

# “... and what would God think?” Rebuilding pastoral health and integrity after the Royal Commission into Institutional Responses to Child Sexual Abuse

Desmond Cahill

## Welcome

Thank you very much for the welcome. I feel humbled that I have been asked to present the first keynote address. I often wonder why God has given me this gig. In 2012, I read Chrissie Foster's book<sup>1</sup> and then the defining study by Marie Keenan,<sup>2</sup> the Irish psychotherapist whom I would meet in 2014 at a special research conference in northern Spain that brought together the world's leading researchers on Catholic clerical abuse. I am not a victim, nor was I aware of it during my six years in the priesthood in the 1970s. But it later transpired that in my first parish I was surrounded by priest abusers in most neighbouring parishes, and my last parish priest turned out to be an abuser. My successor after my resignation from the priesthood was also an abuser and he is highly suspected of murdering the mother of one of his victims as well as abusing intellectually disabled adults. Previously, in 1967 in Rome, I had visited a home for disabled children run by religious brothers, and I was mystified by their behaviour. I now understand that they had been sexualised.

## Introduction

Late in April this year, a theological symposium on The Abused Christ was held in Auckland. At an evening presentation attended by New Zealand's 20 diocesan seminarians as well as many priests and laypeople, a New Testament scholar with the best of intentions was proposing that Jesus was a victim of sexual abuse because of his nakedness on the cross. Yes, the crucified Jesus was naked on the cross, causing sexual shaming and humiliation. Suddenly, a woman sitting directly behind me jumped to her feet, obviously distraught. 'You guys just don't get it. Jesus was not abused like I was. And Jesus was an adult, not a child.' Later on, a seminarian asked about the interrelationship between the mystical body of Christ and the abused body of Jesus. Again, she jumped to her feet. 'There is nothing mystical about being raped.' It was a *kairos* moment of the Spirit.

The woman was Annie Hill, abused over many years by a Dominican priest who died in October 1997. His abusing behaviour, whilst well known to the Dominicans, was not publicly revealed until a series of recent articles in *The New Zealand Herald*, this year. Annie has now formed a support organisation, as New Zealand is in the early throes of its own Royal Commission, 118 years after an earlier New Zealand Royal Commission in 1900 examined a Marist Brothers residential school outside Nelson. At the time, New Zealand's *Catholic Tablet* dismissed it as an Orange plot. Annie is with us this morning.

## The lack of a theology of the child in church thinking

'... and what would God think?' were the words spoken by a priest perpetrator who did not begin offending until his fifties.<sup>3</sup> Children – assaulted, sodomised and raped – were the central focus during the Royal Commission and must be the central focus in this ecumenical conversation. Each child, made in God's loving image, comes to us as mystery and as gift. Children come to us with their potentialities and capacities for love and loveableness with their sense of awe and surprise, and their playfulness and spontaneity.<sup>4</sup>

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1. Foster, C., and Kennedy, P W. (2010). *Hell on the Way to Heaven*, Random House Australia.

2. Keenan, M. (2012). *Child Sexual Abuse and the Catholic Church: Gender, Power and Organizational Culture*, Oxford University Press, Oxford and New York.

3. Winship, J R. (2012). *Cursed: constructing the experience of the Catholic clergy child molester*, PhD thesis, Department of Psychiatry, University of Sydney, 134.

4. Marty, M. (2007). *The Mystery of the Child*, William Eerdmans, Michigan.

As we well know, Jesus revolutionised attitudes to children: 'Amen, I say to you, unless you change and become like little children, you will never enter the kingdom of heaven' (Mt. 18, 2). However, Volume 16 of the Royal Commission's final report, on religious institutions, regularly comes back to the point that the leaders of religious institutions, especially Roman Catholic leaders, as well as the clerical and religious perpetrators, had no care for children and little psychosexual or emotional understanding of the child. Catholic canon law (Canon 1083 of the 1983 Code of Canon Law) still allows girls of 14 and boys of 16 to marry if their parents and the State permit. In the Royal Commission's final report, Recommendation 16.43 stipulates in part that preparation of candidates for religious ministry should include minimum training not just on children's safety and how to work with children, but also on child development. Despite the pastoral centrality of children, the churches have lacked a fully developed theology of the child.<sup>5</sup>

Parenting has not become any easier in a complex and cyber world. For parents to have their patient, time-consuming handiwork of rearing a child, damaged or even destroyed by abusing clergy and religious is at the very core of this Christian tragedy. In educating our children about their own self-protection, the message could well be built around a very useful axiom which highlights bodily ownership: *NO Trespassing – This is MY Body*.<sup>6</sup> And it is further tragic that during all the cultural, theological and pastoral wars in the Christian churches since the Second World War, thousands of children worldwide were being physically and sexually abused.

There is a deep and worrying conundrum in all of this. Pope Francis has conjured up the wonderful image of the church as a field hospital binding up the sick, the wounded and the vulnerable, and yet it was the vulnerable who were the most likely to be abused. The church talks about reaching out to the poor, yet it has reached out quite poorly to those who had been hurt by its own predator members.

