

**ISSUES PAPER 11**

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**Catholic Church Final Hearing**

Released 5 May 2016



# Issues Paper 11

## Catholic Church Final Hearing

The Royal Commission will hold a final hearing regarding the institutional response of the Catholic Church to child sexual abuse in February 2017.

This hearing is expected to include consideration of the following:

1. Data regarding the extent of child sexual abuse within Catholic institutions.
2. Factors that may have contributed to the occurrence of child sexual abuse in Catholic institutions, particularly by clergy and religious.
3. Factors that may have affected the institutional response of the Catholic Church to child sexual abuse.
4. The response of Catholic Church authorities to the findings and observations made in relevant Royal Commission case study reports.
5. Current and future approaches of Catholic Church authorities to:
  - responding to child and adult victims and survivors of child sexual abuse, including secondary victims
  - responding to individuals subject to allegations of child sexual abuse
  - the protection of children and the prevention of child sexual abuse.

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Our hope is to create justice and respond to injustice at the personal, social and structural levels in society.

We work collaboratively with people who experienced abuse and neglect in institutions, foster care and detention centres. We acknowledge their courage as they move from adversity to hope in seeking public recognition, justice and redress.

Funded by



Submissions are invited regarding the following issues:

1. To what extent have any of the following issues contributed to the occurrence of child sexual abuse in Catholic institutions or affected the institutional response to this abuse? The Royal Commission has identified these issues through case studies, submissions, private sessions, and a review of literature regarding child sexual abuse in Catholic institutions.
  - a. Catholic theology and doctrine insofar as it is relevant to the institutional response to child sexual abuse
  - b. the Catholic Church's structure and governance, including the role of the Vatican
  - c. issues related to the individual leadership of Catholic institutions
  - d. canon law
  - e. clericalism
  - f. mandatory celibacy
  - g. selection, screening, training and ongoing formation of candidates for the priesthood and religious life
  - h. support for and supervision of working priests and religious
  - i. the operation of the sacrament of confession
  - j. the use of secrecy, including the practice of mental reservation
  - k. individual psycho-sexual factors
  - l. factors operating in society as a whole.

## Introduction

Micah Projects has worked with people who have experienced childhood sexual abuse in an institutional setting including out of home care settings, parishes, youth groups. Lotus Place is a funded service which provides specialist support to people who were in out of home care following significant inquiries, reports and a growing body of evidence of the extent of childhood sexual abuse, alongside physical, emotional and spiritual abuse. In addition to incidents of abuse or criminal behavior many people see the fundamental breach of fiduciary care by the Catholic Church as contributing to the extent to which childhood sexual abuse occurred and was covered up by cultures of secrecy and protection of the institution rather than protection of the victim.

It has been the burden on people who experienced the abuse and criminal acts of childhood sexual abuse historically to advocate and challenge the power of the church in society over the years in the face of harsh ridicule, isolation and attempts to discredit by those in power as the culture of the Catholic Church has been under the spotlight of external authorities.

Underpinning Micah Projects' approach to learning over the years how to bring the experiences of individuals into public advocacy has been the justice-making principles enunciated by Dr Marie Fortune from the Faith Trust Institute:

- **Truth Telling**  
Give voice to the reality of abuse.
- **Acknowledge the Violation**  
Hear the truth, name the abuse and condemn it as wrong.
- **Compassion**  
Listen and provide support to the person disclosing.
- **Protecting the Vulnerable**  
Take steps to prevent further abuse to the person and others.
- **Accountability**  
Takes steps to assist in the confrontation of the abuser, and seek redress.
- **Restitution**  
Make symbolic restoration of what was lost, give tangible means to acknowledge the wrongfulness of the abuse and the harm done, and to bring about healing.
- **Vindication**  
Move the blame and responsibility for the abuse.

As noted, Micah Projects has been responsible for developing a model of practice for individual advocacy with people who have experienced abuse whilst in the care of the church and state. This process enables the progression of complaint or a crime through the appropriate civil, criminal and or internal organizational

Over the past twenty years Micah Projects has worked across Christian denominations who have been progressing the development of protocols and processes for processing complaints or reports of childhood abuse including child sexual abuse as people have come forward seeking justice.

Micah Projects has spent many years working with the Catholic Church's complaints process Toward Healing. It has been the experience of advocates that as with victims, our role, input and contribution has not always been welcome.

