

**“....And What Would God Think?”**  
**Rebuilding Pastoral Health and Integrity after the Royal Commission into  
Institutional Responses to Child Sexual Abuse**

**Desmond Cahill**  
**Professor Emeritus of Intercultural Studies, RMIT University**

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**Welcome and Introduction**

Thank you very much for the welcome. I feel humbled that I have been asked to present this first keynote address. I often wonder why God has given me this gig. In 2012 I read Chrissie Foster’s book and then the defining study by Marie Keenan, 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 in my first parish it transpired 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 incapacitated 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.

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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 lay people, 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 organization as New Zealand is in the early throes of its own Royal Commission after an earlier Royal Commission 118 years ago in 1900 had examined a Marist Brothers residential school outside Nelson. The *New Zealand Catholic Tablet* dismissed it as an Orange plot. Annie is with us this morning as a brave Kiwi survivor and whistleblower.

**The Theology of the Child – its Lack in Church Thinking**

“....And what would God think?” were the words spoken by a priest perpetrator who did not begin offending until his fifties (Winship 2012). Children – assaulted, sodomized and raped - have been during the Royal Commission, and must always be, the central focus in this ecumenical conversation.

Each child, made in God's loving image, comes to us as mystery and as gift, with the capacity to love our loving Father. They grace us with their open receptiveness and sense of wonder and awe at their personal and physical surroundings; each child comes to us as embodiment and presence, incarnated in time and space through their parents' loving sexual communion. Each child comes to us as gifted in the Spirit with their developmental possibilities. Each Monday, Maria and I have the privilege of caring for our two grandsons, five year-old Ryker and 18 month-old Jonty, beautifully experiencing their growth as they eat, play and sleep, following their little rituals and their personal responses to everything around them. And little Ryker once asked his Mimmie, "and why do birds learn to flow?" They engage us creatively with their God-given capacities: their capacity for love and loveableness, for trust and joyfulness, for **God is love**; their capacity for language and communication, learning and discovery, for **God is word** and their capacity for curiosity and expectancy, for the sacred and the spiritual, for **God is spirit**.

As we all well know, Jesus revolutionized attitudes to little 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, the Royal Commission's Final Report in Volume 16 on religious institutions regularly comes back to the point that the leaders of religious institutions, especially Roman Catholic leaders, as well as the religious perpetrators had no care for children and little psychosexual and emotional understanding of the child – Catholic canon law (c. 1083) still allows girls of 14 and boys of 16 to marry if their parents and the State permit. In the Final Report, Rec. 16.43 stipulates in part that preparation for religious ministry include minimum training not just on children's safety and on working with children, but also on child development. Despite the pastoral centrality of children, the Churches have lacked a fully developed theology of the child (Calwallader 2013; Rahner 1971).

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. And in educating our children about their own self-protection, the message could well be built around a very useful axiom, ***NO Trespassing, This is MY Body***<sup>1</sup> that highlights bodily ownership. And it is further tragic that during all the cultural, theological and pastoral wars in the Christian Churches since World War Two, thousands of children worldwide were being physically and sexually abused.

There is a deep and worrying conundrum in all 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 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, however, come 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 globalization from the 1850s together with the massification of schooling, in a remarkable historical development, especially after World War Two, 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 to the international community's enshrining of children as subjects of human rights (Linde 2014). As a consequence, other allied concerns emerged about child labour, child soldiering, child trafficking, child marriage and child abuse. And protection was also extended even to child criminals with the abolition of the death penalty for them in almost all countries (Linde 2018).

This focus on the global child has generated an anxiety, even moral panic, about the safety of children. It fed into both the growing empowerment of victims to begin speaking up and making

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<sup>1</sup> This is the title of a primer written by Patti Anderson in the U.S. for parents and teachers in educating children about their self-protection, and for 'thumbs up' and 'thumbs down' touching.

complaints and the formation of advocacy and support groups such as Broken Rights, In Good Faith and For the Innocents in Australia, SNAP and bishops accountability in the US 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 Lucy 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.