### Childhood and child abuse in global perspective

The unveiling and revelation of sexual abuse of children and vulnerable adults in religious institutions did not occur in a global or Australian religious vacuum. Beginning in the 19<sup>th</sup> century, with the emergence of the nation state and the first age of globalisation from the 1850s, together with the massification of schooling, in a remarkable historical development, especially after the Second World War, we saw the emergence of the individual and the discourse of human rights. As part of this development, children were transformed from legal nonentities, as the legal property of their fathers, and enshrined by the international community as the subject of human rights.<sup>7</sup> As a consequence, other allied concerns emerged about child labour, child soldiering, child trafficking, child marriage and child abuse, and protection of children was extended even to child criminals with the abolition of the death penalty for them in almost all countries.<sup>8</sup>

This focus on the global child has generated anxiety, even moral panic, about the safety of children. It fed into both the growing empowerment of victims to begin speaking up and making complaints and the formation of advocacy and support groups such as Broken Rights, In Good Faith and For the Innocents in Australia, SNAP and BishopAccountability.org in the United States, and Sylvia's Site in Canada. It also fed into the determination of journalists such as Barney Zwartz, Joanne McCarthy, Andrew West, Stephen Crittenden and Lucie Morris-Marr here in Australia, and others around the world, to dig deep for the truth and break the deep-seated code of ecclesiastical silence and secrecy in all churches.

Australia's Royal Commission into Institutional Responses to Child Sexual Abuse was preceded by government and church-sponsored inquiries in Belgium, Canada, Ireland, the Netherlands, the United Kingdom and the United States, and here in Australia by the Queensland Forde inquiry and two Senate inquiries into child migration and residential care, among other inquiries.<sup>9</sup> Here we must pay a special

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5. Cadwallader, A. *Towards a theology of the child*. In Regan, H D. (ed.) (2013). *Child Sexual Abuse, Society and the Future of the Child, Interface Theology*, 16(1), ATF Press, Adelaide, 15–28; Rahner, K. (1971). Ideas for a theology of childhood, *Theological Investigations Volume VIII: Further Theology of the Spiritual Life 2*, trans. David Bourke, Herder and Herder, New York, 33–50; Newey, E. (2012). *Children of God: The Child as Source of Theological Anthropology*, Ashgate, UK.

6. This is the title of a primer written by Pattie Fitzgerald for parents and teachers in the US on educating children about their self-protection and 'thumbs-up' and 'thumbs-down' touching. See Fitzgerald, P. (2011). *NO Trespassing – This is MY Body!*, Safely Ever After Media, US.

7. Linde, R. (2014). The globalization of childhood: the international diffusion of norms and laws against the child death penalty, *European Journal of International Relations*, 20(2), 544–568.

8. Linde, R. (2018). *The Globalization of Childhood: The International Diffusion of Norms and Law against the Child Death Penalty*, Oxford University Press, Oxford.

9. For a list of previous inquiries in Australia and overseas, see Cahill, D. and Wilkinson, P. (2017). *Child Sexual Abuse in the Catholic Church: An Interpretive Review of the Literature and Public Inquiry Reports*, School of Global, Urban and Social Studies, RMIT University, Melbourne, 21–2, <https://www.rmit.edu.au/content/dam/rmit/documents/news/church-abuse/child-sex-abuse-and-the-catholic-church.pdf>

tribute to one of the six Commissioners, former Australian Democrats senator Andrew Murray, himself a child migrant from the UK via Southern Rhodesia (now Zimbabwe), who played a special and unique role in the two Senate inquiries.

With the global eye upon Australia, there is a further consideration. Some Australian dioceses of different denominations and many religious agencies, including the Catholic religious orders sponsoring this conference, have extensive outreach into Asia, and to a lesser extent into Africa, where the veil of secrecy has not yet been lifted. As one very scary example, the Catholic Church has over 9,500 residential institutions or orphanages across the world, 28 percent of them in India. It is sobering to think that on this very day, it is likely that children will be abused in Catholic and other Christian child residential centres around the world.

Australian religious leaders have a heavy responsibility to ensure that the Asian and African churches face their responsibility to protect children and bring those who harm them to justice. There is extreme danger that the issue will be dealt with in the quiet, typical Asian way. In 2015, for example, Cardinal Luis Tagle of Manila remarked ‘... exposing persons, both victims and abusers, to the public, either through media or legal action ... that adds to the pain’.<sup>10</sup> And may I quickly add that the veil is yet to be lifted on child sexual abuse in church institutions in Italy and Poland. Then there are the issues in Asian and African minor and major seminaries of sexual abuse and psychosexual immaturity and maldevelopment.

### **The credibility and thoroughness of the Royal Commission’s final report**

The Royal Commission’s 2017 final report, with its 17 volumes, 7,434 pages and 189 recommendations, together with 218 further recommendations from earlier Royal Commission reports, is the most thorough and most credible report on religious institutional sexual abuse of children ever produced, more than surpassing the excellent 2011 Dutch Deetman report, the very long 2009 Irish Ryan report, and the 2011 report into the Irish Diocese of Cloyne in which the Catholic Archdiocese of Brisbane unfortunately featured. As the CEO of the Truth, Justice and Healing Council, Francis Sullivan, once said, the Royal Commission may have been twenty years too late and two years too long, but it is a gift – God’s gift – to Australia and the world.