Advocacy in relation to the churches and in particular the Catholic Church has often been re- framed as individuals who have a chip on their shoulder or a grip with the church. Many active Catholics who have spoken up have been marginalized and reframed as problematic as they came in touch with a culture within the Catholic Church where questioning was seen as not being loyal, and persistence as being emotional or not competent. However for many it has been the practice of not telling the truth in the face of being questioned by media, professionals, police, and parish or diocesan leaders. A culture where others have been placed in positions of compromise and unease. This could be attributed to religious leaders using the teaching or practice of mental reservation. The practice was described by Cardinal Desmond Connell in the Murphy Report into the Sexual abuse scandal in the Catholic archdiocese of Dublin

"Well the general teaching about mental reservation is that you are permitted to tell a lie. On the other hand you may be put in a position where you have to answer, and there may be circumstances in which you can use an ambiguous expression releasing that the person who you are talking to will accept an untrue version of whatever it may be, – permitting that to happen, not willing that it happened, that would be by lying. It really is a matter of trying to deal with extraordinary difficult matters that may arise in social relations where people may ask questions that you simply cannot answer. Everybody knows that this kind of thing is liable to happen. So mental reservation is, in a sense a way of answering without lying."

It would be a shared view of many victims and advocates that The Australian Catholic Church as in Ireland and as stated in the Murphy Report has demonstrated

' ...preoccupations in dealing with cases of child sexual abuse, ... were the maintenance of secrecy, the avoidance of scandal, the protection of the reputation of the church and the preservation of assets . All other considerations, including the welfare of children and justice for victims were subordinated to these priorities.

The Royal Commission has vindicated many individuals who have taken the pathway of advocacy and seeking the church to be more transparent, honest and prioritizing the victims of abuse rather than the institution itself and or the offending clergy.

There has been a great moral injury arising from the Catholic Church's response to childhood sexual abuse by clergy and religious and in particular the extent to which religious leaders have not told the truth.

Many people have been removing themselves from any further involvement of the church. This requires intentional and corrective action by church leaders to re-engage with victims, families and communities to a) bring about reconciliation through truth telling b) listening to how people have been impacted on and c) to ensure that the vulnerability of victim/survivors is forefront of the Catholic Church's response to the recommendations of the Royal Commission into Institutional Responses to Childhood Sexual Abuse.

There needs to be genuine and real engagement by religious leaders and not just a public relations exercise to bring to life the moral repair required to build the capacity of the community to re-build trust in the church as a trustworthy institution in Australian society.

Since the late 1990s, Micah Projects is committed to continued engagement with individuals, family members and communities impacted on by childhood sexual abuse in an institutional setting. As an organization we are committed to supporting people address the power imbalances with people who are seeking healing, justice and redress.

Karyn Walsh – CEO

For Issues Paper 11, Micah Projects conducted focus groups with three areas of participants who had experience with the Catholic Church. The first is a group of witnesses from Case Study No.26; the second is a larger group from Lotus Place who had been in care in Catholic institutions and/or had been through a complaints procedure with the Catholic Church, the third group is St Mary's in Exile, who is a community of diverse people inclusive of all faith, many come from a Catholic background.

The themes throughout this paper reflect the feedback from the three focus groups and a history of working as the social justice support of a Catholic Community (St Mary's Catholic Church followed by St Mary's in Exile) in South Brisbane.

## Key points that Micah Projects recommends

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1. That Catholic Church continue to advocate for a national redress scheme.
    - a) That in the absence of Government responding to the Royal Commission's recommendations the church communicates widely its intention to commit to a transparent and consistent formula for payments, eg Royal Commission payments.
    - b) The Catholic Church go beyond the recommendations of the Royal Commission, in recognition of all other inquiries, to include payments for breach of fiduciary care, failure to protect and care for children including all forms of physical, emotional and spiritual care.
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2. That the Catholic Church establish a national body after the completion of the Royal Commission to;
    - a) Engage proactively with victims/survivors, their families and communities in providing opportunities for the dissemination of findings of Royal Commission about the Catholic Church
    - b) Educate communities on the extent and impact of childhood sexual abuse and its long term impact on victim/survivors their families, including rates of suicide.
    - c) Re-engage faith communities by truth telling, acknowledgment for betrayal of trust and power and seeking reconciliation
    - d) Engage with stakeholders to take corrective action and address the culture of secrecy in the Church by openly discussing and minimizing the historic context and the impact on the lives of thousands of Australians
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3. That the Catholic Church be bound by new legislation that follows the Irish *Children First Act* 2015 that requires priests and members of the clergy or any religious communities to be mandated reporters especially with regard to confession
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4. The Catholic Church, prior to the completion of the Royal Commission, publically provide the status of convicted priests in relation to the laicization of all priests and religious. Those who have been found guilty are laicised as a matter of urgency.

