

## Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse

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This submission is directed particularly to your Terms of Reference to 'focus your enquiry and recommendations on systemic issues'.

It will draw on the experience and observations of the signatories as lifelong or decades long members of the Catholic Church in Australia.

We contend that the lack of accountability at key levels in the Catholic Church makes prevention of child abuse more difficult and hinders redress.

There are two particular systemic issues that we will address. The first is structural; the failure of governance within the Catholic Church which does not promote accountability and transparency. The second issue is an all-male clerical culture.

Our comments on the Catholic Church should not in any way be seen as critical of the great majority of priests and religious who devote their lives to the service of others. Nevertheless serious problems exist which must be addressed. A recent survey of 2800 Catholic church goers in 200 parishes in Australia showed that they continued to respect individual priests but not the Church's senior leadership. (Australian Catholic Bishop's Conference pastoral Research Office media release 25 October 2013)

Some will contend that the way the Catholic Church conducts itself should largely be left to the Church. But as Father Frank Brennan SJ has put it 'Clearly the church itself cannot be left alone to get its house in order. That would be a wrongful invocation of freedom of religion in a pluralist and democratic society.' (Justice Awards Dinner, 31 October 2012, Parliament House, Sydney)

Failure by the Catholic Church has serious consequences - not just for itself but for the wider community that it serves. In this regard, external and secular scrutiny by the Royal Commission will be very helpful although this scrutiny will not necessarily be welcomed by some in the Church. It often requires an 'outsider' to recognise the problems that 'insiders' don't see or choose to ignore. External involvement by the Whitlam Government on state aid to independent and Catholic schools in the 1970's had enormous and beneficial impact on the internal life of the Catholic Church. It was the secular media in Boston in 2001 that first drew public attention to the sexual abuse crisis in the Catholic Church. The Catholic Church has a long and mainly proud history. But familiarity often makes it hard to look at issues afresh.

The Royal Commission can be of service not just to the Australian community but also to the Catholic Church.

### **Structure of the Catholic Church**

The Catholic Church is monarchical, autocratic and hierarchical. It is modelled on the political structures of the Roman Empire and medieval Europe.

Cardinal George Pell said 'For us, the papacy is ... the largest surviving monarchy in the world'. (Speech of Welcome at opening of Domus Australia, Rome, 21 October 2011).

Such a medieval and autocratic structure inevitably presents governance problems in communities that have, over centuries, moved to a more open and democratic form of governance.

With such a structure it is hard to avoid an abuse of power. Accountability is confused, clouded and often ineffective. In such a climate it is very difficult to quickly identify and redress abuse. Canon law has been shown to be insufficient for the discipline of the clergy.

Sexual abuse is in almost all situations an abuse of power by someone more senior or in authority. Within the Catholic Church sexual abuse is only the most startling feature of the abuse of power. The laity comprises 99% of the Church but power is exercised by the 1%.

This submission will examine the lack of accountability at key levels – parish, diocese and the Vatican.

### **Governance and accountability in the parish**

A great deal of sexual abuse has occurred at the parish level. A contributor to this abuse has been the inability of parishioners to have a direct and meaningful role in the appointment, supervision and the removal of a parish priest. Responsibility for the way the parish priest performs is very largely in the hands of a bishop. So the concerns of parishioners about abuse, alcoholism and the general performance of the parish priest cannot be effectively expressed. We are aware of parish priests being shifted to other parishes to hide their activities in sexual abuse. Abused children and unwary parishioners have had to live with the consequences. Existing arrangements for the selection and appointment of parish priests should be expanded to effectively include parishioners in governance. This can be an important means for local church members to be part of an effective, supervisory governance arrangement for parish priests. More than "consultation" is required.

The sole power of appointment should not be left with the bishop, acting remotely, and often in secret and without consultation with those most affected – the lay faithful.

Historically parish priests may have been the most educated and qualified in the local community. But today lay people are much better qualified in many areas to undertake effective administrative governance of the parish.

This accountability and consultation should be a two-way process involving the performance assessment of priests, proper human resource processes and continuous education. Very little of this exists today.

The whole structure surrounding the parish and parish priests is in a time-warp. It is unhelpful to the parish priest or parishioners and makes it extremely difficult for knowledgeable people in the parish to effectively participate in the supervision of priests.

