information even though it was not an actual sin of the child. However, in some cases, the child was probably in danger of further sexual assault. Another issue concerned confessions made by offending priests and brothers themselves to a confessor priest. Both Keenan (2012) and Winship (2013) refer to this issue – no confessor seems to have withheld absolution until the perpetrator turned themselves in to the police or even to church authorities.

In the review of the literature, only one article could be found which discussed confession in the context of child sexual abuse. Joe Grayland, a New Zealand liturgical theologian, has reflected on the fact that Catholic confession grossly underplays restitution to the victim:

The present rites' critically underdeveloped theology is due in part to its overdeveloped emphasis on the individual penitents' confession of sin and their immediate absolution effectively limits our understanding of restitution (Grayland 2004: 156).

Grayland insists that while the actual confessing of one's sins is necessary, the core element of the confession is 'the process of penance'. He is critical of the Roman-Irish monks who spread the practice of secret confession throughout Europe in the tenth century. He concludes that the present rite of sacramental reconciliation is seriously inadequate in dealing with a very grave public sin such as child sexual abuse, because it undervalues and ignores the need for a just and interrelational restitution (Grayland 2004). The name change at the time of the Second Vatican Council, from the sacrament of Penance to the sacrament of Reconciliation, should have presaged greater attention to the issue of reconciliation and restitution to the victims. But it did not, as conservatives and progressives in the Church were more concerned with fierce debates over general absolution and the third rite of Reconciliation and with lamenting the precipitous decline in confessional attendance by Catholics. While all this was happening, countless children were being abused by predator priests and brothers.

# APPENDIX 3: DISCIPLESHIP AND A SHORT HISTORY OF PRIESTLY FORMATION

## Jesus of Nazareth and discipleship

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During his short public ministry of three years, Jesus of Nazareth attracted many listeners and followers through his teaching and way of life. To those who would be his disciples he stipulated that they: 'Take my yoke upon you and learn from me.....For my yoke is easy and my burden is light.' (Mt 11:28-30). He also warned: 'If anyone would come after me, let him deny himself and take up his cross and follow me. For whoever would save his life will lose it, but whoever loses his life for my sake will find it. For what will it profit a man if he gains the whole world and forfeits his soul?' (Mt 16: 24-26).

Many accepted Jesus' challenge and became his disciples. From among them Jesus chose a small group of twelve men of diverse backgrounds and personal qualities, took them aside for special instruction and formation, and gave them an extraordinary power to loose and to bind: 'Truly, I say to you, whatever you bind on earth shall be bound in heaven, and whatever you loose on earth shall be loosed in heaven' (Mt 18:18). To one of the Twelve, Simon Peter, he said: 'I tell you, you are Peter ('Cephas' meaning rock), and on this rock I will build my church, and the gates of hell shall not prevail against it.' (Mt 16:18). The Twelve would be known as the Apostles, and Peter would have a primacy among them, becoming the first pope. As already noted, in Catholic thinking, the College of Bishops is the successor of the College of the Twelve Apostles (see *Lumen Gentium*, Vatican II Dogmatic Constitution on the Church, para. 22).

In selecting and preparing the Twelve for their future ministry, Jesus took great care, and the three years he spent with them might be called the first seminary. But even with such careful preparation, there were multiple failures - such as Simon Peter, resorting to violence at the arrest of Jesus (Mt 26: 69-75). The other followers deserted Jesus when he was taken prisoner (Mk 14:50). Judas Iscariot even betrayed Jesus for money and then, in despair, suicided (Mt 27:5). In both his personal life and teachings, Jesus set the standards for discipleship. They were particularly high. He strongly condemned hypocrisy: 'Woe to you, scribes and Pharisees, hypocrites! For you shut the door of the kingdom of heaven in people's faces. You yourselves do not enter, nor will you let those enter who are trying to' (Mt 23:13). In its self-perception, the Christian Church continues the mission of its founder, and over the centuries has taken steps to ensure that its ministers lead exemplary lives. Although all will stumble and some fall, in Catholic tradition the door to God's forgiveness is always open.

## Bishops, priests and laypeople: the New Testament and early patristic evidence

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The Church as we know it today sees itself as the result of historical developments following the death and resurrection of Jesus on the first Easter Sunday, probably in either 30 or 33 CE. Originally, the Church was a community without distinction between those who were ordained (clergy) and those who were not ordained (laity). The earliest Christian community was guided by the Twelve and

by others such as Paul and Barnabas. As it developed, a variety of ministries came into being to serve the needs of the community (e.g. deacon). For the first one thousand years, the Church had female deacons, as has been noted by historians of the Orthodox Church (Karras, 2007; McGuckin 2011).<sup>153</sup> The early community recognised the need for leaders with responsibility for a multiplicity of tasks (e.g. teachers, miracle workers, healers, interpreters, administrators). We do not know how each of these ministers was acknowledged by the community, but the *Acts of the Apostles* recounts how Matthias was elected as a replacement apostle (*Acts* 1:21-26), and how others were chosen to be deacons and 'ordained' with prayer and the laying on of hands (*Acts* 6: 1-8).

According to the Church's self-understanding, in time two ministries developed to become the most important in the early community: that of '*episcopos*' (bishop or overseer) and '*presbyteros*' (elder, presbyter, or priest). In *Acts* 20: 17-29, the terms are used interchangeably, and elsewhere in the New Testament they mean those in charge of a particular community. *Episcopos* and *presbyteros* describe the same function of overseeing or leading, and, in imitation of the Jewish synagogue, appear as the body of elders/ bishops/presbyters given responsibility for leading the community (O'Callaghan 2007). St Paul details their necessary qualifications: '... irreproachable, married only once, temperate, self-controlled, decent, hospitable, able to teach, not a drunkard, not aggressive but gentle, not contentious, not a lover of money; able to manage his own household well, keeping his children under control with perfect dignity; for if a man does not know how to manage his own household, how can he take care of the church of God? ... He must also have a good reputation among outsiders ....' (*1 Tim.* 3:1-7; 5:17-19). Paul in his letter to Titus stresses that they must teach 'sound doctrine and to refute opponents' (*Titus*, 1, 9)

There is no evidence in the New Testament of a single bishop governing a diocese or particular church (O'Callaghan 2007), as this came later. Local churches stressed that they taught as Jesus and the apostles did, and were, in that sense, 'apostolic'. In time, this concept of apostolicity was formulated as 'apostolic succession', signifying that a particular local community or '*ecclesia*' was founded by an apostle (not necessarily one of the Twelve) and continued to preach the same Gospel as its founder. Only later did the tradition of marking the apostolic lineage of bishops emerge, whereby each bishop is said to be able to trace his lineage back to the Twelve Apostles through the transfer of leadership from one bishop to another (Sullivan 2001).

## Education for the Catholic priesthood in the first 1,500 years

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The selection and training of candidates for the priestly ministry is understandably an issue of key importance to every Catholic bishop. Currently, training for the Catholic priesthood takes about seven or eight years, but for some religious orders, including the Jesuits, this training lasts considerably longer. Prior to St Augustine of Hippo (354-430) there appears to have been no organised system for educating clergy. The early Christian schools (*Didascalia*) of Alexandria and

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<sup>153</sup> McGuckin makes the point that after the fourth century it was the mostly male monastic movement that became opposed to the female diaconate. In the Western Church the councils of Epaon (517) and Orleans (533) specifically abolished the female diaconate. Karras based on art evidence from the catacombs, the non-existence of epigrammatic evidence and the canonical and epistolary evidence concludes that "women were ordained to the diaconate and served a variety of pastoral and liturgical functions in that order" (Karras 2007: 344).

Antioch (first to fourth centuries) were essentially catechetical schools, not centres for the preparation of clerics. At that time, the training of clerics was personal and practical: boys and young men wanting to serve the church would assist the bishop and priests in the discharge of their functions, and gradually, through the exercise of various duties such as door-keeper, acolyte or altar-server, and lector, they would learn how to look after the church and explain the Scriptures. These functions became sacralised as 'minor' orders leading to priestly ordination. Later, when Augustine established in his own episcopal house (*'domus ecclesiae'* or *'monasterium clericorum'*) a type of monastery in which his clergy lived together, he selected from this community individual minor clerics for the 'major' orders of diaconate and priesthood, satisfied that they were suitable for, and wanting to, unite community life and sacred ministry. Augustine's 'clergy house' was imitated in Milan, Nola, and other dioceses.

The Synod at Vaison in Southern Gaul in 529 enacted a decree (n.1) stating:

All priests in the parishes must, as is already the very wholesome custom in all Italy, receive the younger unmarried lectors into their house, and instruct them in the singing of psalms, in the Church lessons, and in the law of the Lord, so that they may have able successors. If, however, such a lector shall afterwards desire to marry, the permission must not be refused him.<sup>154</sup>

During the sixth and seventh centuries in Spain, the Second Synod of Toledo (531) decreed that clerics should be trained by a superior in the *domus ecclesiae* under the eye of the bishop, while the Fourth Council of Toledo in 633 insisted that the training of clerics should begin at a young age, so that they would not spend their youth in unlawful pleasures but under ecclesiastical discipline.<sup>155</sup> It also decreed that all the bishops of Spain were to establish 'seminaries' in their cathedral cities along the lines of the cathedral-school in Seville which taught Greek, Hebrew, and the liberal arts, and encouraged the study of law and medicine.

These cathedral schools, intended to provide the Church with an educated clergy, and focused on religious learning under a scholarly bishop, emerged in Spain, Gaul, and Britain (Canterbury, Rochester, York) in the sixth and seventh centuries. Some evolved into choir schools, providing choristers for the cathedral. Others not only taught future clergy, but also provided literate administrators and diplomats for the elaborate courts of the Renaissance. In Rome, the cathedral school alongside St John's Lateran Basilica educated clerics, including several popes, from infancy. Elsewhere, monastery schools, including at Oxford, educated diocesan clergy as well as their own monks.

The Emperor Charlemagne (742 - 814), recognising the importance of an educated clergy, instructed monasteries and cathedrals to provide education to young persons (*Admonitio Generalis*), and also instructed bishops to select as teachers, men who 'had the will and ability to learn and a desire to instruct others (*De litteris colendis*), and to ensure their clergy were educated' (Council of Frankfurt, 794).

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<sup>154</sup> <http://www.cristoraul.com/readinghall/Western-Civilization-Jewels/HEFELE/Book-13/243-250.html>. Accessed 14 April 2015

<sup>155</sup> Note: Decree 24: "Prona est omnis aetas ab adulescentia in malum, nihil enim incertius, quam vita adulescentium, ob hoc constituendum oportuit, ut si qui in clero pueri aut adulescentes existunt, omnes in una conclavi atrii commorentur, ut lubricę aetatis annos non in luxuria sed in disciplinis ecclesiasticis agant" Collectio Hispana Gallica Augustodunensis (Vat. lat. 1341]

Out of the cathedral and monastery schools emerged the medieval universities where theology, philosophy and canon law held the highest ranking – they were the forerunners of today’s universities. These attracted large numbers of students including the elite of the cathedral and monastery schools, but with the unintended consequence of the demise of the schools, for deprived of their ablest teachers and students the schools were soon unable to function. This left the overwhelming majority of aspiring clerics with a reduced education, and little or no spiritual training. Even at the universities, the discipline for clerical students began to wane, for without the character formation and practical preparation necessary for ministry, they soon became no different from lay students.