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5. That the Catholic Church and any associated religious order be proactive in contacting all past students, parishioners, children in and out of home care to provide;
- a) Information on the Catholic Churches response to the Royal Commission
  - b) Information on how to contact the police to report historical abuse if they have been a victim of childhood sexual abuse by a religious, clergy, employee or volunteer.
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6. That the Catholic Church ensure all victims/survivors who have contacted the Church authorities with reports of childhood sexual abuse, including through Towards Healing, are informed that they can go as adults report the crime (even if as children they or their parents had made a decision not to proceed).
- a) That there is no statute of limitations on criminal proceedings
  - b) Treat any conditions or perceptions of any documentation such as ‘Deeds of Release’ as not binding for reporting to police or to access redress, or justice system if the time limits for civil litigation are removed
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7. The Catholic Church establish two different but complimentary communication strategies to address
- a) Adults who experienced abuse in an institutional setting of the church
  - b) The Catholic Churches response to the findings of the Royal Commission
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8. That the Catholic Church follow the recommendations of the Betrayal Of Trust Inquiry’s recommendation (26.2) to require religious and other non-government organisations that engage with children to adopt incorporated legal structures .

## Focus groups response to Issues Paper

### Questions A, B & D

The Catholic Church's structure and governance, including canon law, individual leadership and responses to child sexual abuse.

### Insights from the focus group from concerned Catholics and people who have been through a church complaints process

- That police should conduct investigations as soon as accusations about priests committing abuse are made; this should be written into canon law;
- The Church should reduce emphasis on canon law because it prevents so many "sensible" things happening, like priest marrying, women becoming priests.
- Focus of the church should be on morality not just church law and be consistent with civil law such as state/commonwealth law where priests can be charged with crimes just as every other citizen. Why are they above the law?
- There is a code of secrecy in the church, churches closed processes that goes way back when parents and grandparents worshiped the "holy father" of each parish and believed in them more than the children or adults around them. Church should be open to lay people to offer the hand of friendship to help with change, especially for women who do not feel welcome in the Catholic Church
- The church has a culture of silence and ignorance around all issues but in particular the issue that this Commission is dealing with, child sexual abuse, priests and celibacy, and priests and homosexuality which is part of the culture of reserve and silence.
- There should be mandatory reporting of abuse at all levels of Catholic Church, and we should follow the Irish Inquiry where priests are going to be mandatory reporters
- That Catholic theology is distant and judgmental, it is based on the power of the male where the Vatican is infallible. Silence is the gatekeeper and so is waiting which is used as power. It is a hierarchal model
- George Pell is quoted as saying we (priests) are "contractors". The Church is immune from being sued. Despite assurances to the contrary, the use of the Ellis defence continues. The only legal entity for the church that can be sued is a property trust, the trustees of which cannot be held responsible for the behaviour of the offending priests. Victims do not have access to the civil courts and instead have had little choice but to return to the very church that protected their offenders. Based on our work with Towards Healing, these often adversarial and legalistic processes deliver very little. Victims feel silenced by these processes and are forced to sign a deed of release

preventing them from ever suing the church or any of its clergy.

In our focus groups this was an issue that many people did not understand fully and it is the foundation for how the Catholic Church remains as powerful as it is. This is why it has as many assets as it does. We used the literature below to highlight some information about how the Catholic Church is the biggest financial power, wealth accumulator and property owner in the world. It is a greater possessor of material riches than any other single institution, corporation, bank, giant trust, government or state of the whole globe.

“The pope, as the visible ruler of this immense amassment of wealth, is consequently the richest individual of the twentieth century. No one can realistically assess how much he is worth in terms of billions of dollars.”

<http://www.abc.net.au/news/2015-05-25/courtin-royal-commission-ballarat-victims-still-lack-justice/6495346>.

As the focus groups noted the role of the Vatican and Canon Law should become obsolete as it is so out of touch with what goes on for people who belong to the church or want to belong to the church. Sections of Canon Law reach far into the way priests can and do respond to allegations of abuse. As David Marr points out in his book *The Prince, Crimen Sollicitationi*, a secret directive reissued by John XXIII in 1962, threatened bishops with excommunication for turning criminal priests over to the police. The very law of the church mandated forgiveness for paedophile priests. The Church should have to follow the same laws as everyone else, as citizens in communities. If you do something wrong/ commit a crime you should be charged for it. You should face court and prison, not be sent to do penance and moved around parishes and schools (Marr,D. Black Ink, 2014, p29).

