

**Abridged version of  
Catholics for Renewal Submission  
to  
The Royal Commission into Institutional Responses to Child  
Sexual Abuse  
on  
Issues Paper 11: Catholic Church Final Hearing**

**Introduction**

Catholics for Renewal has focussed on the grave impact of the Church's dysfunctional institutional governance in its response to the Royal Commission's Issues Paper 11 (Catholic Church Final Hearing). This is key to the institutional Church's unaccountable response to clerical child sexual abuse resulting in further sexual abuse of children throughout the world. The Church's dysfunctional governance has been tragically exposed in the clerical sexual abuse of children, involving injustice and cover-ups.

Catholics for Renewal has responded to Issues Paper 11 (Catholic Church Final Hearing) of the Royal Commission into Institutional Responses to Child Sexual Abuse. It is expected that our submission to the Royal Commission into Institutional Responses to Child Sexual Abuse will be released on the Commission's website during July 2016, at which stage it will also be included in full on the website of Catholics for Renewal ( [catholicsforrenewal.org.au](http://catholicsforrenewal.org.au) ). We are publishing here an abridged form of the submission without detailed footnotes.

Our submission draws on our earlier work in our detailed submissions to the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations in 2012 and 2013, and earlier submissions to the Royal Commission. We are pleased that the Parliamentary Inquiry acted on our recommendations and that the

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[www.catholicsforrenewal.org.au](http://www.catholicsforrenewal.org.au)

## Royal Commission into Institutional Responses to Child Sexual Abuse Submission on *Issues Paper 11: Catholic Church Final Hearing*

Commission's *Issues Paper 11* highlights the concerns that we have raised.

We have explained that we represent Australian Catholics who are deeply committed to the mission of their Church and to ensuring the effective promotion of Christ's teachings, who recognise that sound Christ-like governance is critical to the Catholic Church, founded by Christ to be his "witnesses . . . to the ends of the earth" (Acts 1:8b). We believe that the institutional governance of our Church is dysfunctional, neither accountable nor transparent, and is failing to provide 'witness' of Christ-like behaviour. Amongst our members and supporters, there are many lay people, priests, and religious committed to a more Christ-like Church.

The Church has been guilty of what we have called '*institutional abuse*', abuse facilitated at the highest levels through the dysfunctional governance of the Church. The institutional Church has evaded responsibility and attempted to assign all blame for acts of abuse to individual paedophiles and all blame for cover-ups to individual members of the hierarchy. The apologies that have been offered have been for the acts of individuals, implicitly denying '*institutional abuse*', the institution's own failures that have facilitated further child sexual abuse through the directions and culture of the universal Church.

The Church has failed morally, and has acted in a manner contrary to its very purpose and core values. The reasons for the institutional Church's behaviour, implicitly rejecting its Christian mission, demand careful examination to enable necessary reform of its universal governance. The Church's recent attempts to introduce better processes for preventing and responding to cases of child sexual abuse are of limited value in a system of dysfunctional governance which continues to lack accountability and transparency at the highest levels.

It is the premise of our submission that the Royal Commission can have little confidence in the institutional Church's process responses to the

**Royal Commission into Institutional Responses to Child Sexual Abuse**  
**Submission on Issues Paper 11: Catholic Church Final Hearing**

Royal Commission's findings until the Church acknowledges both its 'institutional abuse' of children throughout the world and the dysfunctional governance at the heart of that abuse, and actually reforms that dysfunctional governance.

## **The Issues**

Our submission addresses a range of separate issues identified by the Royal Commission and summarises our key concerns. The Commission seeks comment on the extent to which the issues below contributed to the occurrence of child sexual abuse in Catholic institutions or affected the institutional response. Below are edited extracts from our response.

**Issue 1a:** *Catholic theology and doctrine insofar as it is relevant to the institutional response to child sexual abuse.*

Catholic theology and doctrine reject totally any actions of the institutional Church that could contribute to or in any way facilitate the crime of clerical child sexual abuse. The Church's institutional response has been an effective denial of the Church's theology and doctrine and is evidence of a dysfunctional culture.