The report also has an unparalleled moral authority, which is why Australia’s Commonwealth, state and territory governments are almost unhesitatingly accepting those recommendations which pertain to them. It is notable that several state governments are moving quickly to implement the Royal Commission’s recommendations relating to mandatory reporting of child sexual abuse and the confessional seal, although there has been some hesitation in some states, especially in Australia’s most Catholic states – New South Wales and Victoria. It is also notable how little public resistance there has been over the issue. As one very senior Catholic politician remarked to me recently in Canberra, ‘There is no way a politician can argue in public that the seal should take precedence over the sexual safety of children’, especially after the Anglican Church has made the necessary accommodation in its confessional practice.

The image of religion has been severely damaged. As the Royal Commission has shown, many religious institutions are not in good shape, and certainly not the Catholic Church, which inevitably must be the principal focus of this ecumenical conversation. A certain cardinal once memorably remarked that the Catholic Church objected to being described as ‘the only cab on the rank’. But he should have added that the Catholic Church has been by far the largest cab, as attested by the figures both of the Royal Commission (61.4 percent of those abused in religious settings were in Catholic institutions), and earlier Victoria Police data provided during the Victorian Parliamentary Inquiry, according to which, in the period from 1956 to 2012, Victoria Police had identified 519 ‘distinct victims’ of child abuse in religious organisations, of whom 370 (71%) had been abused in Catholic settings.<sup>11</sup> In the Royal Commission’s final report, the Catholic Church receives 965 pages of attention, the Anglicans receive 241 pages, The Salvation Army 65 pages, while 40 to 50 pages each are devoted to the Jehovah’s Witnesses, Australian Christian churches and affiliated Pentecostal churches, and the Yeshiva Jewish communities.

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10. Cardinal Luis Antonio Tagle meets the press, *UCANews*, 13 December 2012, <https://www.youtube.com/watch?reload=9&v=iDHzK8Rtwfw>. See also Cahill and Wilkinson, *Child Sexual Abuse in the Catholic Church*, 91.

11. Transcript of Deputy Commissioner G Ashton, *Inquiry into the handling of child abuse by religious and other organisations*, Family and Community Development Committee, Parliament of Victoria, 19 October 2012, [https://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child\\_Abuse\\_Inquiry/Transcripts/Victoria\\_Police\\_19-Oct-12.pdf](https://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child_Abuse_Inquiry/Transcripts/Victoria_Police_19-Oct-12.pdf) (accessed 18 October 2018).

This ecumenical conversation over the next three days is an opportunity to review the position of the churches more than eight months after the Royal Commission and where we should be heading in constructing healthy and ethically professional religious institutions. Recently, lawyer Richard Scorer, who is the sharpest observer of the British Catholic scene in relation to clerical sex abuse, has stressed the importance of deep cultural change, observing that ‘without deeper cultural change, a proliferation of Quality Assurance Frameworks can only take the Church so far. The bureaucracy and language of safeguarding can easily become a kind of managerial voodoo, remote from the realities it is trying to describe’.<sup>12</sup> This must be the focus of our discussions: a focus not so much on professional standards and child protection mechanisms, as on the underlying cultural and associated issues within church organisations.

### **Broadening the conversation**

At the same time, we need to broaden our focus beyond the imposed limitations of the terms of reference of the Royal Commission. As we look forward, we need to include vulnerable adults in our discussions, which, to their credit, the bishops of England and Wales did in commissioning the excellent 2001 report of Lord Nolan, *A Programme for Action*.<sup>13</sup> This includes the sexual abuse of seminarians and novices in male and female religious orders, and also the sexual assault of young nuns by priests and others because they are presumed not to have HIV/AIDS.<sup>14</sup> It also includes the sexual abuse in religious institutions of adults more generally. This issue has been brought into the open in a New Zealand Methodist context by the recent book by Rev Anne Stephenson.<sup>15</sup>

This brings us to the issue of sexually corrupt and unholy founders of Catholic religious institutes, most notoriously the ultra-extraordinary case of Fr Marcial Maciel Degollado, the Mexican founder of the Legion of Christ, who led a completely double life. The phenomenon of sexually corrupt founders is not unknown in Australia, with the saga of the Society of St Gerard Majella in Sydney’s south-west. I am told that there are at least 12 other cases of unholy founders in recent decades known to the Vatican’s Congregation for Consecrated Life and Societies of Apostolic Life.<sup>16</sup> Connected to this issue, is the proliferation and spawning of Catholic religious orders, sometimes without appropriate levels of spiritual discernment and scrutiny, which Dr Peter Wilkinson and I raised in our RMIT report for the Royal Commission.<sup>17</sup> This was a problem eight centuries ago. Canon 13 of the Fourth Lateran Council of 1215 states: ‘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.’ Another associated issue is the children of priests and bishops, including the personal, legal, financial and moral responsibilities of such fathers and the right of their children to know the identity of their fathers. This is an issue that canon law has never addressed, but it was raised in 2014 by the United Nations Committee on the Rights of the Child.<sup>18</sup>

In all these instances, we are dealing not just with sex, but with power – the use and abuse of power, and spiritual power, at its worst. Also, let us always keep in mind during our deliberations that physical, emotional and sexual abuse of children occurs more in family than institutional settings, and that child-to-child abuse, sexting and cyber sexual abuse are emerging as key issues – issues that were dealt with at some length by the Royal Commission in its final report.