For many women in the focus groups there is a real concern about the gender issue in the Church where the power/resides with priests who are male and hold all the privileges of church office and the nun's role as a female is to serve the male. The Church is a highly patriarchal world.

There is enormous gender discrimination in the Catholic Church where only men are able to act in positions of power. Women in the Catholic Church are not allowed to be ordained as priests, and cannot administer the sacraments or serve in key governance positions. As recently as 2015 Pope Francis publicly indicated he is not considering appointing women to leadership positions in the nearly all-male Vatican bureaucracy, saying to do so would be to promote a "functionalism" of women's roles in the Catholic church.

It is very difficult for nuns to speak out in the hierarchy of the Church against men as Archbishops, Bishops, priests and seniors

Cover-up at leadership levels by archbishops, bishops and priests are not held accountable for knowing about sexual abuse. These leadership issues and canon law go to the heart of the climate of secrecy that has kept child sexual abuse

hidden from the public until the emergence of the 10 year Irish Inquiry and the Royal Commission into Institutional Responses to Child Sexual Abuse.

### Some of the following literature supports people concerns regarding the role of women in the Catholic Church

The absence of women in leadership, cultural change, international organisation-needs critical cultural change to see the Catholic Church become a Church of today, some commentators have criticised the church for adopting a double standard when it comes to the role of women within the Church. Whilst the Church preaches justice and equality for women in the social world, the Church itself practices injustices. Firstly it alienates women through the maleness of the Church. According to WATAC (Women and the Australian Church), failure by the Church to use inclusive imagery of God and inclusive language (eg, in the liturgy, Church documents, Papal communication and the Catechism) represents a serious barrier, especially for younger women.

As our focus groups were keen to point out the Church has failed to live up to its own principles by excluding women from the priesthood and therefore from decision-making and leadership within the Church. This contradiction is summed up best by Sister Theresa Kane who in her intervention to Pope John Paul II said: "As women, we have heard the powerful messages of our Church professing dignity and reverence for all persons. As women, we have pondered upon these words. Our contemplation leads us to state that the Church in its struggle to be faithful to its call for reverence and dignity for all persons must respond by providing the possibility of women as persons being included in all ministries of our Church." [http://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_cons\\_19651207\\_gaudium-et-spes\\_en.html](http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html)

Some of the literature that supports these concerns comes from an academic who specialises in the Catholic Church and the Vatican Ruth Henderson continues in her critique of the domination of masculinity as the paradigm of the Church. Misogyny is still being expressed though male exclusive language and symbolism (e.g., God the Father, Mankind, etc.) as well as obviously through the exclusion of women from the priesthood and hence from decision and policy making in a patriarchal church run only by the ordained. This is no longer appropriate in a new cultural context where the equality and rights of women are not only recognised but are in fact demanded.

[http://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_cons\\_19651207\\_gaudium-et-spes\\_en.html](http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html)

## Question F Mandatory Celibacy.

### Response

The code of Canon Law (Canon 1395.2) dictates that it is a crime for a priest to engage in a sex act with a minor. It can be punished by a “just penalty”-dismissal from the clerical state. The Vatican gets involved in these cases, not because it has the power to arrest priests, it doesn’t. It can punish priests by removing them from office if they hold one, the Vatican can prevent further contact with children, send a priest for a psychiatric evaluation and in the most egregious cases laicizing him.

### Insights from focus groups from concerned Catholics and people who have been through a church complaints process

- That the Catholic Church dismiss the requirement for mandated celibacy as men need normal, healthy intimate relationships otherwise they’re not living a life where they’re sexuality is suppressed and finds it can develop into psych-sexual problems later in their lives.
- Celibacy needs time to make a commitment. That is not lifelong (time limited) option of renewing- need for suspension of time-supervision practice-priest should practice other professions
- Celibacy is a spiritual choice not a legal obligation. Institutional power and celibacy go together
- Mandated celibacy is not a normal way for a human being to live. It should be a choice made later in life. All people need to live in loving, nurturing relationships otherwise they begin to look for that in other ways and areas.
- The Catholic Church is the only religion that forbids marriage, it should let the priests get married for a more normal church environment.
- Men who go into the seminary are often quite young and not sure of their own sexuality, they’re still looking for their own sexuality.
- As procreation is a natural and innate drive essential in the human condition, it’s wise to assume that suppressing such a natural expression of being may result in psycho-social mal-adaption
- Role of single sex school definitely plays a role amongst males in contributing to high numbers of sexual abuse in Catholic Church environments.