The Australian Royal Commission Report with its 17 volumes, 7,434 pages and 189 recommendations and the 218 earlier ones was preceded by government and Church-sponsored inquiries in Belgium, Canada, Ireland, the Netherlands, the U.K. and the U.S. and here in Australia by the Queensland Forde Inquiry and the two Senate reports into child migration and residential care among others. Here we must pay a special tribute to one of the six Commissioners, the former Democrats Senator Andrew Murray, himself a child migrant from the U.K. via Southern Rhodesia (now Zimbabwe), and 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 per cent 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.

These Australian religious leaders have a heavy responsibility to ensure the Asian and African Churches face their responsibility to protect children and bring those who harm to justice. And there is the extreme danger that the issue will be dealt with in the quiet, typical Asian way. For example, Cardinal Luis Tagle of Manila remarked in 2015, "...exposing persons, both victims and abusers, to the public, either through media or legal action.....that adds to the pain". And may I quickly add that the veil is yet to be lifted in Italy or Poland. Then there are the issues in Asian and African minor seminaries of abuse and psychosexual immaturity and mal-development. And, following our Anglican brothers and sisters, should more single-sex Catholic secondary colleges become co-educational?

### **The Credibility and Thoroughness of the Report of the Royal Commission and Beyond...**

The Final Report 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 Ryan report in Ireland and the report into the Irish diocese of Cloyne where the Catholic Archdiocese of Brisbane unfortunately featured. As the wonderful 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, both to Australia and to the world.

The Report also has an unparalleled moral authority which means that Governments are almost unhesitatingly accepting the 405 recommendations. It is notable that several State governments are moving quickly to implement the Royal Commission's recommendations relating to the confessional seal and mandatory reporting although there has been some hesitation in some States, especially in New South Wales and Victoria as the most Catholic States. 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 said that there were many cabs on the rank, but he should have added that by far the largest has been the

Catholic cab as attested by the figures both of the Royal Commission (61.4 per cent of those abused in religious settings were in Catholic institutions) and the earlier Victoria Police data provided during the Victorian Parliamentary Inquiry, (in the period from 1956 – 2012 there were 519 “distinct victims” of child abuse by religious personnel - 71 per cent were abused in Catholic settings). In the Report, the Catholics receive 965 pages of attention, 241 pages for the Anglicans and 65 pages for the Salvation Army with 40 – 50 pages each for the Jehovah’s Witnesses, the Australian Christian Churches and affiliated Pentecostal Churches and for the Yeshiva Jewish communities.

This ecumenical conversation has been an opportunity to review where we are at more than eight months after the Royal Commission into Institutional Responses to Child Sexual Abuse, and where we should be heading in constructing healthy and ethically professional religious institutions. Recently, Richard Scorer who is the sharpest observer of the British Catholic scene on clerical sex abuse has stressed the importance of deep cultural change, observing that “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” (Scorer, 2018: 4). And this must be the focus of our discussions: a focus not so much on professional standards and child protection mechanisms but on the underlying cultural and associated issues within Church organizations.

### **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 Catholic bishops of England and Wales did in commissioning the excellent 2001 report of Lord Nolan, *A Programme for Action*. This includes the sexual abuse of seminarians and novices in both male and female religious orders and also the sexual assault of young nuns by priests and others because they are presumed not to have AIDS. This was brought into focus in 1994 when the Irish missionary doctor, Sister Maura O’Donohue, a Medical Missionary of Mary, produced a report which seems not to have had much effect. But it is adults generally also. This has been brought out into the open in a New Zealand Methodist context by the recent book of Rev. Anne Stephenson (2016).

This point also brings up the issue of sexually corrupt and unholy founders of religious orders, led by the ultra-extraordinary case of Fr. Maciel Degollado, the Mexican founder of the Legion of Christ who led a completely double life, a phenomenon not unknown in Australia with the saga of the Society of St Gerard Majella in Sydney’s south-west. We know that there are at least twelve other cases of unholy founders in recent decades known to the Vatican’s Congregation for Religious Life<sup>2</sup>. Connected to this is the proliferation and spawning of religious orders, sometimes without appropriate levels of spiritual discernment and scrutiny which Peter Wilkinson and I raised in our RMIT report for the Royal Commission. This was a problem eight centuries ago in 1215 where canon 13 of the Fourth Lateran Council 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 connected issue is the children of priests and bishops which canon law has never addressed and which in 2014 was raised by the UN Committee on the Rights of the Child, including the right to know their father.