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12. Scorer, R. (2018, 13 June). Wheels of change in tackling clerical sexual abuse still grind too slow, *The Tablet*, 4.

13. Nolan, M P. (2001). *A Programme for Action: Final Report of the Independent Review on Child Protection in the Catholic Church in England and Wales*, Catholic Bishops’ Conference of England and Wales, London.

14. The latter issue was the subject of a 1994 report produced by the Irish missionary doctor, Sister Maura O’Donohue, a Medical Missionary of Mary, which seems not to have had much effect.

15. Stephenson, A. (2016). *Adult Sexual Abuse in Religious Institutions*, Phillip Garside Publishing, Wellington.

16. This information comes from Dr Rocio Figueroa, a Peruvian theologian teaching at the Good Shepherd Theological College in Auckland. For twenty years she was a nun in the female part of the *Sodalitium Christianae Vitae* founded in 1971 by Luis Figari (see Cahill and Wilkinson, *Child Sexual Abuse in the Catholic Church*, 150). Dr Figueroa became a whistleblower when she discovered that Figaro was sexually abusing his young seminarians. She worked for a time in Rome in the Congregation for Institutes of Consecrate Life and Societies of Apostolic Life. She now lives in Auckland with her New Zealand husband.

17. Cahill and Wilkinson, *Child Sexual Abuse in the Catholic Church*, 141–3, 168, 303–4.

18. In May 2017, the Irish Bishops Conference approved a protocol entitled ‘Principles of responsibility regarding priests father children while in ministry.’ See <https://www.catholicbishops.ie/2017/08/31/principles-of-responsibility-regarding-priests-who-father-children-while-in-ministry>

## Our learnings

What have we learned from the Royal Commission's final report? We have learned that there never was a time when child sexual abuse was not condemned by the church. It was an issue of concern in New Testament times with the abusing of his slave children by the *paterfamilias* in Roman families. Church historical studies give us glimpses that clerical sexual abuse of children has been a recurring issue for the past 2,000 years. The clearest evidence comes from the files of the Spanish Inquisition. Right throughout the 20<sup>th</sup> century, the Vatican was well aware of the situation, as seen in the secret publication of the Holy Office instruction *Crimen sollicitationis* in 1922, with the approval of Pope Pius XI, and its revision and secret re-publication in 1962, approved by Pope John XXIII – although the issue of child sexual abuse is mixed together in *Crimen sollicitationis* with other priestly misbehaviour issues, such as soliciting in the confessional and homosexual relationships.<sup>19</sup>

We have learned, in victim terms, that more than 4,000 survivors disclosed to the Royal Commission that they had been sexually abused in 1,691 religious institutions. Of these survivors, more than 200 had been abused since 1990. Almost two-thirds (61.4%) were abused in Catholic settings, six times more than the Anglican figure and eight times more than The Salvation Army figure. On a per capita basis, the Jehovah's Witnesses had the highest level of offending, but much of this was familial abuse poorly dealt with internally by the elders. There was some abuse in the Uniting Church, but not generally by its religious ministers. There was very little abuse in the Presbyterian, Lutheran, Eastern Orthodox and Eastern Catholic churches. Very few of those survivors who came forward belonged to non-Christian faith traditions, although we know that there are very significant problems of child sexual abuse in the source Buddhist, Hindu and Muslim countries, such as India and Thailand.

Of those abused in religious settings, over 70 percent were boys. Just over half the abusers were people in religious ministry (52.9%), followed by teachers (23.2%), and residential care workers (13.0%) and, since 1990, other older children. Almost all of the abusers (95.3%) were male. The average time for the abuse to be disclosed was 30 years for those abused in Catholic institutions, and 29 years for those abused in Anglican institutions.

We have learned, in offending terms, that for the Catholics, using figures weighted for length of service, 7.9 percent of diocesan priests, 5.6 percent of religious order priests, and an estimated 22 percent of religious brothers who were involved in public ministry in Australia between 1950 and 2010, are the subject of child sexual abuse claims. For the St John of God Brothers, who ran a number of institutions for boys with intellectual disabilities, 40.4 percent of brothers who were active in the same period are the subject of claims, highlighting the plight of children with intellectual disabilities, utterly vulnerable and defenceless. The Catholic diocese with the highest overall proportion of priests who were alleged perpetrators was Sale (15.1%), while the diocese with the lowest proportion was Adelaide (2.4%). For the Anglicans, their problems were much more to do with schools, particularly boarding schools, rather than Anglican parishes, which do not have attached primary schools, and with the Church of England Boys' Society. There are no published psychopathological studies of Anglican priest perpetrators.

We have learned, in psychopathological terms, that religious offenders have quite different profiles from the average child sex offender. The cognitive distortions of Catholic priest and religious perpetrators emanated from a range of factors, always including psychosexual immaturity or maldevelopment, usually with a failure to satisfactorily resolve their sexual identity, particularly if they were gay and operating in a deeply homophobic environment. A key factor was their sexual deprivation and fear of intimacy. Other factors included narcissism, dependency and cognitive rigidity, all leading to a mutation towards children in their sexual thinking and behaviour. The Royal Commission's final report notes that research suggests that child sexual abuse is not related to sexual orientation, and pointedly adds: 'Vatican documents that link homosexuality to child sexual abuse (by clerics) are not in keeping with current understandings about healthy human sexuality'.<sup>20</sup> Often there were contextual and triggering factors, such as stress and life transitions, mental health issues, substance issues and exposure to violently sexually explicit material.