Participants of focus groups agreed on supporting literature on this topic that comes from former priest Richard Sipe, The author is a former priest, married man and father, now a laymen, a psychotherapist and theologian.

Richard Sipe is quoted as saying “there is no question that mandated celibacy is one important element in the phenomena of Catholic clergy abusing minors. It forms a synergism within a homosocial culture that fosters and rewards psychosexual immaturity or regression. Emotional and social dependence, overvalued conformity, a sense of entitlement, assurance of superiority, the arrogance of absolute certitude, and immunity from criticism or personal responsibility for mistakes, are all constitutive elements of the Catholic clerical culture”.

On March 19, 2014, Pope Francis said that Pope Benedict had supported "zero tolerance" for clergy who sexually abused children. On May 26, 2014, he pledged to apply the same "zero tolerance" standard. But the figures produced by the Holy See's representative at the United Nations, Archbishop Tomasi, show that the Holy See's tolerance is not zero but 66 percent. Less than one third of all priests against whom credible allegations of sexual abuse of children have been made have been dismissed. <https://www.ncronline.org/>

Focus groups agreed with the work of Richard Sipe, who studies and writes extensively on the sexual teachings of the church and its effects on behavior—especially sexual abuse of minors by clergy - and the tangle of sexual problems that some people claim are blocking every religious agenda and destroying beyond repair the credibility of the Catholic Church in sexual matters. Sipes gives many reasons for this particular deviance among a group of men who are publicly sponsored as sexually safe—clerical culture is a haven for underdeveloped and psychosexually maldeveloped men”.

[http://www.aha.lu/index.php?option=com\\_content&view=article&id=129](http://www.aha.lu/index.php?option=com_content&view=article&id=129)

- the clerical culture demands perfect lifelong sexual abstinence and obedience from any man ordained to the priesthood;
- mandated celibacy is maintained as a means of institutional control;
- priesthood excludes women and thus establishes a homosocial society;
- effective training for celibacy is deficient or entirely lacking in seminaries and religious houses;
- mandated celibacy is not well practiced within the system by superiors—bishops, rectors, confessors, etc.—this establishes a dissonance between stated doctrine and actual practice that in turn encourages the development of a sociopathic atmosphere;
- clerical culture attracts, cultivates, promotes and protects psychosexually immature men.

People in our focus groups overwhelmingly supported a review by Joseph Gallagher, trans. editor: The Documents of Vatican II, author of The Christian Under Pressure, was ordained for the Baltimore archdiocese in 1955, and quotes

from Richard Sipes work *A Secret World: Sexuality and the Search for Celibacy* in the following passages.

For the sake of perspective, it should be noted that the 1,500 priests directly or indirectly involved represent less than 3% of the more than 50,000 U.S. Catholic priests ministering during any given year since 1960. Still, the author maintains:

The value of a search lies in its ability to disregard assumptions and to proceed, asking questions and collecting data without a set hypothesis...This does not mean that its conclusions cannot be verified and duplicated. Search can often get at facts that need to precede more formal studies. The facts, estimates, conclusions, and analysis presented here invite challenge and verification.<sup>1</sup> (This work also implicitly invites similar studies of celibacy among religious sisters and brothers.)

These points are important because of the parts of this volume which are most likely to make blockbuster headlines--the author's estimates of the sexual inclinations and activities of the U.S. Catholic clergy as a whole. Stressing that he has chosen to err on the conservative side, Sipe suggests:

- 20% of U.S. priests are at any given time involved in a more or less stable sexual relationship with a woman, or with sequential women in an identifiable pattern of behavior. Many of these clerics are devoted partners as well as successful and happy pastors. Obviously a priest need not be emotionally ill to have trouble with celibacy or to have decided against observing it.
- 20% have some homosexual orientation--twice the presumed rate in the general population. Half of these are sexually active--twice the rate of heterosexual priests. These figures are quite low in comparison with other current "guessimates" some of which talk of a 75% gay clergy population in certain dioceses. If present trends continue, the majority will be homosexual by 2010 A.D.
- 80% masturbate, at least occasionally. Many will be impressed by the 20% and the "occasionally." Controversially the author asserts: "...sometimes masturbation can be an expression of maturity at any age (and at times may be virtuous)." Does it violate celibacy? In legal depositions taken in 1988 one bishop said yes; another bishop from the same diocese said no. The author, inclining toward "yes and no," estimates that at any given time 20% of U.S. priests indulge in auto-erotic patterns indicative of sexual immaturity.
- 2% are pedophiles in the strict, clinical sense, that is, attracted sexually to prepubescents. Another 4% are preoccupied with adolescents.