In all these instances, we are dealing not just with sex, but with power - the use and abuse of power, and of spiritual power at its worst. Also in our deliberations let us always keep in mind that physical, emotional and sexual abuse of children occurs more in family than institutional settings, and that

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<sup>2</sup> 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 & Wilkinson 2017: 150) who became a whistleblower when she found out Figaro was sexually abusing his young seminarians. She worked for a time in Rome in the Congregation for Religious Life. She now lives in Auckland with her New Zealand husband.

child-to-child abuse, sexting and cyber sexual abuse are emerging as key issues— issues that were dealt with at some length in the Final Report.

## **Our Learnings**

What have we learned from the Royal Commission’s 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 many centuries later 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 publications of *Crimen Sollicitationis* both in 1922 (Pope Pius XI) and 1962 (Pope John XXIII) but it was mixed up with other priestly misbehaviour issues such as soliciting in the confessional and gay priest relationships.

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 whom more than 200 have 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. There were extremely few victims belonging to the faith traditions other than Christian though there are very significant issues in the source Buddhist, Hindu and Muslim countries such as India and Thailand.

Of those abused in religious settings, over 70 per cent of the abused 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 (95.3%) abusers were male. The average time for the abused to be disclosed was 30 years for the Catholics and 29 years for the Anglicans.

We have learned in offending terms, for the Catholics using the figures weighted for length of service between 1950 and 2012 that one in thirteen diocesan priests, one in eighteen religious order priests and an estimated 22 per cent of religious brothers were offenders, including 44 per cent for the St John of God brothers caring for mentally disabled children, highlighting the plight of children with intellectual disabilities, utterly vulnerable and defenceless. The worst offending Catholic diocese was Sale (15.0%) while the least was Adelaide. For the Anglicans, their problems were much more with schools, particularly boarding schools, rather than in 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 mal-development, 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. The 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” (Executive Summary, Report of Royal Commission: 68). 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.

We have learned in neutralizing 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” (from the Queensland Forde Inquiry). Additionally in most perpetrators there was a complex denial process as they lied to their bishops and religious superiors.

We have learned in response terms that the leaders of every religious institution, whether they were Catholic bishops, Anglican archbishops, Salvation Army officers or Jehovah’s Witness elders, all 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 systemic, incubated in a caste clericalist or similar closed cultural environment. Often their responses were overly legalistic, lacked transparency and there later came the generic apologies that have now become almost meaningless unless there is structural change. The leaders were never child-centred. 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, in his theory of selective moral disengagement has suggested 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, and the bishops were able to re-frame harmful conduct as even honourable through very questionable moral justification, exonerating social comparisons and sanitizing 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 (Bandura 2002; see Cahill and Wilkinson 2017).

We have learned in institutional terms about the 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 over 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 U.K. and the U.S. to move away from orphanages to foster family care arrangements though these are also not without their problems.

### **Appraisal of the Royal Commission Report**

In appraising the work of the Royal Commission and its 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.

For the Anglicans, these included (i) weaknesses in structure and governance preventing a consistent response (ii) the role of the bishops and the failures of leadership (iii) conflicts of interest for bishops and other office-holders (iv) cultural issues, including forms of clericalism (v) the practice of forgiveness and confession and (vi) inadequate screening, selection, training and supervision of people in ministry.

For the Catholic Church, the contributing factors were (i) the individual pathology factors (ii) clericalism in all its facets (iii) 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 (iv) lack of leadership, including poor education for leadership (v) the failure of canon law and its secrecy provisions (vi) the poor selection, screening and

inadequate initial formation of priests (vii) celibacy and the associated sexual dysfunction as the linchpin of the clericalist system (viii) the lack of oversight, support and ongoing training of priests and religious and (ix) the practice of the sacrament of confession and its cheap forgiveness which allowed perpetrators to minimise the impacts of their sexual abusing.