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19. *Crimen Sollicitationis* (revised 1962), [http://www.vatican.va/resources/resources\\_crimen-sollicitationis-1962\\_en.html](http://www.vatican.va/resources/resources_crimen-sollicitationis-1962_en.html)

20. Royal Commission into Institutional Responses to Child Sexual Abuse. (2017). *Final Report, Executive Summary*, Commonwealth of Australia, 68.

We have learned, in neutralising terms, how perpetrators endeavoured to silence and blame their victims. One victim related how '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 those who did God's work were not led into 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.'<sup>21</sup> Additionally, with most perpetrators there was a complex denial process as they lied to their bishops and religious superiors.

We have learned, in response terms, that leaders of religious institutions, whether they were Catholic bishops, Anglican archbishops, Salvation Army officers or Jehovah's Witness elders, responded poorly but remarkably uniformly. The motive was to protect the reputation of their institution as pristine and all-holy. The secretiveness was profound and systematic, incubated in a caste-clericalist or similar closed cultural environment. Often their responses were overly legalistic or lacked transparency, and later there came the generic apologies, which have now become almost meaningless unless there is to be real structural change. The leaders were never child-focussed. They moved offenders from parish to parish, diocese to diocese, country to country.

And we once again have to ask the question: Why, over the centuries, has much destructive behaviour been perpetrated by otherwise good, decent people in the name of righteous ideologies, religious principles and nationalist ideologies? In response, the renowned US psychologist, Albert Bandura, has suggested in his theory of selective moral disengagement that 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, and the bishops were able to re-frame harmful conduct as even honourable through very questionable moral justification, exonerating social comparisons and sanitising language. The triumph of evil requires a lot of people doing a bit of it, in a morally disengaged way, with indifference to the human suffering they have collectively caused.<sup>22</sup>

We have learned, in institutional terms, about cultural risk factors such as the lack of understanding or awareness of child sexual abuse, the failure to listen to children, the failure to educate children about healthy and appropriate sexual development, the cultivation of secrecy and isolation, and the failure to see child protection as a shared responsibility. Australia, like Ireland, was slower by quite a few decades than New Zealand, the United Kingdom and the United States in moving away from orphanages to foster family care arrangements, although these are also not without their problems.

### **Appraisal of the Royal Commission's final report**

To offer an appraisal of the work of the Royal Commission and its final report, it showed exemplary care for the survivors and their families, as the Commissioners listened respectfully to their voices. Its case studies covered a myriad of issues and settings, and its research was detailed and finely grained. It has outlined the risk factors associated with adult child sex offenders, and the cultural and structural risk factors within religious institutions.

In relation to the Anglican Church, these included: (1) weaknesses in structure and governance preventing a consistent response; (2) the role of the bishops and the failures of leadership; (3) conflicts of interest for bishops and other office-holders; (4) cultural issues, including forms of clericalism; (5) the practice of forgiveness and confession; and (6) inadequate screening, selection, training and supervision of people in ministry.

For the Catholic Church, the contributing factors were identified as: (1) the individual pathology of the perpetrators; (2) clericalism in all its facets; (3) the monarchical and feudal aspects of governance, including lack of transparency and accountability of those in leadership and the lack of meaningful participation of the laity and especially of women in governance; (4) poor leadership, including poor education for leadership and lack of leadership at the level of the Vatican; (5) the failure of canon law and its secrecy provisions; (6) compulsory celibacy with its associated sexual dysfunction as the linchpin of the clericalist system; (7) poor selection, screening and initial formation of priests and religious; (8) lack of oversight, support and ongoing training of priests and religious; and (9) the practice of the sacrament of confession and its cheap forgiveness, which allowed perpetrators to minimise the impacts of their sexual abusing.

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21. Forde, L. (1999). *Report of the Commission of Inquiry into the Abuse of Children in Queensland Institutions*, Queensland Government, 285, <http://www.qld.gov.au/community/documents/getting-support-health-social-issues/fprde-comminquiry.pdf>

22. Bandura, A. (2002). Selective moral disengagement in the exercise of moral agency, *Journal of Moral Education*, 31(2), 101–119, [https://web.stanford.edu/~kcarmel/CC\\_BehavChange\\_Course/readings/Additional%20Resources/Bandura/bandura\\_moraldisengagement.pdf](https://web.stanford.edu/~kcarmel/CC_BehavChange_Course/readings/Additional%20Resources/Bandura/bandura_moraldisengagement.pdf). See also Cahill and Wilkinson, *Child Sexual Abuse in the Catholic Church*, 284–288.

The Salvation Army was criticised for the questionable environment of its residential institutions, with poor resourcing, inadequate chain of command, devaluing of children, and the Army's type of 'muscular Christianity'. The Jehovah's Witnesses were criticised for the absence of women in their decision-making processes, their separateness from the world, and their two-witness rule based on Deuteronomy 19, 15, which raises an interesting religious freedom issue.