## Gregorian and Medieval reforms

The Gregorian Reforms, initiated by Pope Gregory VII (c. 1025–1085) and the Roman Curia around 1050–1080, attempted to deal with the moral integrity and unsupervised independence of the clergy. The great challenges were simony (the selling and purchasing of church offices and roles), the marriage of clergy, and lay investiture (monarchs naming or investing bishops and abbots). While there was already an abundance of church legislation, with harsh penalties, prohibiting clerics of the Latin Church from marrying, most rural priests in Western Europe were married and many urban clergy and bishops had wives and children, to whom they transmitted their benefices (i.e. offices that gave an income). There was also concern about other clerical abuses, including homosexual acts and paedophilia.

At the core of Gregory VII’s reforms was the conviction that the Church, as the *societas perfecta*,<sup>156</sup> must embrace all humanity in a single society where the divine will is the sole law. As a consequence, the Church should be supreme over all human structures, especially the state, with the pope, as head of the Church, recognised and acting as God’s vice-regent on earth. While Gregory was prepared to acknowledge the secular state as a ‘dispensation of Providence’ and to accept the co-existence of church and state as a divine ordinance, he emphasised the need for union between the ecclesia, led by the *sacerdotium*, and the *imperium*. Any disobedience to the pope, as head of the Church, was to be regarded as disobedience to God and a defection from Christianity, and such disobedience would oblige the Church to annihilate the offender, even an emperor. For Gregory, the church, as superior to the state, was entitled to have all serious matters of dispute referred to Rome, and for appeals to be addressed to the pope alone. The need for centralised ecclesiastical government in Rome would also justify certain restrictions on the powers of bishops.

Within the Church, Pope Gregory exercised papal supremacy by enforcing compulsory clerical celibacy and suppressing simony. His reforms were published in the document, *Dictatus Papae* (c. 1075) and the Papal Bull, *Libertas Ecclesiae*. In a 1074 encyclical, Gregory VII even absolved the laity from obedience to their bishops who permitted priests to marry, and followed up with decrees

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<sup>156</sup> The notion of the Church as *societas perfecta* needs to be carefully understood. It has its foundations in Aristotelian philosophy but was understood by Thomas Aquinas in the sense that the Church was the *societas perfecta* while the State (*civitas*) was the *communitas perfecta*. The notion was very influential during the 19th century and up until Pope Pius XII (1939–1958), then during the First Vatican Council (1869–1870) and the following Popes, including Leo XIII, Pius X and Pius XI (see Granfield 1979). Its influence has waned, having been replaced by Pius XII’s image of the Church as the Mystical Body of Christ and by the Second Vatican Council’s notion of the Church as the People of God in its Dogmatic Constitution on the Church, *Lumen Gentium*. The concept of the Church as a *societas perfecta* is the relic of a bygone era but its legacy lives on in the Curial and Episcopal mindset in the thinking that the Church is above the State, especially in thinking that canon law outranks national civil and criminal law.

depriving married priests of their income from benefices. He was determined to avoid the Church slipping back to its former abuses. However, as might be expected, there was serious resistance. It was not long before the same issues resurfaced.

## The two Lateran Councils

The two Lateran Councils in the twelfth century again had to deal with the issue of clergy marriage and concubinage which, despite the Gregorian Reforms, had once more become common practice, especially in rural parishes. The First Lateran Council (1123) forbade absolutely all clerics, including deacons and subdeacons, from associating with concubines and women, from having concubines, and from contracting marriages. Where marriages had already been contracted, they were to be dissolved and both spouses condemned to do penance (Canons 3 and 21).

The Second Lateran Council in 1139 decreed that clerics who had contracted marriage, or had concubines, were to be deprived of their offices and ecclesiastical benefices, for 'it is unbecoming that they indulge in marriage and in impurities' (Canon 6). The Council further decreed that in order for 'the law of continence and purity ... to become more general ... [all clerics] who contract marriage shall be separated [from their marriage partner] ... and shall do penance commensurate with such excesses' (Canon 7).

Two centuries later, Pope John XXII (1316-1334) decreed that a married person could not be ordained unless they had full knowledge of the Church's law, and even if ordained, could not exercise ministry if his wife had not consented to his ordination. The decrees of the Second Lateran Council were generally understood as an absolute prohibition on clerical marriage, and as insisting on the general law of celibacy allowing only unmarried men to be ordained. These decrees also appear to have made sacred orders an impediment to marriage for the universal Church (*New Catholic Encyclopedia* 1967).

While the Gregorian Reforms had met strong opposition, the decrees of the Lateran Councils received widespread support within both lay and clerical circles, but it certainly was not unanimous. The Protestant reformers were opposed, as were some leading Catholic churchmen (Erasmus, Thomas Cajetan) and some Holy Roman Emperors (Charles V, Ferdinand I, Maximilian II). As the discipline of clerical 'continence' meant only unmarried men were to be ordained, no distinction was made between clerical continence (chastity) and clerical celibacy, and the reformers made the abolition of both - clerical continence and celibacy - key elements to their reform, blaming them for widespread clerical sexual misconduct (John Calvin, *Institutes of the Christian Religion*, 1536, IV, 12, 23-28).

## The reforms of the Council of Trent, their importance and the aftermath

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The reforms of the Council of Trent are very important to understanding the context of priestly training and priestly misconduct during the twentieth century, because the regime that has governed seminaries up until the present day began with the Council of Trent and was reinforced by successive popes, especially Pius X (1903-1914). Despite the efforts of various church councils and reform-minded popes to eradicate clerical abuses, by the early sixteenth century they were again widespread and corruptive. Even popes were guilty. Innocent VIII (1484-1492) sold ecclesiastical

offices in the Curia and the Papal States to the highest bidders to pay his debts. Alexander VI (1492-1503) fathered seven children, including two while reigning as pope; Julius II (1503-1513) advanced his way in church ranks thanks to his uncle, Pope Sixtus VI, using nepotism and the bribing of selected cardinals; while the extravagant and scandalous lifestyles of certain cardinals is well known. Simony was endemic. Many bishops had become little more than 'collectors of benefices', and rarely resided in their dioceses. Milan, the richest diocese in Italy, was without a resident bishop for 80 years. The traffic in indulgences, offering grace and forgiveness, resembled a marketplace at bargain prices; and the majority of priests in parishes were either secretly married or living with a female partner. On the eve of the Reformation, the ecclesiastical and religious situation of Europe looked like a landscape of unrelieved desolation (O'Malley 2013).

It was in this climate, and two years after the excommunication of Martin Luther in 1520, that the Dutch pope, Adrian VI (1522–1523), wrote to the Imperial Diet of the Holy Roman Empire confessing that the sins of the clergy (priests and bishops) were responsible for the current religious turmoil and that he intended to remedy the situation. The Diet responded by demanding a 'free Christian council in German lands' to settle the Lutheran controversy and undertake the oft-promised and long-awaited reform (Jedin 1984). Eventually, this demand led to the calling of the ecumenical Council of Trent (1545-1562), with its principal agenda being: (a) to uproot Protestant heresies, and (b) to reform the clergy, including papacy, bishops and priests. The Council specifically focused on those clergy positions to which a benefice (income) was attached, and the institutional or hierarchical church. Reform was motivated by the clear need to improve the pastoral effectiveness of bishops and priests as 'shepherds of souls'.

The Council insisted that its decrees were binding on the whole church - clergy and laity alike - with no avenue for appeal. Its decrees dealt with both doctrine (*fides*) and public behaviour (*mores*), especially actions that would benefit or harm the individuals engaging in them, that would benefit or harm others, and in the case of clerics, that were consistent with the Church's pastoral mission (O'Malley, 2013).

As the vast majority of parish clergy, usually in villages and towns, was generally ignorant and largely uneducated, and either secretly married or keeping lovers, thereby giving great scandal to the ordinary people, three remedies were proposed:

- enforce a stricter discipline as set down by canon law
- establish schools or 'seminaries' for better training and preparation for ministry
- permit the clergy to marry.

The last remedy was based on the arguments that a chaste marriage was preferable to a tainted celibacy, that the situation was likely to deteriorate further unless well-educated men who were married were admitted to sacred orders, and the historical fact that in the first centuries of the Church both priests and bishops were married, including most of the Apostles. With the 'reform of the clergy' – both higher and lower – being its preeminent goal, the Council's priority was how to ensure that only 'worthy' candidates would be accepted for sacred orders. To this end, the Council decreed that episcopal candidates had to be 'of the right age, good character, and appropriate learning, and that their scrutiny should be public, thorough and severe' (Trisco, 1974). Clergy and laity were to report any reasons why a candidate should not be advanced to the episcopate, and the candidate was required to provide weighty and distinguished witnesses to his character, present full documentation on his qualifications, and submit himself to questioning.

## The decrees of the Council of Trent on diocesan seminaries

To ensure a worthy clergy, the Council also decreed that at every stage of a candidate's progress through the various orders – from the lowest clerical order of tonsure and eventually to priesthood – there had to be careful scrutiny of the candidates and a clear and strict discipline. The most significant decree for future clergy was Canon 18, which mandated that every diocese was to establish a seminary for the education and preparation for the priesthood of young, especially poor, boys aged twelve years and over. The wording of this canon was based on Canon 9 of a national synod convened by Cardinal Reginald Pole in England in 1555 (O'Donohue, 89-120, 134-142), as well as a proposal by Emperor Ferdinand I, who also recommended the mitigation of celibacy (Trisco, 1981). While many novices and scholastics in religious orders at the time, such as the Dominicans and Franciscans, were already receiving courses of study and spiritual and ascetical training, candidates for the secular or diocesan priesthood were receiving haphazard or minimal educational, pastoral and spiritual preparation and training.

Trent's decrees on the diocesan seminary were lengthy and precise:

- youth were to be trained from their tender years (from 11 years of age) in piety and religion before habits of vice took possession of them
- all cathedrals, metropolitans and greater churches were, according to their means and extent, to maintain, educate, and train in ecclesiastical discipline a certain number of youths of their city, diocese, or province, in a college to be chosen by the bishop
- such youths were to be at least eleven or twelve years old, born in lawful wedlock, able to read and write competently, and have a character and inclination which afforded hope that they will always serve in ecclesiastical ministry
- the children of the poor were to be principally selected, but the sons of the wealthy were not to be excluded, provided they paid their own way
- the bishops were to divide the youth into classes according to age and progress in discipline, assigning some to ministry in churches and others to instruction in the college or seminary
- all seminarians were to be tonsured and to wear clerical dress; to be taught grammar, singing, ecclesiastical computation, the liberal arts, sacred scripture, ecclesiastical works, homilies of the saints, administration of the sacraments, matter for confession, and the forms of rites and ceremonies; and were to attend daily mass, confess their sins at least once per month, receive communion as directed by their confessor, and serve in the cathedral or churches on festival days
- all bishops were only to ordain seminarians after receiving the advice of two senior and experienced canons who would make it their care to visit the seminary frequently
- candidates for the subdiaconate were not to be ordained before the age of 22; those for the diaconate before the age of 23; and those for priesthood before the age of 25
- any seminarians who were forward, incorrigible and disseminators of evil morals were to be punished sharply by the bishop, and even to be expelled, for the sake to preserving and advancing the seminary institution

- bishops were to secure the services of competent teaching staff with the necessary qualifications.