### **Bishops and the diocese**

The appointment of bishops is through a secret and manipulated process. Apparently the Papal Nuncio canvasses a few names with a few people. Inevitably a consultation with like-minded people results in recommendations to Rome of a like-minded person as bishop. The system is rigged and denies any

effective participation by the lay faithful in the diocese. The bishop is in some vague and tenuous way accountable to Rome but not to lay people in the diocese.

Historically, famous bishops such as Augustine of Hippo and Martin of Tours in the fourth and fifth centuries were chosen by the lay faithful. The principle of local participation in selection of bishops is essential if they are to be accountable to Catholics in the diocese.

But the problem over the lack of accountability and the selection of bishops within the diocese goes much further. Synods which the Second Vatican Council recommended should 'flourish' have died of misuse in Australia. Only five bishops have convened a diocesan synod since 1965. The Melbourne archdiocese has not had a synod since 1916 and the Sydney archdiocese since 1951.

Synods are a long-established and traditional form of collegial discussion on matters of doctrine, faith, morals and discipline. A flourishing and participatory regime of diocesan synods would enhance the accountability of bishops and improve the performance of the whole diocese. A representative synod with half of the membership from lay people would be far more knowledgeable in identifying and dealing with such issues as sexual abuse.

## **The Vatican**

Inevitably with 1.2 billion Catholics around the world from very diverse backgrounds and traditions, it is likely that the Vatican and the Curia will be remote and isolated. The Curia in its current form is a product of the 11<sup>th</sup> Century and is a major barrier to reform. One consequence of this isolation and remoteness has been the recent performance of Popes John Paul II and Benedict XVI on the sexual abuse of children. They were both good men but with powers akin to that of monarchs they were out of their depth. They were silent or defensive. As Head of the Congregation for the Propagation of the Faith, Cardinal Ratzinger was the shadow Pope behind John Paul II. As Bishop Geoffrey Robinson of Sydney has described the situation, cardinals and bishops gave loyalty to silent popes on sexual abuse.

Rewards or soft retirements were given to senior leaders of the Church such as Cardinal Law of Boston and Father Marcial Maciel Degollado of the Legion of Christ who failed the Church badly on sexual abuse issues. For a time the Vatican contended that the problems were no worse in the Catholic Church when clearly they were worse and could not be dismissed as an anti-Catholic campaign. Because of the failed Vatican leadership the Church has been in "catch up" for years.

In theory bishops are accountable to 'Rome' but when leadership in Rome fails as it did with John Paul II and Benedict XVI on sexual abuse, a greater burden of responsibility must be put back on local bishops, priests, religious and lay people to correct the mistakes which the institution has allowed. Power will inevitably be abused and human rights denied. Hierarchy and papal primacy can survive but only if everyone below the Pope is required to accord natural justice to all.

Pope Francis has deservedly established a reputation for taking on hard issues. He has declared zero tolerance on sexual abuse but little action to date has been taken on systemic issues. Time will tell.

## **An unaccountable male clerical culture**

In addition to these structural and governance issues, there is a pervasive cultural issue that stands in the way of reform which is necessary to protect those who have been abused and particularly children. That issue is the culture of male clericalism which is deeply entrenched.

The Catholic Church is patriarchal and male-dominated. Very little sexual abuse is committed by women. It is largely a male malady. Unless women have a central role in the governance and organisation of the Catholic Church, this clerical and male malady will continue. Even without ordination of women the role of women in the Church could be enhanced by giving women key decision making roles in the Roman Curia and elsewhere as occurs today in Catholic schools and hospitals.

Aside from an exclusively male priesthood another reason for these cultural problems has in the past been seminary training. It is being addressed but historically it has been damaging. Selection for the priesthood at an early age and strict segregation in seminaries hinders balanced emotional development.

Abusers have also been able to exploit the “mystique” of the priesthood. The view that ‘father knows best’ has clear downsides. It can result in a passive laity.

To what extent obligatory celibacy contributes to sexual abuse is still debated. It is likely however that the absence of an adult partner makes the emotional life of many priests more difficult.

## Conclusion

The lack of accountability at key levels in the structure of the Catholic Church makes abuse of power and sexual abuse much more likely. Until there is effective and appropriate accountability mechanisms in the church this problem will not be resolved. Apologies and saying ‘sorry’ will be helpful, but the systemic issues that give rise to abuse must be addressed.

These structural problems are compounded by a male clerical culture. The inclusion of women in central roles in the church would be a catalyst to overcome this entrenched male clericalism.

The structural and the clerical culture are systemic. It is necessary for the Royal Commission to look behind the tragic individual cases and go the systemic issues which have facilitated sexual abuse.

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