**Issue 1b:** *The Catholic Church's structure and governance, including the role of the Vatican.*

The Church's universal structure and governance have enabled a culture of institutional self-interest resulting in moral failure, cover-ups of child sexual abuse and protection of perpetrators, causing further abuse of vulnerable children. The institutional Church is an autocratic, male-dominated, and clericalist organisation which lacks accountability, transparency and inclusiveness; such deficient governance inevitably involves bad decisions and inequity.

Keenan has observed that "*obedience is one of the central features of governance for the Roman Catholic Church in exercising authority*", and

**Royal Commission into Institutional Responses to Child Sexual Abuse  
Submission on Issues Paper 11: Catholic Church Final Hearing**

*“the role of obedience in the current crisis of child sexual abuse cannot be underestimated.”* The Church is subject to considerable global control and strong universal direction; this has been key to the child abuse scandal throughout the world.

It is regrettable that Pope Francis, in his recent exhortation addressing the Church’s concern for families, *Amoris Laetitia*, avoided the scandal of clerical child sexual abuse and ignored the Church’s protection of paedophile clerics and destruction of families; an otherwise insightful papal exhortation on families failed to address the Church’s own failings that have destroyed the lives of many families throughout the world.

Women are presently excluded from top decision making without theological or doctrinal basis, and canon law and administrative practices restrict the exercise of governance to ordained male priests. Such limitations and gender imbalance in executive decision making is generally recognised in society as not only discriminatory but a handicap to good decision making. It is not surprising that a world-wide organisation headed exclusively by males, all celibate and mostly elderly, would suffer from poor decision making and dysfunctional governance.

**Issue 1d: Canon law**

The nature of canon law is quite different to most civil law throughout the world in purpose, nature and control. Generally, the Code of Canon Law is a codification of the most significant rules, determinations, guidance, practices and even exhortations of the universal institutional Church. The Pope is not bound by canon law, can ignore the code, make changes to the Code, and issue directions comprising further canon law without inclusion in the Code. Canon law did not stop the Pope dismissing Bishop Bill Morris as Bishop of Toowoomba without the due process specifically prescribed in Canon Law. The Code assigns the Pope *“supreme, full, immediate, and universal ordinary power in the Church, which he is always able to exercise freely”* (c. 331).

Changing canon law to codify good governance for the Church could be

## Royal Commission into Institutional Responses to Child Sexual Abuse Submission on Issues Paper 11: Catholic Church Final Hearing

an important step in correcting the Church's dysfunctional governance, but a change to canon law would achieve little without fundamental change to structures and to the clericalist culture which promote a lack of accountability, transparency and inclusiveness.

It is vital to look deeply into the nature of the church and the meaning of priesthood to uncover the causal factors for the disastrous way the institutional church and the hierarchy have consistently and systematically mishandled this immoral scandal. To do so would require exposing the toxic virus of clericalism. Pope Francis has suggested a fundamental attitudinal change with his remarks and actions that openly take on clericalism, a disease that has held the church captive for centuries. But, as Fr Thomas P. Doyle observes, "*It will take more than papal pronouncements to bring about the changes in direction that are essential.*"

### **Issue 1e: Clericalism**

Dr Marie Keenan's comprehensive 2012 study of clerical child sexual abuse in Ireland locates the crisis of sexual abuse within the very cultural fabric of the priesthood and the governance structures and practices of the Church. Keenan suggests that clericalism imposes "*an iron law of denial and silence on priests that contributes to many of the problems in the priesthood today*". Keenan suggests that the problem appears rooted in the attitudes inculcated in the seminary system that creates a closed, secretive, clerical world, and in a hierarchy that is responsible and answerable only to itself, and sees itself as beyond the reach of the state's legal system.