Trent was particularly attentive to the issue of who could receive orders. Candidates for minor orders (lector, acolyte, exorcist, porter and sub-deacon) had to have a good testimonial from their parish priest and school principal and be competent in Latin; while candidates for major orders (deacon and priest) had to visit their bishop (or delegate) a month before ordination, and the bishop had to commission the candidate's parish priest (or another) to state publicly in the church the candidate's name and express desire to be ordained, to inquire diligently from credible persons of the candidate's birth, age, morals and life, and to transmit the findings to the bishop with testimonial letters.

In the week prior to ordination, all candidates had to appear before the bishop as well as experienced priests and other prudent persons well versed in church law and theology, to be diligently examined about their parentage, person, age, education, morals, learning and faith. Trent also carefully ruled out 'bishop shopping' (i.e. shopping around for a bishop who was prepared to ordain a candidate when others might have already refused) and 'undercover' or clandestine ordinations. The Council of Trent was very aware of the dangers of the so-called recycled seminarian. Ordinarily, all ordinations to sacred orders were henceforth to be celebrated publicly in the cathedral church by the candidate's own bishop, and in the presence of the clergy of the diocese.

While Trent's aim was to remedy the situation of the time, its provisions were 'generic'. It did not specify any length of training for seminarians or minimum levels of competencies, leaving it up to individual bishops to set their own standards. Nor did it require every candidate to the priesthood to attend a seminary. In accordance with the derivation of the word, the Trent seminary was intended to be seminal. From small beginnings, first in Italy, then in Europe, and later throughout the world, it wanted to transform clerical education and introduce institutions of outstanding quality preparing priests for ministry. Trent was concerned not just for an educated clergy, but an upright and moral one.

While Trent's 'seed bed' or seminary for clerical ministers was a response to the Protestant reformers, it was above all an attempt to tighten its own discipline. The preparation of priests in knowledge, spirituality and discipline was primarily to be the responsibility of diocesan bishops, undertaken in a special college along the lines of the medieval cathedral school, with the curriculum decided by the bishop and the goal to produce perfect clerics grounded in ecclesiastical discipline.

## The slow pace of implementation of the Tridentine Decrees

In the immediate wake of the Council, however, few bishops responded to its decrees. Pope Pius IV (1559 – 1565) set up his own seminary in Rome in the last year of his pontificate, and Cardinal Carlo Borromeo established three seminaries in his diocese of Milan. Almost single-handedly Borromeo created the prototype and established the regulations and standards for diocesan seminaries in Italy and Europe and, eventually, the wider world. Borromeo's rules would endure largely unaltered for the next 500 years until the Second Vatican Council.

In France, success with local seminaries eluded the bishops until the seventeenth century when St Vincent de Paul (1581-1660) and Fr Jean-Jacques Olier (1608–1657)<sup>157</sup> opened seminaries in Paris in 1642 and separated the seminarians studying theology from those studying the classics. This was the beginning of the ‘minor’ and ‘major’ seminaries that were imitated across the world, not least in Australia where the Sydney seminaries of Springwood and Manly functioned along these lines for many years. Where universities were nearby, de Paul and Olier allowed seminarians to attend classes there, but insisted that their religious, moral and spiritual formation take place in the closed world of the seminary.

In the English-speaking world of the sixteenth century, the anti-Catholic laws of King Henry VIII and Queen Elizabeth I prevented the establishment and functioning of Tridentine seminaries. Young Catholic men in England, Scotland, Wales and Ireland wanting to become priests had to travel at great peril to Europe for their education and formation. For this purpose, English Colleges (seminaries) were established in Douai (Spanish Netherlands) in 1561, Rome (1578), Valladolid (1589), Seville (1592), and Lisbon (1628); over 30 Irish Colleges were established in Rome (1628), Paris (1605), Douai (1603), Louvain (1607), Salamanca (1580s) and elsewhere; and Scottish Colleges were established in Douai and Rome (1600). Douai effectively became the Catholic Oxford University in exile.

## The English and Irish situation

After the dissolution of the Catholic monasteries (1535-1540), the English monastic communities fled to Europe and founded monasteries in France and Saxony. English, Scottish and Welsh Catholics wanting to become religious monks could study and receive their monastic formation there, and by the early seventeenth century the English Benedictine Congregation in Europe was officially recognised and restored. It eventually included among its members, William Ullathorne, OSB, Vicar-General of NSW, John Bede Polding, OSB, Australia’s first Catholic Bishop, Roger Bede Vaughan, OSB, second Archbishop of Sydney, and many of the early Benedictine missionaries in Australia.

When the English church broke with Rome in 1534 during the reign of Henry VIII, and the Catholic hierarchy was suppressed during the reign of Elizabeth I, the Catholic Church in England became a ‘missionary’ church, without bishops and priests who could minister openly. When Pope Urban VIII appointed a new bishop in 1623, he was designated Vicar Apostolic of All England and Wales,<sup>158</sup> but fled to France in 1631. The next bishop, appointed in 1685, divided his large jurisdiction into four districts – London, Northern, Western and Midland – and bishops were appointed to each as Vicars Apostolic in 1688.

From 1688 onwards, the Vicar Apostolic of the London District held faculties throughout the British Empire (Collins 1987) and was responsible for the pastoral welfare of all the Catholics who embarked on the First Fleet, whether as sailors, soldiers or convicts, and whoever else arrived at British colony at New Holland. Until 1850, England was canonically a ‘mission territory’, directly subject to the Congregation de Propaganda Fide in Rome. There is no record of any action by the Vicar Apostolic of

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<sup>157</sup> Vincent de Paul founded the Congregation of the Mission (Vincentians) and Fr Olier the Society of St Sulpice (Sulpicians). Both these congregations of priests specialise in the education and formation of priests

<sup>158</sup> A Vicar Apostolic is generally a bishop appointed by the Pope to govern a territory not yet erected as a diocese. A Vicar Apostolic has only ‘delegated’ jurisdiction, not ‘ordinary’ jurisdiction, which comes from being a residential bishop - this is why in Church discourse such a bishop is often described as ‘the ordinary’.

London on behalf of Catholics on the First Fleet, although two priests are known to have been ministered to Catholics on the prison hulks on the Thames River. When the Vicar Apostolic of the London District, William Poynter, had his faculties renewed and clarified in a decree of the Congregation in 1812, he was granted jurisdiction over all Catholics 'who dwell in America and other places subject to his Most Serene British Majesty where no ecclesiastical superior is to be found constituted by papal apostolic authority' (Westminster Diocesan Archives, Poynter Papers. See Collins, 1987). Included in this jurisdiction were the Cape of Good Hope, Madagascar, Mauritius, New Holland (ie Australia), and Van Diemen's Land (ie Tasmania). To assist with the education and formation of priests for the increasing number of so-called mission territories, in 1627 Pope Urban VIII founded the Collegio de Propaganda Fide in Rome. Throughout the nineteenth and twentieth centuries, it would play a significant role in the education and formation of Australian-born priests and bishops.

With the death of James Edward Stuart, pretender to the thrones of England, Scotland and Ireland, in 1766 the Pope accepted the Hanoverian English monarchy as the legitimate rulers of Britain and Ireland, and relations between the English Crown and the Holy See began to thaw. By the 1770s the first of the Catholic Relief Acts was passed and when, by 1829, most restrictions on Catholics in the United Kingdom had been removed, the way was open to re-establish the Catholic hierarchy in 1850.

Meanwhile, in Ireland, as part of the *rapprochement* with Rome, and against the background of the French Revolution and the move towards Catholic emancipation in the Kingdom of Great Britain, King George III, by a 1795 Act of the Irish Parliament, established the Royal College of St Patrick at Maynooth, County Kildare, not far from Dublin, for the purpose of providing a university education for Catholic lay and ecclesiastical students. In 1814 St Patrick's became the National Seminary for Ireland, an exclusively ecclesiastical seminary, and was raised to the status of a pontifical university, authorised to grant degrees in theology, philosophy and canon law. The original terms of the royal charter included a grant of £369,000 for construction and investment, the excision of the college from the jurisdiction of the Catholic Archbishop of Dublin, and a requirement that the trustees and students take an oath of allegiance to the British Crown. All three conditions would rile the future Archbishop of Dublin, Cardinal Paul Cullen (1803–1876), and provoke an angry response, one that made a lasting impression on his nephew, Patrick Moran (1830–1911), the future Cardinal Archbishop of Sydney. Maynooth College, in its founding, governance, teaching, and regime, would have significant influence on seminary development and Catholic life in Australia for over 100 years. One of its rectors, Daniel Mannix (1864–1963), would become the Archbishop of Melbourne from 1917 until his death in 1963, and founder of Melbourne's Corpus Christi interdiocesan seminary in 1923.

For the previous two centuries, Irish students wanting to become priests had had to go to Europe for their education and formation. There, especially in France, they had acquired 'revolutionary' ideas and a taste for Jansenism, a seventeenth century Catholic theological movement emphasising original sin, human depravity, the necessity of divine grace, and predestination. When the newly-ordained priests brought the French-derived Jansenism and Augustinian rigorism<sup>159</sup> with them back to Ireland, both found a welcoming soil and were exploited by many Irish clerics to gain and maintain moral control and power over their people and to treat women as fragile, delicate creatures whose

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<sup>159</sup> There is an ongoing debate amongst Irish historians as to whether Irish Catholicism came under the influence of Jansenism. Inglis (1998) suggests it results from a confusion between Gallicanism and Jansenism and between Jansenism and rigorism or Augustinianism which was constituted as a systematic discipline, surveillance and sexualisation of the body as evil.

nature had to be protected. Such ideas were instilled into Irish women, first by the Church and then by the women themselves who became the mainstay of a bourgeois Catholic morality (Inglis 1998).