- At any given time 40% are practicing at least the letter of the law of celibacy. Another 6 to 8% closely approximate the spirit of celibate love. After passing through the various emotional stages of celibate adjustment, a final 2% humbly but triumphantly embody the true Gospel ideal: profound communion with the Transcendent, seen and loved in all creatures.
- For various reasons-not all inspired by guilt or neurotic shame-the sexual lives of many people other than clergy are a secret world. After 35 years in the priesthood, I must honestly say that in general these estimated celibate "failures" are considerably higher than my own admittedly limited and not too sexually inquisitive experience would have suggested. (I have no trouble agreeing with the author that most nuns and housekeepers are not sexually involved with priests.) In any case, these estimates comprise a very small part of this thorough volume, which offers in transit various complex theories of sexual identification, development, and abnormalities.

Further support by focus groups were given to literature about this American study. "Sexual maturity is an elusive goal, not necessarily achieved under the most favorable of circumstances." He believes that vowed celibates make unique contributions to civilization, and their struggles have much to teach the world about sublimation and about sexuality in general. A major cause of these struggles is the fact that at the time of ordination many seminarians have not reached psychosexual maturity; they are sexually naive and possibly sexually repressed. There are unconscious, unhealthy reasons for embracing celibacy.

Micah Projects relied on literature with focus groups to highlight how much mandatory celibacy plays such a profound role in the power of the church and the lives of the clergy and contributes to the difficulties of understanding the psychosexual nature of living a celibate life. The following document by Kevin Clinton was useful in displaying how power and mandatory celibacy are intertwined

SEX ON THE CATHOLIC MIND Rev. Kevin I. Clinton from the website of Richard Sipes as seen 4/6/16 <http://www.awrsipe.com/>

"Misguided idealism is dangerous!" Political and religious institutions are driven by ideals. But when ideals are out of touch with human realities, then a dangerous environment--trying to force reality-results.

Imperial/hierarchical repression does not and has never dealt effectively with the realities of human sexual energy--an energy that is universal to human beings; an energy that brought all of us into existence; an energy that within the Catholic tradition is a "sacrament" (whereas, celibacy is not one of the seven-although you would think it so within the clerical caste system). The insistence that celibacy be mandated and universalized among all priests comes out of a religious system and culture suffering from an illusion of power. There is such a thing as the

"charism of celibacy" engaged in service of the gospel. But the "charism" is rooted in a human being who has sorted out the realities of psychosexual human development and reached an extraordinary high degree of integration and maturity. Repression truncates and "splits off" a part of our humanity that must be integrated. When we "split off" an essential part of our humanity there are serious consequences! If we do not deal adequately with the sexual energy within us, then "sex ends up having us" rather than vice versa. One's libido is not a mistake made by the Creator. The institutional "manufacture" of the **"charism of celibacy" is an illusion of power and its continuance injures the mission of the church.**

So the illusion continues in the mandated celibate clerical caste system of the Roman Catholic priesthood where a "married priesthood" is not an option but a threat to the status quo--even an ecclesiastical obscenity. Universalizing celibacy in priests injures the church, priesthood and the role the charism of celibacy can play in the life of the church.

Before dysfunctional systems implode they do what they know to do--only harder. Paul Blaschko's experience in the seminary expresses a clerical culture in crisis and in great need to face reality and the incarnation of the human race. How bad does it have to get before the system adjusts and embraces the truth of our human experience and growth? . <http://www.awrsipe.com/>

## Question H & K

Support for and supervision of working priests and religious and psychosexual factors