Keenan points out that the superiority claimed through clericalism is inconsistent with the Vatican Council's understanding of the Church as 'the people of God'. Keenan observes that the effect of clericalism on clergy was

*the belief that they were not only set apart and set above the laypeople, but they were also thought to be above the civil or criminal law.*

**Royal Commission into Institutional Responses to Child Sexual Abuse**  
**Submission on Issues Paper 11: Catholic Church Final Hearing**

The culture of clericalism promotes deference to the Church and its officials, sometimes to an unhealthy level as shown in many cases of clerical child sexual abuse. This question of deference may even impact on the Royal Commission's own dealings with the institutional Church, for the Church expects its contribution to society to be highly valued and State intervention in its internal governance affairs to be minimal. However, when Churches or other corporate citizens breach societal standards, the State and its agencies must intervene to bring that situation to public attention and ensure that the Church becomes a good corporate citizen.

**Issue 1f: *Mandatory celibacy***

Catholics for Renewal respects the many good people who have taken on a celibate life as an expression of their strong faith, but believes the mandatory nature of celibacy must be questioned in light of the clerical sexual abuse scandal. We would also point to the benefits of the experience of marriage for those offering pastoral care to families. We believe that the predominance of celibate men in the administration of the Church together with the exclusion of women from the governance of the Church are clearly related to the culture of clericalism and associated dysfunctional governance.

**Issue 1g: *Selection, screening, training and ongoing formation of candidates for the priesthood and religious life***

Selection, screening, training and ongoing formation are critical to ensuring the adequate preparation of candidates for the priesthood and religious life, but reforms to selection, screening, training and particularly ongoing formation will be of little value without major reform of structures, culture and governance. Our understanding is that current ongoing formation of bishops and priests is very limited and the formation that is available reinforces the prevailing culture of clericalism.

## Royal Commission into Institutional Responses to Child Sexual Abuse

### Submission on *Issues Paper 11: Catholic Church Final Hearing*

Formation is a tool of governance which can serve to reform governance, or to reinforce a dysfunctional culture.

#### **Issue 1h:** *Support for and supervision of working priests and religious*

The governance of the Catholic Church is very controlling universally, but there is very limited personal support for and supervision of bishops, working priests and religious. This observation is evidenced before the Royal Commission by the claimed lack of specific directions to bishops in dealing with particular cases of clerical child sexual abuse; but bishops and priests must still act in accordance with and apply doctrinal and canonical standards and directions enforced by the Vatican.

#### **Issue 1i:** *The operation of the sacrament of confession*

There is an argument that the secrecy of confession should not be recognised by civil law and that mandatory criminal reporting should apply to a priest who receives an admission of child sexual abuse in confession. This argument is strengthened by the Church's record of covering up child sexual abuse. Such an approach would however require confessors to breach a sacred trust and result in avoidance of confession by abusers. Canon Law provides that "physical or moral impossibility" can excuse a person from making a confession of sin.

The Royal Commission could propose that the Church direct confessors that absolution for sins of child sexual abuse be dependent on the penance of reporting such a serious crime to the police, and be conditional on the performance of that penance. The Church's introduction of such a canonical direction might warrant exempting confession from mandatory civil reporting.

#### **Issue 1j:** *The use of secrecy, including the practice of mental reservation*

Openness/transparency is essential to effective accountability and good governance, and accountability drives transparency. Secrecy in governance precludes the involvement in decision making of those affected by decisions. Secrecy is a common feature of the Catholic

## Royal Commission into Institutional Responses to Child Sexual Abuse

### Submission on Issues Paper 11: Catholic Church Final Hearing

Church's governance; 'the faithful' are rarely consulted, a very relevant factor in the institutional Church's response to clerical child sexual abuse where a more open and accountable approach would have unquestionably caused demands for a moral and pastoral response.

The recently retired auxiliary Bishop of Canberra-Goulburn, Patrick Power has been reported as describing clerical child sexual abuse as the gravest crisis faced by the church since the 16th-century Protestant Reformation and blaming Vatican secrecy for providing conditions for sexual and many other forms of abuse to thrive.