# APPENDIX 4: LIST OF OFFICIAL DOCUMENTS ON THE FORMATION AND LIFE OF PRIESTS

Date	Author	From	Title	Subject
15.07.1563	Council of Trent	Decree	<i>Session 23 on Sacred Orders</i>	Establishment of Seminaries
1662	Pope Innocent XI	Apostolic Letter	<i>Apostolica sollicitudo</i>	Seminary formation and curriculum
09 .05.1725	Pope Benedict XIII	Apostolic Constitution	<i>Crediate nobis</i>	Congregation of Seminaries (establishment)
30.09.1865	Pope Pius IX	Encyclical	<i>Meridionali Americae</i>	Seminary for native clergy
24.06.1893	Pope Leo XIII	Encyclical	<i>Ad extremas</i>	Seminaries for native clergy
27.03.1906	Pope Pius X	Apostolic Letter	<i>Quonium in re Biblica</i>	Scripture study in seminaries
01.11.1907	Holy Office	Decree	<i>Lamentibili sane exitu</i>	Oath against Modernism
01.11.1910	Pope Pius X	Motu Proprio	<i>Sacrorum antistitum</i>	Control of reading material
04.11.1915	Pope Benedict XV	Motu Proprio	<i>Seminaria clericorum</i>	S.C. of Seminaries and Universities (establishment)
27.05.1917	Pope Benedict XI	Codex	<i>Codex Iuris Canonici</i>	Code of Canon Law
01.08.1922	Pope Pius XI	Apostolic Letter	<i>Officiorum omnium</i>	Latin in Seminary Studies
29.06.1923	Pope Pius XI	Encyclical	<i>Studiorum ducen</i>	Use of Thomism in seminaries
1924	S.C. for Seminaries and Universities	Decree	<i>Quo uberiore</i>	Seminary triennial reports mandated
24.05.1931	Pope Pius XI	Apostolic Constitution	<i>Deus scientiarum Dominus</i>	Reform of seminary studies
01.12.1931	S.C. of Religious	Instruction	<i>Quantum religiones</i>	Selection and training of Religious for Priesthood
20.12.1935	Pope Pius XI	Encyclical	<i>Ad Catholici sacerdotii</i>	Importance of seminary
04.11.1941	Pope Pius XII	Motu Proprio	<i>Cum nobis</i>	Promotion of vocations
13.05.1950	Pontifical Commission. for Biblical Studies	Instruction	<i>Instruction</i>	Sacred Scripture in Seminaries
23.09.1950	Pope Pius XII	Apostolic Exhortation	<i>Menti nostrae</i>	Screening of candidates
25.03.1954	Pope Pius XII	Encyclical	<i>Sacra virginitas</i>	Fidelity to chastity and

				celibacy
27.12.1955	Pope Pius XII	Apostolic Constitution	<i>Sedes sapientiae and Statuta Generalia</i>	Selection and formation of clerics and religious
27.12.1955	Pope Pius XII	Circular Letter to Bishops and Religious Superiors	<i>Scrutinium alumnorum peragendum priusquam ad ordines promoveantur</i>	Use of psychological screening for candidates for the priesthood
02.06.1961	S.C. for Religious	Instruction	<i>Religiosorum institutio</i>	Selection and training of candidates for Sacred Orders
25.07.1961	S.C. of Holy Office	Monitum	<i>Monitum</i>	Warning against dangerous moral opinions on 6 <sup>th</sup> commandment
22.02.1962	Pope John XXIII	Apostolic Constitution	<i>Veterum sapientia</i>	Fostering of Latin studies
16.03.1962	S.C. of Holy Office	Instruction	<i>Crimen sollicitationis (revised &amp; extended)</i>	Provisions of Instruction extended to religious clerics
28.10.1965	2nd Vatican Council	Decree	<i>Optatam totius</i>	Priestly formation
28.10.1965	2nd Vatican Council	Decree	<i>Perfectae caritatis</i>	Renewal of religious life
07.12.1965	2nd Vatican Council	Decree	<i>Presbyterorum ordinis</i>	Ministry and life of priests
24.06.1967	Pope Paul VI	Encyclical	<i>Sacerdotalis caelibatus</i>	Upholds obligatory celibacy for priests
06.01.1970	S.C. for Catholic Education	Document	<i>Ratio fundamentalis institutionis sacerdotalis</i>	Basic guidelines for priestly formation (1st edition)
20.01.1972	S.C. for Catholic Education	Curial Letter	<i>Study of Philosophy in Seminaries</i>	Philosophy in seminaries
04.02.1974	Pope Paul VI	Instruction	<i>Secreta continere</i>	Introduction of Pontifical Secret and application to seminarians
11.04.1974	S.C. for Catholic Education	Document	<i>Guide to Formation in Priestly Celibacy</i>	Formation in priestly celibacy
02.04.1975	S.C. for Catholic Education	Document	<i>On Teaching of Canon Law</i>	Canon Law in seminaries
27.12.1975	S.C. for Doctrine of the Faith	Declaration	<i>Persona humana</i>	Questions of sexual ethics
22.02.1976	S.C. for Catholic Education	Instruction	<i>Theological Formation of Future Priests</i>	Seminary theological formation
14.07.1976	S.C. for Catholic Education	Circular Letter	<i>On Formation of Adult Vocation</i>	Seminary formation of adult vocations
15.10.1976	S.C. for the Doctrine of the Faith	Declaration	<i>Inter insigniores</i>	Women may not be ordained to priesthood
15.04.1979	Pope John Paul II	Apostolic Constitution	<i>Sapientia Christiana</i>	Ecclesiastical universities & faculties
03.06.1979	S.C. for Catholic	Instruction	<i>On Liturgical Formation in</i>	Liturgical formation in

	Education		<i>Seminaries</i>	seminaries
06.01.1980	S.C. for Catholic Education	Circular Letter	<i>Spiritual Formation in Seminary</i>	Seminary spiritual formation
25.01.1983	Pope John Paul II	Codex	<i>Codex Iuris Canonici 1983</i>	Revised Code of Canon Law
01.11.1983	Congregation for Catholic Education	Document	<i>Education Guidance in Human Love</i>	Sexual education
19.03.1985	Congregation for Catholic Education	Document	<i>Ratio Fundamentalis Institutionis Sacerdotalis</i>	Basic guidelines for priestly formation (2nd edition)
26.01.1986	Congregation for Catholic Education	Document	<i>Pastoral Care of People on the Move</i>	Migrants and priestly formation
13.03.1986	Congregation for Social Communications	Document	<i>Guide for training in Social Communications</i>	Seminary training in use of social communications
01.10.1986	Congregation for the Doctrine of the Faith	Letter to Bishops	<i>Homosexualitatis problema</i>	Pastoral care of Homosexual Persons
06.01.1987	Congregation for Catholic Education	Document	<i>Studies of Oriental Churches</i>	Seminary study of Eastern Churches
25.03.1988	Congregation for Catholic Education	Document	<i>On the Virgin Mary in Spiritual Formation</i>	Virgin Mary in priestly formation
30.12.1988	Congregation for Catholic Education	Document	<i>Guidelines for teaching Social Doctrine</i>	Seminary study of Catholic social teaching
01.11.1989	Congregation for Catholic Education	Instruction	<i>Study of Church Fathers</i>	Patristic studies in Seminary
18.10.1990	Pope John Paul II	Codex	<i>Codex Canonum Ecclesiarum Orientalium</i>	Code of Canon Law for Eastern Rite Catholic churches
02.02.1992	Congregation for Catholic Education	Circular Letter	<i>Canonical Norms on Impediments and Irregularities</i>	Canonical barriers to ordination
25.03.1992	Pope John Paul II	Apostolic Exhortation	<i>Pastores dabo vobis</i>	Priestly formation in present circumstances
23.07.1992	Congregation for the Doctrine of the Faith	Document	<i>Some Considerations Concerning the Response to Legislative Proposals on Non-discrimination of Homosexual Persons</i>	Discrimination against homosexual persons
15.10.1992	Congregation for Preserving Church Patrimony	Document	<i>Priestly Formation and Cultural Heritage</i>	Seminary studies on cultural heritage
11.10.1992	Pope John Paul II	Apostolic Constitution	<i>Fidei depositum</i>	Publication of Catechism of the Catholic Church
04.11.1993	Congregation for	Document	<i>Directives on Preparation of</i>	Preparation of seminary

	Catholic Education		<i>Seminary Educators</i>	educators and staff
31.01.1994	Congregation for the Clergy	Document	<i>Directory on the Ministry and Life of Priests</i>	Seminary formation
22.05.1994	Pope John Paul II	Apostolic Letter	<i>Ordinatio sacerdotalis</i>	Priesthood reserved to men only
25.06.1994	Paul VI	Catechism	<i>Catechism of the Catholic Church</i>	First edition of the new Catechism
19.03.1995	Congregation for Catholic Education	Document	<i>Directives for Seminary Formation on Marriage and Family</i>	Seminary formation on marriage and family
08.03.1996	Congregation for Catholic Education	Instruction	<i>On Admission of Candidates from other Seminaries or Religious Families</i>	Admission of candidates from other seminaries or religious institutes
25.03.1996	Pope John Paul II	Apostolic Exhortation	<i>Vita consecrata</i>	Life and formation of consecrated religious
15.08.1997	Pope John Paul II	Apostolic Letter	<i>Laetamur magnopere</i>	<i>Catechism of the Catholic Church</i> (revised 2 <sup>nd</sup> edition)
10.11.1997	Congregation for Divine Worship and Sacraments	Circular Letter	<i>Scrutinies for Candidates for Sacred Orders</i>	Pre-ordination screening of candidates
22.02.1998	Congregation for Catholic Education and Congregation for Clergy	Document	<i>Basic Norms for Formation of Permanent Deacons</i>	Formation program for permanent deacons
22.02.1998	Congregation for Catholic Education and Congregation for Clergy	Document	<i>Directory for Ministry and Life of Permanent Deacons</i>	Life and ministry of permanent deacons
14.09.1998	Pope John Paul II	Encyclical Letter	<i>Fides et ratio</i>	Formation of candidates for the priesthood
08.12.1998	Congregation for Institutes of Consecrated Life	Instruction	<i>On Inter-Institute Collaboration for Formation</i>	Inter-institute collaboration for formation
14.12.1998	Roman Dicastries and Australian Bishops	Declaration	<i>Statement of Conclusions</i>	Current situation of the Church in Australia regarding priests and religious and their formation
13.03.1999	Congregation for the Clergy	Document	<i>The Priest and the 3<sup>rd</sup> Millennium</i>	Formation of priests
06.01.2001	Pope John Paul II	Apostolic Letter	<i>Novo millennio ineunte</i>	Sacrament of Reconciliation
30.04.2001	Pope John Paul II	Apostolic Letter	<i>Sacramentorum sanctitatis tutela</i>	Norms on more grave delicts reserved to Holy See
22.11.2001	John Paul II	Apostolic Exhortation	<i>Ecclesia in Oceania</i>	Seminary formation in Oceania

16.05.2002	Congregations for Divine Worship and Discipline of Sacraments	Response to query from Congregation for the Clergy	<i>Responses to Questions on Ordination of Homosexuals</i>	Advice against ordaining homosexual men or men with homosexual tendencies
22.02.2004	Congregation for Bishops	Document	<i>Apostolorum uccessors</i>	Bishop's responsibility for seminary formation and suitability for ordination
2004	ACBC National Committee for Professional Standards	Document	<i>Integrity in Ministry: Principles and Standards for Catholic Clergy</i>	Principles and standards for Australian clergy and religious
04.11.2005	Congregation for Catholic Education	Instruction	<i>On Criteria for discernment of candidates with homosexual tendencies</i>	Screening and assessment of homosexual candidates for admission to seminary and ordination
2006	United States Conference of Catholic Bishops	Document	<i>Program of Priestly Formation (5<sup>th</sup> Edition)</i>	Program used in Australian seminaries until 2007
01.2007	Australian Catholic Bishops Conference	Document	<i>Programme for Priestly Formation – Ratio Nationalis Institutionis Sacerdotalis</i>	Official Australian program for priestly formation (1 <sup>st</sup> edition)
29.06.2008	Congregation for Catholic Education	Document	<i>Guidelines for the Use of Psychology in Seminary Admission &amp; Formation</i>	Psychological screening of candidates for priestly formation
15.12.2008	Congregation for Catholic Education	Report	<i>Report on Apostolic Visitation of seminaries in USA</i>	Current state of seminaries in the USA
04.11.2009	Pope Benedict XVI	Apostolic Constitution	<i>Anglicanorum caetibus</i>	Formation of Anglican candidates for the Catholic priesthood
04.11.2009	Congregation for the Doctrine of the Faith	Complementary Norms	<i>Norms for Anglicanorum caetibus</i>	Formation for Catholic priesthood (including married candidates)
01.2010	ACBC and Catholic Religious Australia	Document	<i>Towards Healing: Principles and Procedures in responding to Complaints of Abuse (Australia)</i>	Principles and Procedures in responding to complaints of abuse (Australia)
12.04.2010	Congregation for the Doctrine of the Faith	Document	<i>A Guide to Understanding Basic CDF Procedures concerning Sexual Abuse Allegations</i>	CDF procedures for handling sexual abuse allegations
21.05.2010	Pope Benedict XVI	Decree	<i>Revision of 2001 Motu Proprio</i>	Historical introduction of 2001 document revised.
28.01.2011	Congregation for Catholic Education	Decree	<i>On Reform of Philosophy Studies</i>	Seminary philosophy studies
06.06.2011	Various Roman Dicastries	Report (Summary of Findings)	<i>Report of Apostolic Visitation of Irish Seminaries</i>	Report of findings on four Irish seminaries