Having said that, I think the final report should have given much more emphasis to the fact that 59 percent of Catholic priest offenders had only one claim made against them. This brings up the issue of serial priest predators with dozens of victims, who made up about 3 to 5% of all Catholic priest offenders (in number terms, there were about 15 to 25 here in Australia). It also brings up another issue the Royal Commission might have told us more about, desistance – that is, why religious offenders stopped offending.<sup>23</sup> Also, while false and unproven allegations are a smallish part of the overall picture, the Report should have said something about them, and perhaps a reference to the Australian bishop exonerated by a Perth court in a classic case of mistaken identity. Among the Catholic case studies, there was an over-focus on the Archdiocese of Melbourne and the Diocese of Ballarat, whereas case studies on the Archdiocese of Brisbane and the Benedictine Monastery of New Norcia in Western Australia might have been instructive.

The final report should have given more attention to the whistleblowing role of support and advocacy organisations. The Catholic Church in particular needs to develop conversations with them. Another failure of the Royal Commission was an apparent lack of interest in restorative justice and a failure to advocate for a healing strategy to be developed by each religious organisation. In July 2018, the support group, For the Innocents ([www.forthetheinnocents.org.au](http://www.forthetheinnocents.org.au)), released a proposed restorative healing strategy for a co-ordinated response built around the theme of *Restoring the Face of Jesus* (Mt. 18, 10–11). The 22 strategies envisage the appointment of chaplains for survivors, gardens of healing particularly in hotspot parishes where much abuse took place, and contritional eucharists. The strategy document has been sent to every Australian Catholic bishop.

## Reception of the Royal Commission's final report

Eight months later, where are we at? What is the current state of play?

The Commonwealth Government has accepted all the recommendations relevant to it, except that it did not accept the recommendation that the new National Office of Child Safety should be located within the Department of Prime Minister and Cabinet, instead installing it in the Department of Social Services. In a major achievement, the Commonwealth and state governments, together with religious and other institutions, have agreed on the details of a national redress scheme recommended by the Royal Commission, although the \$200,000 cap recommended by the Royal Commission has been lowered to \$150,000. There is some criticism of the scheme from support organisations.

The Turnbull Government commented favourably on the Royal Commission's recommendation in relation to mandatory reporting of information about child sexual abuse disclosed in confession, and the Anglican Church changed its position on the confessional seal and child sexual abuse several years ago. The Catholic bishops have showed a distinct lack of imagination on the issue: they could make child sexual abuse a reserved sin, as with desecration of the host and heresy, whereby only the bishop can give absolution, or they could make it mandatory that the confessor will absolve only on condition that the penitent goes to the criminal justice authorities, recognising that child sexual abuse is a crime, or they could revert to the third rite of communal reconciliation.<sup>24</sup>

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23. See Cahill and Wilkinson, *Child Sexual Abuse in the Catholic Church*, 194–6.

24. On balance, this writer, whilst accepting that the Catholic Church ought to be allowed to maintain the seal of confession on religious freedom grounds, would accept that the church needs, in the spirit of negotiated accommodation, to publicly and formally address the following issues: (1) Most important is the central question that dominated theological debate up until the 20<sup>th</sup> century: 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 in turn raised the question of whether the confessor was permitted to make use of knowledge gained in the confessional to the detriment of the penitent. The negative response given to this question by theologians was based on the claim that the information was beyond human knowledge. (2) Should the Catholic Church, in the spirit of receptive ecumenism, examine and accept the recently-adopted position of the Anglican Church of Australia regarding the confessional seal and the confessing or disclosing of child sexual abuse? (3) The church needs to address the issue of restitution or penance and so-called cheap forgiveness in its confessional practice. (4) The church needs to address the view that first confession should be delayed from seven years of age until 12–13 years of age, as some German and American bishops were requesting the Holy See to allow in the early 1970s. (5) Finally, church leaders and theologians need to take on board that the church has allowed the seal to be broken on at least two occasions in history, once in 1477 to protect the life of the French king.

Turning to the Catholics, the Australian barque of Peter has become a shipwreck. An implementation committee has been appointed to advise the Australian Catholic bishops, headed by Jack de Groot, CEO of the NSW branch of the St Vincent de Paul Society. Catholic Professional Standards Limited has been established, based on an auditing-model adopted in Ireland, and is finding its feet, but it has no power if a bishop refuses to cooperate or be audited, as happened with one diocese and most eparchies in the United States for many years. On the positive side of the ledger, it must be stated that Australian Catholic schools are now very, very safe places, and that much has been done in Catholic schools and in many dioceses to safeguard children. In this respect, the initiatives of the South Australian Catholic Education Office have led the way, and these have been followed by the Melbourne Catholic Education Office, with its document on *Identity and Growth*, together with the *Connect and Protect* draft curriculum project sponsored by the Victorian Department of Education and Training in association with the Youth Research Centre of the University of Melbourne. In all of this work, there is a significant dilemma and tension between the explicitness of safeguarding education and protecting the sacred innocence of young children.

However, it must be said that, with the honourable exception of the work of Neil Ormerod and Georja Power's excellent 2003 thesis, the Australian Catholic University (ACU) has not served the church well in this crisis. In 2005, it established its Institute of Child Protection Studies, which has done some very good research, but nothing on church abuse. The ACU's other religion and policy institutes have avoided the issue, making no submissions to the Royal Commission. Other questions need asking: Will CathNews report the proceedings of this conference? When will the National Catholic Education Commission include the safeguarding of children in its terms of reference? Is there a Catholic bishop attending this conference?