Bishops are required to report to Rome in a variety of circumstances yet it seems a rare occasion that such reports are available to local church members whom they clearly affect. When Australian bishops consulted with the people of the Church on matters before the recent synods on the family, the matter of clerical child sexual abuse was raised by many but was that in the Bishops' report to the synod? Secrecy denies accountability and enables bias and inadequate reporting.

The history of secrecy in the Church's control of information about sexual abuse and abusers has been well documented. The disgraceful history of the Boston Archdiocese (USA) has become particularly well-known through the recent movie '*Spotlight*'. The revelations of clerical child sexual abuse and the cover-up orchestrated by Cardinal Law spawned the group '*Voice of the Faithful*' which continues to seek justice for survivors and reform of the Church's governance. The Attorney General for Massachusetts in his inquiry highlighted the Church culture of secrecy used to "*protect the institution at the expense of children.*" Secrecy was pervasive, entrenched and protected.

#### **Issue 11:** *Factors operating in society as a whole.*

Catholics for Renewal does not believe that the inadequacies of the Church's response to clerical child sexual abuse can be attributed to factors operating in society as a whole. Rather, the lack of accountability and transparency and the lack of inclusion of the people of the Church in the

## Royal Commission into Institutional Responses to Child Sexual Abuse

### Submission on Issues Paper 11: Catholic Church Final Hearing

Church's own governance ensured the Church's inability to respond appropriately and morally. These are matters on which the Church should provide Christlike leadership in society.

**Issue 2:** *To what extent has the occurrence of child sexual abuse in Catholic institutions been a result of the failings of the individuals who committed the abuse? To what extent have systemic institutional factors including structure, governance and culture contributed to the occurrence of child sexual abuse in Catholic institutions?*

The occurrence of child sexual abuse in Catholic institutions in the first instance clearly reflects the failings of the individuals who committed the abuse. However, inadequate selection, formation and oversight, and systemic institutional factors of governance including structure and culture, are the critical contributing factors to clerical child sexual abuse, and in particular to the Church's 'institutional abuse' through effectively allowing further abuse. See earlier extensive discussion on governance structure and culture (Issue 1).

**Issue 3:** *To what extent have any inadequacies in the institutional response to child sexual abuse in Catholic institutions been a result of the failings of responsible individuals? To what extent have systemic institutional factors including structure, governance and culture affected the institutional response to child sexual abuse by Catholic Church authorities?*

Catholics for Renewal believes that these 'inadequacies' have too readily been assigned to the failings of responsible individuals, ignoring the fact that those leaders who failed were working in a dysfunctional governance environment.

Cardinal George Pell testified to the Royal Commission on Monday, 29 February 2016:

**Royal Commission into Institutional Responses to Child Sexual Abuse  
Submission on Issues Paper 11: Catholic Church Final Hearing**

*I think the faults overwhelmingly have been more personal faults, personal failures, rather than structures.*

Catholics for Renewal rejects the Cardinal's claim. Cardinal Pell's testimony fails to address the dysfunctional governance environment in which these personal failures occurred. That attitude is consistent with the failure of the universal institutional Church to acknowledge either the clear dysfunctions in its governance and culture or even the canonical secrecy directions to 'responsible individuals' that explain the consistent cover-up throughout the world.

The failure of the institutional Church to acknowledge its dysfunctional institutional governance is reflected also in the evasive language chosen for apologies to victims of clerical child sexual abuse. Until the Church's leaders acknowledge, apologise for and reform the disgraceful governance and culture that enabled and in fact authorised those 'failings' and was the greatest sin of all, namely institutional abuse, society can have little confidence in the Church's future governance.