21.09.2013	Catholic Church in Victoria	Submission to Victorian Parliamentary Inquiry	<i>Facing the Truth</i>	Outline of seminary formation in State of Victoria
16.01.2013	Pope Benedict XVI	Motu Proprio	<i>Ministrorum institutio</i>	Transfer of seminary governance to Congregation for the Clergy
11.02.2013	Congregation for the Clergy	Document	<i>Directory on the Ministry and Life of Priests</i>	Seminary formation (revised edition)
09.2014	Australian Catholic Bishops Conference	Proposed amendments	<i>Australian Programme for Priestly Formation –Ratio Nationalis Institutionis Sacerdotalis</i>	Proposed amendments to Australian program for priestly formation (amended)
20.11.2015	Pope Francis	Address	<i>50<sup>th</sup> Anniversary of Optatum totius and Presbyterorum ordinis</i>	Discernment for admitting candidates to the seminary
28.12.2015	Australian Catholic Bishops Conference	Programme	<i>Australian Programme for Priestly Formation</i>	Approved and amended version of the Ratio Nationalis
27.05.2016	Pontifical Commission for the Protection of Minors	Guidelines Template Document	<i>Guidelines Template for Episcopal Conferences and Religious to assist in the development and implementation of policies and procedures for the protection of minors and vulnerable adults</i>	Includes guidelines for screening candidates for the priesthood and religious life, for the transfer of candidates, and seminary education on sexual abuse
08.12.2016	Congregation for the Clergy	Document	<i>Ratio fundamentalis Institutionis sacerdotalis – The Gift of the Priestly Vocation</i>	Revised third version of the program for priestly formation
08.05.2017	Australian Catholic Bishops Conference	Norms and Guidelines	<i>Norms for the Formation of Permanent Deacons and Guidelines for the Ministry and Life of Permanent Deacons</i>	Norms and guidelines for the formation, life and ministry of permanent deacons in Australia

S.C. = Sacred Congregation

# APPENDIX 5: SHORT HISTORY OF SEMINARY FORMATION IN AUSTRALIA

## Colonial Australia: Bishop Polding's failed Benedictine dream

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Australia's seminary formation began on board the ship carrying Bishop John Bede Polding O.S.B, the English Benedictine and Australia's first Catholic bishop, to Australia in 1835. Appointed in May 1834 as Vicar Apostolic of New Holland and Van Diemen's Land, Polding had, from the outset, a 'Benedictine dream' for the new Church in the antipodes. He envisaged Sydney becoming an abbey-diocese, led by an English abbot-bishop and staffed mainly by Benedictine monks. Before arriving at Sydney, he had sought permission to set up a Benedictine monastery and novitiate on his arrival, but both the Sacred Congregation De Propaganda Fide in Rome and his own English Benedictine province had disapproved.

Central to Polding's Benedictine dream was a scheme similar to that which the great missionary St Augustine had begun at Canterbury in England in the sixth century. At Sydney, Polding envisaged a community of monks, residing at the monastic cathedral, exercising pastoral leadership by providing daily monastic liturgical services, and being sent out to wherever they were most needed. The abbot-bishop and the monks would have effective control and influence over the diocese's future, with the monastic community electing new abbot-bishops when required. Polding also envisaged his far-flung pastoral territory, dotted with smaller monastic communities served by monk-missioners and assisted by secular diocesan clergy, Benedictine nuns and other religious, all working together in harmony, pooling their resources, and building resolutely under an uncommonly unified episcopal-cum-monastic leadership (Walsh 1998). The Holy See subsequently ordered that a Tridentine seminary should be established.<sup>160</sup> Despite all those around him recognising that Polding's vision was a 'pipe dream', unworkable and unrealisable, Polding would hang onto it until his death forty years later.

Polding's seminary began to function aboard the SS *Oriental*, which brought him and his contingent of three priests<sup>161</sup> and six seminarians to New South Wales. The seminarians had been designated 'catechists' and were in receipt of a £100 government stipend (Moran 1896: 184 -185). Polding's program included lectures and spiritual guidance to his seminarians, and when the group arrived at Sydney on 13 September 1835, five seminarians<sup>162</sup> moved into the Bishop's House at Woolloomooloo, where Polding continued his program as sole professor. This intimate episcopal 'home seminary' was what Polding wanted: a place where young men could be trained in the practice of virtue and the love of religion, in the presence of and by the voice of the bishop (Moran, 1896). They would live in community with close, personal, day-to-day contact with the bishop, to

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<sup>160</sup> Letter: Cardinal Barnabo to Polding, 4 June 1852, SAA, U1416, 14/11

<sup>161</sup> One priest died on the voyage.

<sup>162</sup> One seminarian, John Kenny, had been left by Polding in Hobart Town to assist there as a catechist.

mix with lay students, and to engage in pastoral work. It was very different from the Tridentine seminary that would follow fifty years later at Manly (Walsh 1998).

In February 1838, Polding officially opened an experimental new modest seminary/school at St Mary's Cathedral in Sydney, with a former Jesuit, Fr Charles Lovat, as rector and professor. There were 13 clerical seminarians, including ten recruited from Irish diocesan seminaries. Polding's plan was to recruit and educate priests for a nascent church desperate for priests, to provide pastoral care for his widely scattered Catholic flock, and to attend to the needs of the predominantly Irish convicts. However, from the outset Polding faced pressing problems: (a) far too few priests (just nine in 1835) for a widely dispersed, mostly Irish, Catholic population of some 25,000; (b) British colonial authorities who wanted only English priests, not Irish priests who they feared might stir up a rebellion; (c) Irish Catholics wanting their own Irish priests; and (d) his own English Benedictine province in England indicating that it was (and would likely continue to be) unable to supply sufficient Benedictine priests to the colony. The success of the new seminary, therefore, was vital. During two long sojourns in Europe (1840-1843, and 1846-1848) Polding attempted to recruit more clergy and religious for his mission and to gather funds for 'the absolute necessity to erect a Seminary for the Australian Missions'. But his attempts to recruit newly-arrived clerics into the Benedictine Order, especially Irish, were unsuccessful. After 1850, no seminarian or priest who had commenced or completed his studies at an Irish seminary joined the Order (Livingston 1977).

## The early seminary attempts

In the 1840s and 1850s, and even well into the 1860s, the Catholic Church in the colonies was essentially unstructured. Priests (and bishops) were mobile missionaries, not residential priests, and as late as 1876 there were no official parishes or parish priests. The Catholic denominational schools were run by lay people. It was in this unstructured, missionary church that Polding, and later Bishop Goold (1812 – 1886) in Melbourne, tried to establish their lay-clerical seminaries (Livingston 1977). The first genuine seminary to fulfil Polding's Benedictine aspirations was the lay-clerical St. Mary's College and Seminary, established in 1852 at Lyndhurst near Glebe, to prepare the sons of 'respectable' free settlers for the new Sydney University. But, as 'a Catholic establishment for the education of the middle classes' (Walsh, 1998), it did not succeed as Polding had hoped, and the last three Lyndhurst seminarians were ordained in August 1869. From then until 1875, not a single Catholic institution was educating candidates for the priesthood in the whole of Australia.

Bishops Goold in Melbourne and Willson in Hobart had also established their own lay-clerical seminaries, but they too failed. St Mary's seminary in Hobart only lasted from 1853 to 1860, and St Patrick's College in East Melbourne from 1854 to 1862. The Jesuits operated St Aloysius' College and seminary at Sevenhill in South Australia from 1875 until 1884, and the St Charles Borromeo seminary functioned in Bathurst from 1875 to 1891. St Kilian's seminary operated after 1875, produced four priests, but then faded.

From the beginning, Australian bishops were always desperate for priests, and ever aware of their peccadilloes and foibles. Polding's diaries constantly reveal that the bishops wanted their priests to be superior to their Protestant counterparts and to demonstrate Catholic superiority in a sectarian society (Compton et al. 1996a, b & c). At the First Provincial Council of Australia in 1844, among the decrees were many relating to the life and integrity of clerics, mostly based on the sixteenth century Synodal Acts of St Charles Borromeo. In these decrees (all in Latin) the Council recognised the itinerant, missionary nature of the Australian priesthood, rejected the Irish custom of distinguishing between parish priests and curates, and determined that all priests should be of equal status

(Wilkinson 2011). More specifically, it insisted on priests wearing distinctive clerical dress, devotion to their ministry (hearing confessions was the priest's most demanding task), non-attendance at the theatre and horse races, daily meditative prayer and study of moral theology (most useful when hearing confessions), weekly or monthly personal confession, an annual retreat, and attendance at a minimum of three annual theological conferences (*Acta et Decreta*, 1844, 9-10). By 1862, the bishops from eastern Australia were talking about a 'central ecclesiastical college for the Australian Province', but when they met in Melbourne in November that year, they eschewed a decision on the seminary issue and focused instead on the clergy, much of whose conduct worried them (Moran 1896). Their decrees were directly aimed at those priests who were fractious itinerants, ministering without faculties, avaricious, accepting farewell testimonials, and trafficking in property, money and other 'secular negotiations' (*Supplementum*, 1862).

**Table 2 - Priests ordained from Australia's first seminaries, 1838-1906**

Seminary	Years functioning	Priests ordained	Australian-born
St Mary's Seminary, Sydney	1838-1857	40	8
St Mary's College, Lyndhurst, Glebe	1858-1868	14	7
St Mary's College, Hobart	1854-1860	3	2
St Francis School, Melbourne	1850-1853	4	?
St Patrick's College, East Melbourne	1854-1879	22	5
St Aloysius College, Seven Hill	1856-1884	3	?
St Charles Borromeo Seminary, Bathurst <sup>1</sup>	1875 -1891	27	11
Marist Seminary, Clydesdale <sup>2</sup>	1859-1869	0	0
St Kilian's Seminary, Brisbane <sup>3</sup>	1874-1906	4	2
St Patrick's College, Manly	1888-1995	85	67
<b>Total</b>	<b>1838-1891</b>	<b>202<sup>4</sup></b>	<b>102</b>

Sources: Livingston, 55, 91-101; Keaney, 23-24; Head & Healy, 185-188; Bourke, 45; Hall, 77-93.