In Rome, finally, we are seeing some limited movement. The Pontifical Commission for the Protection of Minors has been well briefed on the Australian report, and Archbishop Mark Coleridge has been doing the rounds in Rome, including participating in a conference on safeguarding and child protection. Pope Francis has begun seriously addressing the issue, after the Chilean bishops pulled the wool over his eyes and deliberately deceived him in order to protect their traditionalist priest mate, Fernando Karadima. We have a convicted archbishop and a cardinal on trial in Australia. But there have been at least four other cardinals who have been in trouble: Groer of Vienna and O'Brien of St Andrews and Edinburgh are both dead. Barbarin of Lyon will eventually go on trial over his failure to report child sexual abuse, and McCarrick of Washington has resigned, as have many bishops, including at least 27 bishops in the United States. But there are other dominoes yet to fall. The Pennsylvania grand jury report has generated much reaction across the world but, whilst it is admirable in its coverage of the terrible details, its analysis is not based on proper research and is accordingly rather poor; and its recommendations are limited. We can expect further such investigations in other American states.

### **The post-Royal Commission responses of the Catholic and Anglican bishops**

The performance of the Australian Catholic bishops, in taking almost nine months to formally respond to the Royal Commission's final report, can only be described as appalling and abysmal. They still seem not to fully get it. Their decision to back out from supporting this conference, along with the ACU, is a case in point. As its final act, the Truth, Justice and Healing Council submitted a thousand-page response to the findings and recommendations of the Royal Commission, but the Council was clearly divided. If the bishops think they can pursue a policy of delay and containment, they simply do not understand the anger of the more informed and educated section of the Australian Catholic community, nor have they understood the frustration of many of Australia's Catholic politicians. Most older Catholics want action; younger Catholics do not care any longer.

Much more than the widespread rejection by the Catholic faithful of Pope Paul VI's 1968 birth control encyclical, *Humanae Vitae*, the clerical sex abuse catastrophe will finally help break the clericalist hold on the Catholic Church, as the church is being forced to rethink the theology and praxis of priesthood for the 21<sup>st</sup> century in terms of inclusivity, multiplicity, flexibility and the realisation that all Christians have a divine calling, not just priests. My co-researcher, Dr Peter Wilkinson, has recently analysed the data in the 2018–2019 *Catholic Directory* and found that 52 percent of diocesan priests in Australia were born overseas.

Not only will the Catholic Church have to completely rethink the sacrament of penance and reconciliation in light of the Royal Commission's findings, as already suggested, the church needs to re-vision its theology of gender and sexuality around relationality, mutuality and reciprocity, not gender complementarity. Most Catholic thinking on sexuality took place in monasteries and universities, resulting in the focus on procreation, sexual acts rather than sexual relationships, and the exaltation of virginity over marriage. The traditional Catholic approach was understood within a framework of cultural, ritual and sexual purity, which gave emotional power to the rationalistic Thomist approach. To be 'pure' was code for 'don't masturbate' and 'don't have sex until the marriage night'. The 20<sup>th</sup> century Italian saint, Maria Goretti, was promoted as a powerful symbol of this holy purity approach to sexuality, whereas her murder in 1903 at the hands of a would-be rapist ought to have been framed in terms of power and powerlessness, male sexual violence and machismo, rather than purity and virginity.

### **The religious perpetrators of child sexual abuse**

And in this holy and unholy mess, let us not forget the clerical and religious perpetrators, many now languishing in Ararat Gaol and other gaols around Australia. Jacqueline Winship, after interviewing several perpetrators for her Sydney University thesis, calls them cursed, for they are cursed and they feel cursed. Many should not have been ordained. They were products of a flawed and unhealthy formation system where their moral theological training did not prepare them to be ethically professional, nor did they receive any input on psychosexual maturity. They need to be supported within the context of individual risk management plans.

### **Conclusion**

In conclusion, what do we need at the end of this ecumenical conversation? I would like to see:

1. A more nuanced articulation of the underlying theological, pastoral, structural and governance issues – one that addresses the underlying cultural issues in practical ways and moves us beyond vague generalities and motherhood statements.
2. A call on the churches to each make a firm commitment, not only to implement all of the Royal Commission's 57 recommendations as applicable, but to develop strategies to bring this about, even in the face of hard-line opposition and apathy.
3. From each church, the outlines of a healing, reconciliation and support strategy for survivors and their families, support and advocacy organisations, people in the pews, and the perpetrators.
4. An ecumenical statement of commitment to the safety, safeguarding and development of Australian children and children worldwide.

In 1870, Australia's first Catholic saint, Mary MacKillop, was excommunicated by the Franciscan Bishop of Adelaide after her sisters reported the Franciscan parish priest of Kapunda for child sexual abuse, a secret kept hidden from the Australian Catholic community for approximately 140 years. So began the Australian Catholic Church's less than glorious history of dealing with the clerical sexual abuse of children. Mary MacKillop and her sisters are a reminder that it will be women who will save the Catholic Church, just as they have led the campaigns to make the male-dominated church face up to its responsibilities. The church will finally have no choice but to grasp the nettle and include women in its decision-making processes and in priestly ministry. As has been seen in the Anglican Church, the emergence of women priests, bishops, and now archbishops has greatly diminished Anglican clericalism.