**Issue 4:** *To what extent are any factors that have contributed to the occurrence of child sexual abuse in Catholic institutions, or affected the institutional response to this abuse, unique to the Catholic Church? To what extent are any such factors common to other faith-based institutions or organisations providing services to children more broadly?*

Catholics for Renewal believes that some of the factors that have contributed to the occurrence of child sexual abuse in Catholic institutions, or affected the institutional response to this abuse, may well apply to other faith-based institutions or organisations providing services to children, but the Catholic Church must accept responsibility for its own failings which are not in any way mitigated by like failings of others.

## **Our key concerns**

## Royal Commission into Institutional Responses to Child Sexual Abuse Submission on Issues Paper 11: Catholic Church Final Hearing

The Catholic Church has manifestly failed to protect children in its care and oversight from criminal abuse by clerics and religious. Catholics for Renewal believes there is a need for substantial reforms to the governance and accountability arrangements, and to the pervasive culture of the Catholic Church. As Bishop Vincent Long, OFM Conv, now Bishop of Parramatta, recently observed<sup>1</sup>:

*Instead of demonstrating that fundamental ethos of care for the victims, the church has been shown to have cared primarily for its own security and interests. It is a shameful indictment not simply on the perpetrators and their enablers but the Church's collective systemic betrayal of the Gospel. We cannot regain our moral credibility without first reclaiming the innocence and powerlessness of the humble Servant- Leader, and making it the cornerstone of all that we do and all that we are as the church.*

The welfare, health and education agencies of the Catholic Church do remarkable work in the world particularly amongst the poor, the elderly and the marginalised, and the Church is a potential leader in the world applying sound values to issues of justice, development, peace and the environment. However, the Church's dysfunctional governance has led to failures that have made it an agent of destruction of the lives of many children which cannot be offset by the good works of its agencies, and which forfeits the basis of its influence in the world.

The Church's institutional leadership must accept that its governance arrangements gravely prejudiced its response to the abuse of children in its care. It must confront its clerical and feudal culture, name the dysfunctional practices and root them out.

Catholics for Renewal has outlined in this submission serious deficiencies in past and present governance of the Catholic Church which affect the occurrence, handling and reporting of child abuse. Some of those

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<sup>1</sup> Bishop Vincent Long OFM Conv, Red Mass Homily, St Patrick's Cathedral, Melbourne, 1 February 2016, sourced 30 June 2016 at: [http://www.cam.org.au/Portals/0/Bishop Long Red Mass homily January 2016.pdf](http://www.cam.org.au/Portals/0/Bishop%20Long%20Red%20Mass%20homily%20January%202016.pdf)

**Royal Commission into Institutional Responses to Child Sexual Abuse**  
**Submission on Issues Paper 11: Catholic Church Final Hearing**

deficiencies can be addressed by appropriate civil legislation, especially for mandatory criminal reporting of child sexual abuse; we submit that mandatory criminal reporting of child sexual abuse should be legislated in all states, in addition to existing welfare mandatory reporting requirements which are focussed on the child rather than prosecution of the perpetrator. The State has an obligation to ensure that no organisation can protect criminals. The exploitation and maltreatment of children is a despicable crime, made worse by inadequate responses.

The Church must recognise and correct the dysfunctional nature of its governance and culture. Reform of governance requires significant change which can only be driven from the top: removing patriarchy and gender-discrimination, introducing transparency and accountability in decision making, and institutionalising consultation and participation in decision making processes. Episcopal collegiality, subsidiarity, and synodality at all levels should become normal practice; that will require an approach to the selection of bishops that is informed by consultation with the faithful to determine real leadership needs.

It is not surprising that an organisation headed exclusively by males, all celibate and mostly elderly, would suffer from poor decision making and dysfunctional governance. It must be stressed that the Church's governance cannot be improved without ensuring gender balance at the top levels of decision making, by removing the present discrimination against women that excludes them from those positions. This is a matter of justice and good governance.

Catholics for Renewal submits that the Royal Commission cannot have confidence in the institutional Catholic Church's responses to the Royal Commission's findings until the Church acknowledges both its 'institutional abuse' of children throughout the world and the dysfunctional governance at the heart of that abuse, and then reforms that dysfunctional governance.