Notes: (1) St Charles Seminary in Bathurst merged with St Stanislaus College, Bathurst from 1888; (2) None of the students were Australian-born and no student was ever ordained during the life of the seminary; (3) Brisbane had 6 seminarians in 1878; (4) Most of these priests completed only part of their studies at a single seminary. Most studied at two or more seminaries during their six-year training, either in Australia or overseas.

By the 1860s, it was clear even to Polding himself that his seminary strategies had comprehensively failed. As Table 2 shows, for all the effort over 50 years, Australia's eight seminaries had produced only 113 priests, mostly born overseas, some arriving as children after the great Irish movement to Australia during the 1860s. Less than a third (29.2%) were Australian-born. By the late 1850s, an 'Irish ecclesiastical imperialism' (Suttor 1967) had taken hold in New South Wales. At a September 1858 conference of Sydney clergy, a resolution was passed calling for the 'introduction, upon equal terms, of clergymen of all orders, secular and religious' and the 'subdivision of the colony into bishoprics, and the appointment of resident bishops' (Suttor 1967: 178). The original English bishops were being replaced by Irishmen.

Into this situation stepped Cardinal Patrick Moran, the dominant Catholic figure of late nineteenth century Australia, and nephew of the Archbishop of Dublin, Cardinal Paul Cullen. Many of the Irish bishops appointed to Australian dioceses were either relatives or protégés<sup>163</sup> of Cullen, who was the former rector of the Irish College in Rome, and an Ultramontanist<sup>164</sup> with friends in high places. Appointed Primate of All Ireland, in 1850 Cullen convened at Thurles the first synod of Irish bishops and clergy since 1642. His intention was to thoroughly reform the Church in Ireland and ensure that it conformed in everything – administration, teaching, discipline - to the standards set down by Rome. The Thurles synod’s decrees, which would influence the Church in Australia, included many on clerical discipline. Priests were instructed to keep themselves informed about theological matters, not to frequent public houses, horse races or theatres, not to denounce people or movements from the altar, not to say mass after noon, and not to engage in public disputes with members of other religions. Each parish was to have a parochial house, but parish priests were not to have more than fifteen acres of land, and curates were forbidden to hold any land at all without the consent of the bishop. The laity was forbidden to engage in discussions with non-Catholics (*Decreta Synodi Plenariae Episcoporum Hiberniae*, Dublin, 1851).

## The impact of Cardinal Moran

Patrick Francis Moran, like his uncle, was ultramontane, authoritarian, controlling, devotional, and visionary. Moran, orphaned as a child, had been raised by his uncle in Rome, later serving as Cullen’s secretary. He watched Cullen reform and refashion the Church in Ireland, conforming it to the Roman mould. Like Cullen, Moran and all his Irish episcopal protégés were adamant that to achieve their ecclesial goals they had to have full control over all aspects of Catholic life in their dioceses, as well as all of the members of their local churches – priests, religious and laity.

Within a month of arriving in Australia in 1884, Moran had decided to establish St Patrick’s College at Manly, as a national seminary. His administrative instrument would be the First Plenary Council of Australiasia held in Sydney in November, 1885. Moran consulted none of his episcopal colleagues on his seminary project. He used the Plenary Council to obtain their endorsement. Both were to have lasting effects on the education and life of the Australian clergy. He made it clear that his new seminary, to be situated on a large, outstanding and relatively isolated (at that time) site at Manly, was to be ‘the finest Institution in the Australias’ [sic], a massive, four-storey, stone, Gothic-style building, looking out to the Pacific Ocean.

The Plenary Council produced 274 decrees (in Latin), all directed primarily at the clergy. It introduced the system of clerical offices established in Europe following the Council of Trent, including tenure for parish priests, and seniority among the clergy. It emphasised the ‘life and good conduct’ of the clergy, with strong recommendations concerning their spiritual life, and continuing study of moral theology and canon law (Decrees, 150-172). In relation to seminaries, it affirmed seven rules of the Sacred Congregation of the Propagation of the Faith, namely: (a) there had to be schools of

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<sup>163</sup> Among these were his nephew, Patrick Francis Moran (Sydney, 1884-1911), Matthew Quinn (Bathurst, 1865-1885), James Quinn (Brisbane, 1859-1881), James Murray (Maitland, 1865-1909), William Lanigan (Goulburn, 1866-1900), Michael O’Connor (Ballarat, 1874-1883), Daniel Murphy (Hobart, 1866-1907) and Martin Griver (Perth, 1873-1886)

<sup>164</sup> Ultramontanism is a Catholic institutional philosophy that places a very strong emphasis on papal authority, including infallibility, and on a centralisation in Rome of papal and curial power, reaching its apotheosis at the First Vatican Council in 1870 with the defining of papal infallibility. Papal infallibility has only been exercised twice – in 1851 and 1950 on Marian topics.

philosophy and theology; (b) the philosophy course to be a minimum of two years and theology four years; (c) the very best professors were to be chosen; (d) sound text books covering the whole course of the particular subject were to be assigned; (e) philosophy was to include Logic, Metaphysics, Ethics, Principles of Natural Law, and principal elements of the physical sciences; f) theology was to include Dogmatic and Moral Theology, Biblical Exegesis, Ecclesiastical History and Canon Law; and g) the sacred sciences and philosophy were to be taught in Latin, as were disputations. Finally, it recorded its desire to see an Australian National College established in Rome, where specially chosen students from all over Australia could be sent to study.

## St Patrick's College, Manly, and its regime during the nineteenth century

The 1888 Prospectus for the new St Patrick's College at Manly stated that it was 'exclusively for the Education of Aspirants to the ecclesiastical State', and intended to serve 'in after years as a centre for higher Philosophical and Theological studies for all the dioceses of Australia' (*Prospectus*, 8 December 1888). It was to be a closed institution. However, to ensure there were sufficient numbers, it noted that applicants over the age of 12 would be admitted for the preparatory classes. When the College opened in January 1889, none of the teaching staff was acquainted with the manners and habits of the Australian people, whether in the city or the bush, and were therefore not in a position to inform prospective priests of the difficulties, hardships, and dangers which would surround him 'at every step' (Livingston 1977). However, several did have considerable seminary teaching experience in Ireland and Rome.

Dr Michael Verdon was appointed as first President, and during his term (1888-1895), 90 students from 13 Australian and 3 New Zealand dioceses were admitted to the seminary. By 1904, 48 had been ordained. Initially, the screening of Sydney applicants seems to have been lax, resulting in a high (50%) dropout rate compared to those from Melbourne (25%) where the screening was stricter. In general, almost all the 76 pioneering Australian students at Manly had attended Catholic schools and were from middle-class Catholic families who were reasonably well-off. Many were of Irish descent whose parents were either 'respectable', 'pious', 'decent' or 'good' practical Catholics (Livingston 1977). Though many of the dioceses were desperate for priests, a few still preferred Irish to Australian priests and they actively recruited in Ireland, especially from All Hallows.

The lack of money was a major consideration in the recruiting and training of priests in Australia. If there was a serious barrier to the growth of vocations before 1906, it was the failure of bishops to make any adequate provision for meeting the education expenses of seminarians, especially those economically disadvantaged. Their approach was overly cautious and conservative (Livingston 1977). Members of the Irish teaching orders, priests, brothers and sisters in their many Catholic secondary schools, played a substantial part in fostering and encouraging vocations to the seminary.

Seminary training consisted of 6-10 years of acculturation into a distinctive clerical vocation within the ethos of a comparatively closed vocational institution, designed to shape the trainee's responses through a regular round of religious duties, common disciplined activities, and fixed hours of class and study. The daily timetable accounted for every minute of the waking day.

There was no ambiguity or uncertainty of purpose or goal (Livingston 1977). The standard course was one year's study of humanities and logic, two years of philosophy, and four years of theology, with ordination to the priesthood in the final year. Religious practice was the all-important duty of the day, which began and ended with prayer. A religious and devotional life was essential. The

bishops wanted priests who were pious, docile (i.e. obedient), and ecclesiastically-minded. It was up to the seminary staff to produce them.

In the period 1889 to 1895, a quarter of all the students were aged under 16 years on entering the seminary, and half aged between 16 and 19 years. Ordination rates were 65 per cent and 71 per cent respectively. The ordination rate of students aged 20 years and over was 40 per cent (Livingston 1977).

The students at Manly lived under a strict and ordered regime, where the rules essentially remained unaltered until the early 1970s. 'Keep the rules, and the rules will keep you, was the axiom. Later on, the Manly were closely paralleled in other Australian seminaries. The rules included: silence shall be strictly observed at the prescribed times (e.g. meals), and especially during the '*Magnum Silentium*' which lasted from night prayers until after breakfast. The only breaks from the routine of study and silence were on major feast days, and each Thursday when there were no classes and students were permitted to go on walks outside the seminary precincts. On these walks, the seminarians were not permitted to talk to 'externs', stray from the group, buy anything, or receive anything from externs. The same applied to seminary employees: students were forbidden to speak to them, male or female, and it was many years before females were employed by the College. The only visitors they could receive at the seminary were 'immediate relatives', at the appointed times, and in the public reception rooms.

The seminary year was divided into two semesters, with a week's holiday in mid-winter. During the two-month summer break, students could return home, but were expected to maintain their normal practice of prayer and spiritual exercises.

Among the students a 'temperance' society was formed to brace its members against a prime Irish vice: drunkenness, seen as 'the good man's fault'. There is some evidence that all students were under some pressure to join the society and take the pledge, and in Dr Verdon's time six out of seven students did so. Devotional groups and pious sodalities were also established, as were sports committees, and literary and debating societies. Organised sport was played twice a week.

The teaching staff consisted almost exclusively of well-educated Irish and Australian-born priests, with the exception of an occasional lay teacher. Spiritual directors were usually chosen for their piety and holiness, not their educational or other attainments. In the early days, some of the Irish priest-professors were exclusively Irish educated, and others Irish-Roman educated. The Australian-born professors were typically trained at the Pontifical Urban University in Rome. Moran retained absolute control over staff appointments and did not consult his fellow bishops.

The curriculum closely resembled that of the Pontifical Urban University in Rome and Holy Cross College at Clonliffe in Dublin. Though initially Manly did not confer degrees, its courses in Scholastic Philosophy and Theology were similar to those of the Roman universities, and many of the same textbooks were used. As a rule the teaching method was the scholastic tradition of expounding from a text or giving notes. The humanities courses included Latin, Greek, French, Italian, English Composition, Grammar, Elocution, Geography, English and Roman History, Algebra and Geometry. Dogmatic Theology courses were substantially based on the *Summa Theologica* of St Thomas Aquinas. Moral Theology covered 'human acts', conscience, law, sins, the virtues, the Decalogue, contracts, the obligation of vocation (especially Marriage), the sacraments, and ecclesiastical censures.