The Salvation Army was criticised for the questionable environment of its residential institutions with poor resourcing, the hierarchical leadership, the devaluing of children and its type of ‘muscular Christianity’. The Jehovah’s Witnesses were criticized for the absence of women from 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 that the Report should have emphasized much more the fact that 59.0 per cent of Catholic priest offenders had only one claim of redress against them. This brings up the issue of serial priest predators with dozens of victims who were about 3 – 5% of all Catholic priest offenders, about 15 – 25 here in Australia, and this is supported by the U.S. evidence. It also brings up the issue of desistance, as to why religious offenders stopped offending (Cahill & Wilkinson 2017). As well, whilst 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. There was an over focus on Melbourne and Ballarat whereas case studies on the Archdiocese of Brisbane and the Benedictine Monastery of New Norcia in Western Australia would have been instructive.

The Report should have given more attention to the whistleblowing role of support and advocacy organizations. The Catholic Church in particular needs to develop conversations with them. Another failure of the 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 organization. The support group, *For the Innocents* ([www.fortheinnoents.org.au](http://www.fortheinnoents.org.au)), released in July 2018 a 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 – it has been sent to every Catholic bishop.

### **Eight Months Later: The Aftermath of the Royal Commission’s 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 them, except they did not accept the recommendation that the National Office of Child Safety be placed in 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 with the religious and other institutions have agreed on the details of the redress scheme though lowering the maximum to \$150,000 rather than the recommended \$200,000 to be based on a scale of abuse severity as happens in some European countries such as the Netherlands. But there is some criticism of the scheme from support organizations.

The Turnbull Government has commented favourably on mandatory reporting for confessional material which the Anglican Church accepted 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 the penitent goes to the criminal justice authorities, recognizing that child sexual abuse is a crime or they could revert to the third rite of communal reconciliation.

On balance, this writer, whilst accepting that the Catholic Church ought be allowed to maintain the seal of confession according to the dictates of the right to religious freedom, would accept that the

Catholic Church in the spirit of negotiated accommodation needs to address publicly and in a formal setting the following issues in defending the preservation of the seal of the confession.

**Firstly** and most importantly, is the central question which 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 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.

**Secondly**, in the spirit of receptive ecumenism, should the Catholic Church examine and accept the current Anglican practice in Australia regarding the confessional seal and the confessing or disclosing of child sexual abuse?

**Thirdly**, it needs to address in its confessional practice the issue of so-called cheap forgiveness, examining the issue of the penance given and the restitution involved.

**Fourthly**, it needs to address the suggestion that confession be delayed from 7 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.

**Fifthly**, it needs to take on board that the Church has on at least two occasions in history allowed the seal to be broken, once to protect the life of the French king in 1477.

With the Catholics, the Australian barque of Peter has become a shipwreck. An implementation committee to advise the Australian Catholic bishops headed by Jack de Groot, Head of the NSW St Vincent de Paul, has been appointed. Catholic Professional Standards Limited based on the Irish model has been established and is finding its feet, but it has no power if a bishop refuses to cooperate or be audited as happened in the U.S. for many years in one diocese and most eparchies. But it must be stated publicly that Australian Catholic schools are now very, very safe places, and much has been done in the Catholic schooling systems to safeguard children as well as in many dioceses. The Melbourne Catholic Education Office with its document on *Identity and Growth* and 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 has led the way following the initiatives of the South Australian Catholic Education Office. However, in this work, there is a serious 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 very honourable exception of Neil Omerod and Georja Power's excellent 2003 thesis, the Australian Catholic University 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. Its 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? And 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 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 protecting their traditionalist priest mate, Francis Karadima. We have a convicted archbishop and a cardinal on trial in Australia. But there have been at least three 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 next January for the failure to report and McCarrick of Washington has resigned as have many bishops, including at least 27 in the

U.S.. But there are other dominoes yet to fall. The Grand Jury Report in Pennsylvania has generated much reaction across the world but, whilst it is admirable in its details, terrible though they are, its analysis is not based on proper research and is accordingly rather poor and as well the recommendations are limited.