The Catholic catastrophe has made life difficult for all religious institutions. What the church in all its denominations needs now is not a resurrected traditionalism, but flair, innovation and imagination to plan and implement transformational tasks. Imagination is the key to globalisation and to a global church. That is why, my Christian sisters and brothers, we need the Gospel Jesus and the Holy Spirit. And then ... what will God think?

## Postscript

On 31 August 2018, two days after the conclusion of this conference, the Australian Catholic Bishops Conference released its overly-delayed and much anticipated response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. It is ultimately a major disappointment, despite its many positive aspects. It should have been a *kairos* moment of God's grace.

The covering letter from Archbishop Mark Coleridge, President of the Australian Catholic Bishops Conference (ACBC), and Sister Monica Cavanagh, President of Catholic Religious Australia (CRA), the umbrella body for Australia's male and female religious congregations, thanks the Royal Commission for its work and makes the usual apologies to the victims and their families. The letter would have been strengthened if references had been made to the survivor support and advocacy groups and to the work of the media. Also, it should have been much more solicitous of those many good priests, brothers and nuns who have laboured in the Lord's vineyard, irreparably damaged by the criminal actions of their religious colleagues and whose every public or semi-public act is now under scrutiny, if not suspicion.

This response document should have been a healing document, incorporating national and local elements of an overall healing strategy. It should have been a pastoral document that moved beyond the constraints of the Royal Commission's final report, which was heavily influenced by legal parameters. It should have been a truly prophetic document, in order to show how God the Holy Spirit can draw good out of evil, and to have made a commitment to the well-being of every child in Australia and beyond. The response acknowledges that much work is yet to be done. But it loads far too much in the way of individual response actions onto the Implementation Advisory Group. That committee is composed of very competent people, but a number of them have full-time job commitments.

The document contains little commentary on the findings of the Royal Commission, although it does draw on the observations of the final report of the Truth, Justice and Healing Council. The document's focus is more on the 80 relevant recommendations, and it makes the claim that the bishops and religious leaders 'accepted or accepted in principle or supported 98 percent of the Royal Commission's recommendations'.

This is a half-truth, as 12 recommendations (15%) have been marked: 'noted; ACBC has informed the Holy See'. As a result, we have no idea what attitudes, whether positive or negative or neutral, the Australian bishops and Catholic Religious Australia have adopted towards the recommendations that have been referred to Rome.<sup>25</sup> The one recommendation rejected by the Australian bishops is mandatory reporting and breaking the seal of confession.

As a consequence, the response document has not been an exercise in transparency. This may reflect scepticism about the Royal Commission, perhaps even the feeling amongst some of the bishops and senior Catholic lay leaders of an anti-Catholic vendetta.

Another significant failure of the response document was not to extend it to comment on some of the relevant suggestions in the TJHC report, including:

- the commissioning of an educational resource based on a theology of the child
- the establishment in each state of a survivor advisory group and the development in each diocese of an apostolate to survivors
- the establishment of a church Ombudsman role to oversight church governance and administration
- the development of a whistleblower policy
- the obtaining by Catholic Professional Standards Ltd of the status of a juridic personality within the framework of canon law
- the development of mechanisms to allow the participation of women in decision-making bodies.

The official Catholic response to the Royal Commission represents a missed opportunity, especially in the context of a Catholic Church engaging with the issue of clerical sexual abuse in a global context. The Royal Commission's final report is playing a global role in showing the way forward. It is now incumbent on the Australian Catholic bishops to act with independent spirit and place intense pressure on Rome to address the many theological, pastoral and cultural issues laid bare by the Catholic catastrophe of clerical sexual abuse.

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25. This form of response has been adopted in relation to the Royal Commission's recommendations 16.8, 16.9, 16.10, 16.11, 16.12, 16.13, 16.14, 16.15, 16.16, 16.17, 16.18 and 16.26. See Appendix 3 for a list of the Royal Commission's recommendations directed to religious institutions.

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**Desmond Cahill OAM** is Emeritus Professor of Intercultural Studies in the School of Global, Urban and Social Studies at RMIT University. After giving evidence in 2012 to the Victorian Parliamentary Inquiry into institutional child sexual abuse on non-Christian religions, he was a senior consultant on the Catholic Church to the Royal Commission, authoring (with Dr Peter Wilkinson), the 2017 RMIT study *Child Sexual Abuse in the Catholic Church: An Interpretive Review of the Literature and of Public Inquiry Reports*. Educated in theology at the Pontifical Urban University in Rome, and in psychology at Melbourne and Monash Universities, during his academic career, he conducted major policy and program evaluative studies in various Commonwealth Government departments, including the Department of the Prime Minister and Cabinet. He served on the Australian Catholic Bishops' Council for Pastoral Research. He has also been co-convenor of For the Innocents, a support and advocacy group for victim survivors. He currently chairs Religions for Peace Australia and is deputy moderator-general of Religions for Peace Asia. He is a member of the Australian Partnership of Religious Organisations (APRO) and of the Victoria Police Multifaith Council.