# APPENDIX 6: LIST OF RELIGIOUS ORDERS WHO HAVE COME TO AUSTRALIA SINCE 1940

Table 3 - Clerical religious orders established in Australia since WWII (in order of year of entry)

Name of Order	Foundation details	Diocese and year of entry	No. of priests
<b>Discalced Carmelite Friars</b>	1562, Italy	Brisbane, 1948	14
<b>Paulist Fathers</b>	1910, Malta	Melbourne, 1948	14
<b>Benedictine Sylvestrine Monks</b>	1231, Italy	Sydney, 1949	5
<b>Servite Friars</b>	1233, Italy	Perth, 1951	11
<b>Scalabrinians</b>	1887, Italy	Cairns & Wollongong, 1952	30
<b>Society of St Paul</b>	1914, Italy	Sydney, 1953	11
<b>Cistercian Monks</b>	1098, France	Melbourne, 1954	7
<b>Friars Minor Conventual</b>	1209, Italy	Port Pirie, 1954	22
<b>Norbertine Canons</b>	1120, France	Perth, 1959	5
<b>Society of Christ</b>	1932, Poland	Sydney, 1959	23
<b>Salvatorian Fathers</b>	1881, Italy	Perth, 1961	21
<b>Marian Fathers</b>	1673, Poland	Adelaide, 1962	2
<b>Camillians</b>	1591, Italy	Perth, 1963	5
<b>Lebanese Maronite Order of Monks</b>	1695, Lebanon	Sydney, 1972	9
<b>Resurrection Fathers</b>	1836, France	Adelaide, 1978	5
<b>Pauline Fathers (St Paul, first hermit)</b>	1215, Hungary	Wollongong, 1982	13
<b>Claretians</b>	1849, Spain	Darwin, 1983	8
<b>Missionary Cong. Of the Bl. Sacrament</b>	1933, India	Toowoomba, 1986	8
<b>Lebanese Maronite Missionaries</b>	1865, Lebanon	Eparchy, Sydney, 1992	5
<b>Fransalians</b>	1838, France	Sydney, 1998	10
<b>Antonine Monks</b>	1700, Lebanon	Melbourne, 1999	9
<b>Michaelite Fathers</b>	1921, Poland	Sydney, 1999	12
<b>Priestly Fraternity of St. Peter</b>	1988, Italy	Sydney, 2000	6
<b>La Salette Missionaries</b>	1852, France	Armidale, 2003	7
<b>Community of Sons &amp; Daughters of God</b>	1947, Italy	Sandhurst, 2009	1

<b>Franciscans of the Immaculate</b>	1990, Italy	Perth, yr not stated	4
<b>Spiritans</b>	1703, France	Brisbane, yr not stated	18
			<b>Total: 285</b>

Source: The Official Directory of the Catholic Church in Australia 2012-3

Table 4 - Female religious orders established in Australia since during WWII (in order of year of entry)

<b>Name of order</b>	<b>Foundation details</b>	<b>Diocese and year of entry</b>	<b>No. of communities</b>
<b>Franciscan Missionaries of Mary</b>	India, 1877	Brisbane, 1941	17
<b>Missionary Sisters of Service</b>	Australia, 1945	Hobart, 1944	10
<b>Holy Spirit Sisters</b>	Holland, 1889	Brisbane, 1945	6
<b>Sisters of St Joseph of Orange</b>	France, 1650	Sydney, 1946	1
<b>Cabrini Sisters</b>	Italy, 1880	Melbourne, 1948	1
<b>Sisters of St Joseph of Cluny</b>	France, 1807	Melbourne, 1950	3
<b>Blessed Sacrament Sisters</b>	France, 1859	Melbourne, 1950	3
<b>Schoenstatt Sisters of Mary</b>	Germany, 1926	Mulgoa, 1951	1
<b>Poor Clare Nuns</b>	Italy, 1212	Sydney, 1951	1
<b>Sisters of Holy Family, Nazareth</b>	Italy, 1875	Brisbane, 1952	7
<b>Resurrection Sisters</b>	Italy, 1891	Melbourne, 1952	1
<b>Ursuline Sisters of Sacred Heart</b>	Italy, 1575	Perth, 1952	1
<b>Franciscan Missionaries of Heart of Jesus</b>	Malta, 1880	Rockhampton, 1954	4
<b>Little Sisters of Jesus (Foucauld)</b>	Nth Africa, 1939	Sydney, 1954	3
<b>Salesian Sisters</b>	Italy, 1872	Adelaide, 1954	5
<b>Daughters of St Paul</b>	Italy, 1915	Sydney, 1955	5
<b>Tyburn Benedictine Nuns</b>	France, 1898	Sydney, 1955	1
<b>Pastorelle Sisters</b>	Italy, 1938	Melbourne, 1955	3
<b>Disciples of the Divine Master</b>	Italy, 1924	Sydney, 1956	4
<b>Augustinians of Jesus and Mary</b>	Italy, 1827	Melbourne, 1957	2
<b>Daughters of Divine Zeal</b>	Italy, 1887	Melbourne, 1959	1
<b>Franc. Missionaries of</b>	U.K., 1947	Sandhurst, 1959	1

<b>Divine Motherhood</b>			
<b>Sister Adorers of the Blood of Xt</b>	Italy, 1834	Melbourne, 1963	2
<b>Sisters of the Holy Angels</b>	Sri Lanka, 1903	Melbourne, 1964	1
<b>Dominican Sisters of Malta</b>	Malta, 1889	Sydney, 1965	2
<b>Redemptoristine Nuns</b>	Italy, 1731	Maitland, 1965	1
<b>Basilian Nuns</b>	Cappadocia, 379	Ukrainian eparchy, 1967	1
<b>Maronite Sisters of Holy Family</b>	Lebanon, 1895	Maronites, Sydney, 1968	3
<b>Missionaries of Charity</b>	India, 1950	Wilcannia-Forbes, 1969	14
<b>Servite Sisters</b>	India, 1854	Perth, 1970	3
<b>Handmaids of Our Lord</b>	New Guinea, 1918	Cairns, 1974	2
<b>Oblate Sisters of Holy Family</b>	China, 1910	Melbourne, 1974	1
<b>Sisters of BVM, Queen of World</b>	Vietnam, 1670	Sydney, 1975	3
<b>Sisters of St Anthony Claret</b>	Brazil, 1958	Melbourne, 1979	2
<b>Antonine Sisters</b>	Lebanon, 1932	Melbourne, 1980	1
<b>Cenacle Sisters</b>	France, 1826	Brisbane, 1980	1
<b>Sisters of Our Lady of China</b>	China, 1940	Sydney, 1984	1
<b>Sisters of Charity of St Anne</b>	Spain, 1804	Darwin, 1986	1
<b>Augustinian Recollect Sisters</b>	Philippines, 1719	Parramatta, 1988	2
<b>Sisters of St Paul of Chartres</b>	France, 1696	Wollongong, 1989	4
<b>Missionary Sisters of Xt the King</b>	Poland, 1959	Sydney, 1990	4
<b>Franciscan Sisters of St Anthony</b>	Italy, 1901	Adelaide, 1992	1
<b>Conventual Sisters of St Dominic</b>	Australia, 1993	Wagga Wagga, 1993	1
<b>Servants of Mary Immaculate</b>	Ukraine, 1892	Eparchy, Melbourne, 1994	1
<b>Lovers of the Holy Cross of Thu Duc</b>	Vietnam, 1670	Melbourne, 1999	1
<b>Franciscans of the Immaculate</b>	Italy, 1982	Perth, 1999	2
<b>Passionist Sisters of St Paul of Cross</b>	Italy, 1815	Sydney, 2000	4
<b>Augustinians of Our Lady</b>	Philippines, 1883	Broken Bay, 2002	1

<b>of Consolation</b>			
<b>Institute of Sisters of Reparation</b>	Italy, 1859	Sydney, 2005	1
<b>Sisters of the Cross and Passion</b>	England, 1852	Melbourne, 2006	1
<b>Basilian Chouerite Sisters</b>	Syria, 1734	Melkite, Melbourne, 2006	1
<b>Dominican Sisters, Rose of Lima</b>	Vietnam, 1973	Melbourne, 2006	1
<b>Dominican Sisters of St Cecilia</b>	USA, 1860	Sydney, 2007	1
<b>Poor Clare Colettines</b>	Italy, 1212	Sandhurst, no date	1
			<b>Total: 147</b>

Source: The Official Directory of the Catholic Church in Australia 2013 – 2014

# APPENDIX 7: CATHOLIC SEXUAL MORALITY AND *HUMANAE VITAE*

The Catholic theology of sexuality, marriage and the family is not based on the Bible as Catholicism eschews any literalist interpretation of the Biblical texts and sees the Bible as the central part of the broader Christian Tradition. However, both the sacred scriptures and the writings of the Patristic fathers in the first five centuries can assist in clarifying or emphasising particular issues. It was St Augustine of Hippo who surpassed the earlier fathers by insisting on the goodness of the conjugal act, although his thinking does contain certain Manichean strands and their negative attitudes to sex. But his outlook was also essentially non-relational in its focus.

Current Catholic understanding is based upon the philosophy and theology of St Thomas Aquinas (1225 – 1274), who in essence interpreted the thought of Aristotle. Thomas' teaching with its central stress on intrinsically disordered acts and states was reinforced by the Council of Trent and a sequence of Popes up to the present times. Thomas viewed homosexuality as an intrinsically disordered state. He was not as suspicious of sexual pleasure as Augustine was – this Thomistic or Scholastic tradition taught that sex was permitted only within marriage and primarily for the sake of procreation. Aquinas also placed much emphasis on the cardinal virtues,<sup>165</sup> although this was diluted to some extent over the following centuries. The development of Thomistic theology was hampered by the faulty biology of the time – it was usually accepted that the male seed (or *hominiculus*, or tiny man) was the active principle, and women were merely receptacles and incubators of the seed though Aquinas favoured the two seed model (Thatcher 2015). The emphasis on sex for procreation was reinforced by their understanding of the animal world of the time. While it is true that in most animals sexual activity and reproduction are directly linked through the 'coming into season' mechanism, sexual activity for the higher primates has other functions such as group bonding and defusing conflict (Lawler & Heaney 2015).

Most Catholic conceptual thinking on sexuality took place in monasteries and universities, resulting in the focus on procreation and penetration, and the exaltation of virginity over marriage. The pleasure of sex was described in terms of concupiscence (Kosniak et al. 1977) or venereal or sexual passion, which was seen to often cloud moral judgement. At the centre of Catholic moral theology are the notions of right reason and natural law. Aquinas conceptualised natural law as a fundamental principle that is woven into the fabric of our nature and perceived by every rational person, and as participating in God's law. The moral theology textbooks since at least the twelfth century have maintained the distinction between mortal sins 'in accordance with nature' (fornication, adultery, incest, rape and abduction), because they maintain the possibility of procreation, and mortal sins 'contrary to nature' (masturbation, sodomy, homosexuality, fellatio, cunnilingus, bestiality), which were considered as a greater violation of the moral order because they pervert the potential for procreation. In a critical assessment by the Catholic Theological Society of America, this essentialist approach 'led quite naturally to a highly negative, juridical and

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<sup>165</sup> The four cardinal virtues recognised in Greek and Roman antiquity and subsequently in the Christian tradition are Prudence, Justice, Temperance and Courage. As well, there were the three theological virtues of faith, hope and charity/love to form altogether the seven virtues.

act-centred morality, which all too easily proclaimed moral absolutes with little regard for person-oriented values' (Kosniak et al. 1977: 43). As well, the traditional Catholic approach to sexuality was framed within a context of cultural, ritual and sexual purity which gave emotional power to the intellectualised, rationalistic Thomist approach. 'To be pure', was code for 'don't masturbate' and 'don't have sex before marriage'. St Maria Goretti was one powerful symbol of this approach to sexuality.