### **The Post-Royal Commission Responses of the Catholic and Anglican Bishops**

The performance of the Australian Catholic bishops in taking almost nine months in formally responding 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 Australian Catholic University (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 that 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, especially its intelligentsia except for the small group at the top of the ACU nor have they understood the frustration of the Catholic politicians. Most older Catholics want action; younger Catholics do not care any longer.

Much more than *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 and flexibility and in the realization 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 per cent of diocesan priests in Australia were born overseas.

As well, the Catholic Church will have to completely rethink the sacrament of penance and reconciliation in light of the Royal Commission's findings as already suggested. It 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 penetration and procreation, sexual acts rather than sexual relationships and the exaltation of virginity over marriage. The traditional Catholic approach was framed 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' – St Maria Goretti was one powerful symbol of this holy purity approach to sexuality whereas her murder in 1903 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 religious perpetrators, many now languishing in Ararat and other jails around Australia. Jacqueline Winship after interviewing them for her thesis for Sydney University calls them cursed, for they are cursed and they feel cursed. Many should not have been ordained, and they were products of a flawed and unhealthy formation system where their moral theological training did not train them to be ethically professional nor did they receive any input on psychosexual maturity. They need to be supported within an individual risk management plan.

### **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 and pastoral issues and of the governance and structural issues that address the underlying cultural issues in practical ways and that move us beyond vague generalities and motherhood statements.**

2. **A call on the Churches to each make a firm commitment to not only implement all of the Royal Commission's 57 recommendations as applicable but to develop strategies to bring this about, even in the face of hardline opposition and apathy.**
3. **For each Church, the outlines of a healing, reconciliation and support strategy for survivors and their families, for the support and advocacy organizations, for the people in the pews and for the religious perpetrators.**
4. **An ecumenical commitment in statement form to the safety, safeguarding and development of Australian children and children worldwide.**

In 1870 Australia's first and only saint, Mary MacKillop was excommunicated by the Franciscan bishop of Adelaide after her sisters blew the whistle on the child sexual abuse of the Franciscan parish priest of Kapunda, a secret kept hidden from the Catholic community for approximately 140 years. And so began the Australian Catholic Church's less than glorious history in dealing with 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 Church face up to its responsibilities. The Church has no choice but to finally 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 globalization 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 August 31<sup>st</sup> 2018, two days after the conclusion of this conference on Healing and Integrity in Church and Ministry, 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, chair 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 orders, 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 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 goes beyond the constrained limits of the Commission's Report that was heavily influenced by legal parameters. It should have been a truly prophetic document 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. It knows much work is yet to be done but the individual responses load far too much on the Implementation Advisory Group which is composed of very competent people but many of whose members have full-time job commitments.

The document contains little commentary on the findings of the Royal Commission though it does draw on the observations of the final report of the Truth, Justice and Healing Council. Its focus is the

80 relevant recommendations, and makes the claim that the bishops and religious leaders ‘accepted or accepted in principle or supported 98 per cent of the Royal Commission’s recommendations’.

This is a half-truth as 12 recommendations (15%) were ‘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 towards the following very relevant recommendations that have been referred to the Holy See in Rome:

1. Bishops should be selected in a transparent process where the selection criteria are publicly clear (Rec. 16.8)
2. Canon law should see child sexual abuse as a canonical crime and the age of children contained in pornographic images should be raised from 14 to 18 years (Rec. 16.9)
3. The pontifical secret should not apply to child sexual abuse (Rec. 16.10)
4. Pastoral action considerations are not an essential precondition to the commencement of canonical action relating to child sexual abuse (Rec. 16.11)
5. The Holy See remove the time limit, including retrospectively, for the commencement of canonical action relating to child sexual abuse (Rec. 16.12)
6. The Holy See amend the imputability test in canon law so that a diagnosis of pedophilia is not relevant to the canonical prosecution or penalty (Rec. 16.13)
7. The Holy See amend canon law to ensure that any person in Catholic ministry where a child sexual abuse complaint is substantiated should be removed from office or be dispensed from their religious vows (Rec. 16.14)
8. An Australian canonical tribunal be established for trying canonical disciplinary cases against clergy (Rec. 16.15)
9. The Holy See ensure that Vatican Congregations and canonical appeal courts publish their decisions with written reasons in matters related to child sexual abuse (Rec. 16.16)
10. The Holy See amend canon law regarding the destruction of documents beyond ten years to 45 years (Rec. 16.17)
11. The Holy See allow voluntary celibacy for diocesan clergy (rec. 16.18)
12. The ACBC consult with the Holy See and make public its advice about whether a child’s disclosing of sexual abuse during the sacrament of reconciliation (or confession) is covered by the seal of the confessional and whether absolution can be withheld from penitents confessing child sexual abuse until they report themselves to civil authorities (Rec. 16.26).