### Insights from the focus group of concerned Catholics and people who have been through a church complaints process

- Issues of alcohol and drug abuse are high within the priesthood that should be addressed through supervision from outside the church
- Celibacy spiritual choice not a legal obligation. Institutional power and celibacy go together.
- Student protection policies should be mandatory across all aspects of the church. New processes for reporting
- Code of secrecy, churches has and lives in closed processes, church should be open to lay people to offer the hand of friendship to help with change
- Absence of women in leadership, cultural change, international organisation- needs critical cultural change
- The role of single sex schools for males is an area the Catholic Church should become more aware of, as this is where so much sexual abuse occurs
- Church needs to become aware of marriage equality issues and be aware of GLBT issues as they effect people who want to lead a spiritual life
- Australian Catholic University- Diversity subjects-don't cover GLBT as other universities do
- Theology is distant, judgmental, power and male oriented where the Vatican is seen as an infallible, silent- gatekeeper hierarchal model
- The content of priests training and supervision should be developed and managed outside of the church by specifically trained psychologists, counsellors and psychiatrists who have an understanding of the issues to do with celibacy and sexuality.
- Absence of women in leadership, cultural change, international organisation- needs critical cultural change
- Role of single sex school
- Think of priest as God in our family- it is a crime- always a crime
- Church be aware of GLBT
- Future generations- some of these problems will be solved in this way- no need people attending mass
- Australian Catholic University- Diversity subjects-don't cover GLBT as other universities do
- Theology – Distant judgmental, power male- Vatican- infallible- silence- gatekeeper- waiting- hierarchal model

- The content of priests training and supervision
- Needs to address child sexual abuse and lifelong impacts of child. Help to prevent offending and seek assistance to control impulses. Address and resolve internal psycho-sexual needs and issues to sustain recovery

Overall, there was a great emphasis from the focus groups on training and supervision.

## Question I The operation of the sacrament of confession

### Insights from focus groups

The main focus of this discussion was the need for confession to become a reportable issue if any 'confession' of a crime is made. People felt very strongly about the need to change what goes on with the operation of the sacrament of confession.

There was a strong feeling among all three groups that canon law should be dispensed with in relation to the seal of confession and priests and clergy who hear confession should become mandated reporters as they are now in the Irish *Children First Act 2015*, Part 3 Reporting. This Act stipulates that all priests are mandated persons

- **Children First Act 2015**, Part 3, Reporting, Section 14, Mandated Persons (g) Member of the clergy (however described) or pastoral care worker (however described) or a church or other religious community.
- The basic norm for the sacrament of penance is laid out in Canon 960. Each confession must be heard on an individual basis, canon law does not recognise "communal confession".
- Church should make it clear, forgiveness is not just part of confession attachment to sexual orientation of interest
- Mental reservation- a priest going away with it (confession) is equal to lying
- Obedience meant you could not say anything "not allowed to speak about it", you could only do "petty" penance
- Mandatory reporting at all levels of Catholic Church should become law as in Ireland; the government needs to support this
- People vulnerable at confession and have faith in priest and trust him.-gives religious authority great power for grooming opportunities and opportunity to be alone with children and adolescence
- In confession it is supposed to be confidential and not discussed with anybody else, it should be in the best interest of the child not priest and the Catholic Church
- A priest or bishop in confessional life be consistent with other professions if they hear of any criminal act they are legally bound to report it to the police. Instead priest commit crimes of abuse and use the seal of the confessional to seek absolution for themselves
- That the Vatican should abolish canon law or at least reduce emphasis on canon law so that priests, archbishops and bishops can report crimes and not cover them up by merely going to another church figurehead to

- The discipline of confession has historically been in part a way of policing morals in the Catholic Church. This is why the Canon relates only to individual confessions and does not permit 'communal con

### Further literature that supports the voices and concerns from focus groups of concerned Catholics and people who have been through church complaints processes

A further development about the sacrament of confession is John Cornwell's book *The Dark Box; A secret History of Confession*, 2014, looks at offering absolution of sin and spiritual guidance to the faithful. Yet this ancient sacrament has also been a source of controversy and oppression, culminating, as prize-winning historian John Cornwell reveals in the scandal of clerical child abuse. Cornwell summarises the above with admirable verve in his first three chapters. Cornwell's powerful, persuasive and disturbing book is not in fact a history of confession. It is instead an impassioned response to the crisis in the Catholic Church over sexual abuse by clergy. It raises all of the feedback that participants raised in focus groups.