While the relational aspect was not completely missing from Aquinas' thinking, the weight was on individual actions and absolute moral standards. During the 1960s, Catholic moral teaching in the seminaries was convulsed by the challenge presented by the Christian situational ethics philosophy of Bishop John Robinson and James Fletcher, who wrote the 1963 book, *Situational Ethics: The New Morality*. One much discussed case study was of sacrificial adultery concerning a German woman who had been captured by Soviet troops and placed in a Ukraine jail while her husband was in a POW camp in Wales. She learned that her children were in desperate need of her. The only way she could escape the prison was through pregnancy so she got herself impregnated by a guard. Fletcher's approach was to argue that love is the only intrinsic good, and that justice is love distributed. Love's decisions are to be made situationally, not prescriptively. This approach was decisively rejected by the Thomistic moralists, whose thinking led to the encyclical *Humanae Vitae*.

### *Humanae Vitae* – a seeming disaster for the Catholic Church

In July 1968, Pope Paul VI (1963–1978) published his condemnation of abortion and artificial contraception as intrinsically disordered and mortally sinful acts in his encyclical *Humanae Vitae* (Of Human Life). Pope John XXIII (1958–1963) had appointed a special commission, which included married couples, to make recommendations, and the matter came for resolution under Paul VI five years later. Well after the ending of the Second Vatican Council, the commission had split, producing a majority report recommending a lifting of the ban, with a minority report recommending the traditional moral doctrine previously outlined by Pope Pius XI in his 1930 *Casti Connubii*. Paul VI rejected the findings of the majority commission. Heavily pressured by a group of conservative cardinals led by Cardinal Ottaviani, he decided that accepting the majority findings would abrogate church tradition. Sexual intercourse must always remain open to the transmission of life, without any artificial barrier, even in cases of rape: 'Each and every marriage act must remain open to the transmission of life' (*Humanae Vitae* par. 11). History will eventually come to see *Humanae Vitae* as the highpoint of Catholic clericalism; it will also see it as a Pyrrhic victory, for it also signalled the beginning of the end of clericalism.

There were many things wrong with *Humanae Vitae*. It condemned as equally evil both abortion and artificial contraception, even though right reason would suggest that abortion is a more serious moral offence. *Humanae Vitae* also failed to incorporate contemporary insights from psychology and advances in the health and reproductive sciences, except for its emphasis on the natural reproductive cycle. Lastly, it is not embedded in a contemporary and realistic anthropology of sexuality, which Catholic moral theologians have often spiritualised into an ineffable theology of the body. The struggle over *Humanae Vitae* impacted throughout the Church and its organisational culture.

The Church is not opposed to responsible parenthood, but it allows only the natural element of time to be used in avoiding fertilisation, through the timing of the female menstrual cycle and the recognition of the vaginal secretions at the release of the ovum. There have been three fundamental

flaws in the argument which still continues to be pursued by the Holy See or ‘the Magisterium’, to use the ecclesiological terminology. The first is the issue of the natural law. The ruling that all acts of intercourse must remain open to the transmission of life and not be interfered with by pills, condoms, etc, is based on the moral philosophy of natural law theory, which is interpreted to say that artificial contraception is against nature and the natural bodily processes of the pre-menopausal woman. However, as the great Catholic theologian, Karl Rahner, subsequently remarked in a lecture<sup>166</sup> given in Rome in 1969, the issue is not whether a particular act is for or against nature. The real question is: To what extent are we allowed to manipulate nature in the achievement of the good of responsible parenthood and the cementing of the marital relationship?

In the second and related flaw, the argument that all acts of sexual intercourse must always remain open to the transmission of life logically implies that the post-menopausal woman should not have any act of sexual communion with her male partner. This, of course, has never been the position of the Church, but it illustrates the impasse and the dead-end that Catholic moral theology currently finds itself in. It also showed that the Catholic Church’s theology of marital sexuality grounded in the centrality and normativity of young procreating married couples, was neglectful of the diverse other forms of married life such as post-menopausal marriages, virginal marriages and spiritual marriages (Elliott 1995). Of course, there is much to be said for the natural means of contraception, but it essentially is a health and reproductive decision. Moreover, what is missing is a theology of relational sexuality (Salzmann & Lawler 2012).

Human sexuality innately influences our personality, our cerebral activity, our understanding of self and our own gender as well as the opposite gender, and of our relationships, although sexuality is better understood as a continuum than as a duality (Salzmann & Lawler 2012). Any theological framework must be embedded in a grounded anthropology, sometimes called ‘the signs of the times’. For example, according to US data (Smith 2003), the average American couple, if they shared a marital union for 50 years beginning at the age of 25, would make love 3,086 times – in only an extremely small number of occasions would the act be generative of children.

In the great gift of sexuality besides the fact of semination that occurs normally in all acts of sexual intercourse, there is also another essential ambiguity regarding individuation within the unitive act. The Catholic moral theologians Salzmann and Lawler (2012) express this well: ‘This (sexual) pleasure is, of course, quite individual, and it is part of the ambiguity of sexual intercourse that in the climatic moments of orgasm, the act intended to be giving of one person to the other throws each back on herself and himself and fully unitive, is, at its peak moment, actually also divisive’ (Saltzman & Lawler 2-012: 51).

In a contrary view on the Vatican website, there is only one article containing the word ‘orgasm’ – it is written by Wanda Poltawska, mother, survivor of the Ravensbruck concentration camp, confidante of Pope John Paul II and Professor of Pastoral Medicine of the Pontifical Academy of Krakow. In an article on celibacy and the priesthood entitled *Priestly Celibacy in the Light of Medicine and Psychology*, she writes about orgasm:

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<sup>166</sup> The lead researcher was present at this lecture.

The culminating point, known as orgasm, is only the final mechanism for effecting procreation. It makes fertilisation easier, even though, obviously, it does not determine it. But orgasm, being a particularly intense and deeply-felt sensation, often becomes the only objective. It becomes divorced, that is to say, from its reproductive function, all the more so since it is considered to be a 'sign' of love with which the actual sex act is often mistakenly identified (Poltawska, 1993: no page numbering).

Lastly, the *Humanae Vitae* ruling has never been, in ecclesiological terms, "received" or accepted by the Church and, in particular, its female members. For several reasons the Pope could never infallibly<sup>167</sup> define that the ban on artificial contraception is part of the *depositum fidei* (the deposit or contents of faith).

The incidence of artificial contraceptive use by Catholic and non-Catholic women, certainly in developed countries where statistics are most reliable, are more or less the same. In other words, fertile Catholic women are ardent users of artificial contraception according to the figures of the UN Department of Economic and Social Affairs' 2015 *World Contraceptive Use* survey. Catholic women actually enjoy good sex. More recently in February 2014, in a global Univision survey of 12,000 Catholics in twelve countries across the world (though not the South Pacific), the respected Bendixon and Amandi International polling organisation asked whether participants supported or opposed the use of contraceptives. The survey showed that 78 per cent supported the use of contraceptives, including 72 per cent of those who were frequent Mass attenders, and 90 per cent of those who were infrequent attenders (Univision 2014).

Furthermore, there is another indication of this failure to "receive" the Church's official teaching. In the immediate years after the 1968 encyclical, eleven episcopal conferences, including the Australian belatedly in 1974, affirmed in statements to their peoples that they had the right to exercise their consciences in coming to a decision on how they pursued the goal of responsible parenthood in their marital lives.

Since the publication of *Humanae Vitae*, a moral theological battle has been waged between the so-called "conservatives" and the so-called "progressives". The traditionalist argument, representing the position of the Magisterium, has recently been put by William Murphy. In a dense and carefully argued article in the prestigious *Theological Studies*, Murphy (2011) avoids the distinction between natural and artificial contraception in order to overcome the strength of the post-menopausal argument, arguing that Paul VI's encyclical was prophetic given the sexual misery wrought by the contraceptive revolution. Using John Paul II's theology of the body, he takes a Thomist virtue-based approach, suggesting that contraceptive acts violate the virtue of chastity. He argues that 'human sexuality is intrinsically and essentially ordered to procreation by its natural (i.e. physical) structure and teleology (i.e. what is naturally tends toward, like the ordering of eating to nourishment)' (Murphy 2011, 814).

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<sup>167</sup> There is much misunderstanding in both the Catholic and non-Catholic communities about the notion of papal infallibility. The Pope can only define or speak *ex cathedra* on a matter of faith and morals that reflects the belief of the whole Church. Papal infallibility has been exercised only twice – in 1854 (the Immaculate Conception of Mary) by Pope Pius IX and 1950 (the Assumption of Mary into Heaven) by Pope Pius XII. A pope is required to consult with the whole Church before such a step.

Utilising Aquinas' virtue ethics framework, Murphy suggests that contraceptive acts are 'a principle of disintegration', thus contrary to chastity, and morally evil because contraceptive acts eliminate the need for decisions of sexual abstinence and imply the failure to develop 'a virtuous mastery over our sexuality and fertility'. Contraceptive acts 'are thus a source of personal (and, as could be further argued, interpersonal, relational and communal) disintegration, precisely because they have the sexual inclination to operate under a logic of self (or mutual) gratification, whereas growth in virtue requires that it be further elevated' (Murphy 2011: 843).

In a coda to his paper, Murphy uses the analogy of taking diet pills as akin to taking contraceptive pills - that is, taking diet pills as an alternative to appropriate acts of abstaining from food: 'To the extent that they are contrary to the right reason of virtue, they are therefore contrary to the true good of the person and morally evil' (Murphy 2011: 844). He concludes: 'Analogous to the example of taking a diet pill, the act of taking a birth control pill, for example, treats the woman's fertility like an organ to be cured from a disease or malfunction' (Murphy 2011: 845).

### Pontifical John Paul II Institute for Studies on Marriage and the Family

To present and develop his case for *Humanae Vitae*, his own theology of the body, and defence of the family, Pope John Paul II established the Pontifical Institute for Studies on Marriage and the Family in 1981, which after his death became the Pontifical John Paul II Institute for Studies on Marriage and the Family. Its mission is to deepen awareness of the Magisterium's truth about marriage and the family. It is based at the Pontifical Lateran University in Rome and has other locations in Benin, Brazil, India, Mexico, the Philippines and the United States. In 2001, it opened a branch in East Melbourne, apparently partly financed by the Archdiocese of Melbourne. Its foundational patron is Cardinal George Pell and its current director is Monsignor Peter Elliott, auxiliary bishop of Melbourne. It has four permanent full-time fellows and one of its adjunct professors is Anthony Fisher, currently Archbishop of Sydney. Because it has been approved as a higher education provider by the Victorian Minister for Education and Training, the Institute comes under the purview of the Australian Tertiary Education Quality and Standards Agency, even though it is a very small provider. It has recently undergone renewal of registration, which it has now secured until August 2021 but is now in the process of closing down seemingly because of lack of students.

For Pope John Paul II, masculinity and femininity exist deep within the human body, not merely in terms of genital differentiation. The woman's loving receptivity of the sexual act and of the subsequent child is matched by the man's role as the active initiator of human love, with man taking the quintessentially masculine Christ as his role model. Female Catholic theologians are critical of this ontological connection between the male human Jesus and the male God (Johnson 2015, Grimes 2016). Pope John Paul's theology of the body also excludes intersex people who have also been created by God (Grimes 2016).