The one recommendation rejected by the Australian bishops is mandatory reporting and breaking the seal of confession and nor has any attempt been made to deal with the substantive points made in the body of this article.

The response document has not, as a consequence, been an exercise in transparency. It may reflect the skepticism about the Royal Commission, perhaps even the feeling of an anti-Catholic vendetta, amongst some of the bishops and senior Catholic lay leaders. This is best illustrated in the reflections of the members of the Truth, Justice and Healing (TJH) Council, especially in the personal contribution of the very influential Professor Greg Craven, the vice-chancellor of the Australian Catholic University. He makes many fine points, including the constant references to ‘clericalism’ in many documents without them bothering to operationalize the construct. “As a Catholic I do not hang my head in shame”, though “I share in some small way the enormous anger of the victims”. While there is much that is true in the Commission’s Report, he suggests that “the public ‘heat’ out of the crisis is diminishing...we must not fall for the line that ‘The Royal Commission said so: it must be true’. There is much material in the Royal Commission’s report that is wrong and some that is nonsense. The treatment of the seal of the confessional is a good example. We must be fearless in resisting these attempted impositions” (TJH Council 2018: 18).

The deputy chair of the TJH Council, Elizabeth Proust, was more direct in her assessment of ‘a corrupt Church’. “The experience has been thoroughly disillusioning and has left my faith badly shaken. The abuse, the cover ups and the apparent lack of care by so many in the Church hierarchy (I

cannot call them Church “leaders”) has been the lowest point of my life in our Church” (TJH Council 2018: 11).

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

- 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 Report of the Royal Commission represents a missed opportunity, especially now that the Catholic Church has now engaged with the issue of clerical sexual abuse on a global scale. The Report is playing a global role in showing the way forward but it is now incumbent for the Australian Catholic bishops to place intense pressure on Rome to address the many theological, pastoral and cultural issues laid bare by the Catholic catastrophe of clerical sexual abuse, even if it may mean acting independently of Rome.

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### **Professor Desmond Cahill, OAM**

Educated in Australia and Italy, Des Cahill, Professor of Intercultural Studies at RMIT University, has been a world leading researcher and teacher in the areas of immigrant, cross-cultural and international studies for more than three decades.

Since the events of September 11th 2001, he has played a major role in researching and bringing together the various faith communities in Australia and across the world through his research and community activities. He currently chairs the Australian chapter of Religions for Peace International, the world's largest interfaith organization, and represents Australia on the executive committee of the Religions for Peace Asia - in October 2008, he was elected its Deputy Moderator by the Governing Board representing the 18 member nations including Bangladesh, China, India, Indonesia, Japan and the two Koreas. He is a member of the Australian Partnership of Religious Organisations (APRO) and of the Victoria Police Multifaith Advisory Council.



In 2006, he led Melbourne's successful bid, in competition against Delhi and Singapore, to host the Parliament of the World's Religions during 3rd - 9th December 2009, the world's largest interfaith gathering. As a consequence, he has been made an Ambassador for Club Melbourne, a group of 100 leading scientists and academics, to promote the image of Melbourne around the world.

In the 2010 Queen's Birthday Honours List, he was awarded the Order of the Medal of Australia for "*services to Intercultural Education and to the Interfaith Movement*". Professor Cahill is Chair, Religions for Peace Australia.