Cornwell underpins his case with his own experience as a pious young Catholic and trainee priest, with literary and historical testimony, and with extracts from over 300 autobiographical letters written in response to an article in the Catholic magazine the Tablet. Most of these letters make sad reading, with more than 60% of male correspondents, some in their 80s, dwelling on the shame of confessing sexual sins (above all, masturbation), and the lifelong legacy of anxiety and guilt. And Cornwell compellingly deploys modern reports on clerical sexual abuse from Ireland and America to argue that a high proportion of the abusers first targeted and groomed their victims in the confessional". Confession provided an ideal environment – dark, intimate, where the priest sat judiciously before the subjugated penitent – for clerical domination and the solicitation, seduction or sexual grooming of the young and vulnerable. And Cornwell sees Pope Pius X's decision in the early 20th century to extend the obligation to confess to children as young as seven as a moral disaster, putting them at the mercy of rogue clergy, teaching them to think badly of themselves, and to imagine God as "trivial, petulant" and "obsessed with cleanliness"

<https://www.theguardian.com/books/2014/feb/06/dark-box-john-cornwell>

As an example of change that is going on in Australia just this month we witnessed The Anglican Church making a decision to give priests in Australia the option of breaking the confidentiality of confessions.

The general synod, meeting in Adelaide, voted for the historic change to cover serious crimes, such as child abuse.

It has decided it will be up to individual dioceses to adopt the policy.

Adelaide's Anglican Archbishop Jeffrey Driver says the change makes sense but there will not be a hard-and-fast rule.

"In matters where lives and genuine wellbeing of people is at risk, the Church has decided that a priest may disclose [but] it's not saying a priest must disclose," he said.

"It comes as a response to the sad story of child abuse.

"In some what you might call extreme circumstances, a priest may not be bound by the seal of the confessional."

The Archbishop says it reinforces pastoral practices

Archbishop Driver says it is important support for priests in their work but he is confident they already have been seeking ways to support anyone at risk.

"I can't imagine how a priest wouldn't pastorally have found a way to ensure that a person came to confess of something that put a child at risk that a priest wouldn't do absolutely everything to ensure that a child was protected and that's been my pastoral directive in this diocese for some time," he said.

He says priests already would not have given absolution and would have insisted the person in the confessional report their actions to authorities as a requirement of repentance.

Archbishop Driver says in his 40 years of work he has found such confessions to be rare.

"What this [church] legislation is doing has made it absolutely clear that that's what the church expects and also permits, so clergy are not put in the position of feeling that they're breaking a sacred vow," he said.

"It releases them from that so they can do with good conscience what I believe they know they should do."

He says it would be unethical of him to comment on whether the Catholic Church needed to consider a change of policy.

The primate-elect of the Anglican Church of Australia says letting its priests break the confidentiality of confessions will help ensure the church does not provide a cloak for child abusers.

Archbishop of Melbourne Philip Freier, who will be elevated at the end of the synod, says it is an important part of making perpetrators accountable.

"We want those people to see as part of their true repentance that they need to be accountable for their behaviour and have made a disclosure

to police. So we're all for people seeking the amendment of their life, the confession of their sins and embracing proper accountability for their offending behaviour," he said.

*"We want to do all that we can do to make sure that child-sex abuse has no place in Australian society or in the church."*

First posted 3 Jul 2014, 10:23am

<http://www.abc.net.au/news/2014-07-03/anglican-priests-to-have-option-of-disclosing-confessions/5568672>

## The Role of the Truth, Justice and Healing Council and its Supervisory Group

The Truth Justice and Healing Council was created as a new and separate body to speak to the Royal Commission so that the many entities that make up the Catholic Church can speak with one voice through Frances Sullivan as a PR/media presence for the Church, particularly when there are difficult Case Studies involving victims and the Catholic Church.

It was established in late 2012 by the Australian Catholic Bishops' Conference (ACBC) and Catholic Religious Australia which represent more than 200 independent organisations that, for the most part, constitute the Catholic Church in Australia. At the same time a smaller supervisory group, to whom the Council makes its recommendations, was also established. The TJHC terms of reference, which make very clear the role of the supervisory group and our reporting requirements, are on this website.

People in our focus groups expressed disappointment that the Catholic Church's only spokesperson for the Royal Commission was Francis Sullivan and the public rarely hear from religious, clergy or priests.

The supervisory group are a powerful group that represent the Catholic Church and it was noted that the public rarely hear from its members.

To what extent has any Catholic Church authority in Australia taken action in response to the published reports of Royal Commission case studies?

### Report of Case Study No.4, The experiences of four survivors with the Towards Healing process

Micah Projects agrees with the list of systemic issues in the Findings of Report of Case Study No. 4, The Towards Healing Process, January 2015, and believes that most of these issues remain outstanding and yet to be dealt with by the Catholic Church

Micah Projects believes an audit of how disclosure of sexual abuse of children in Catholic schools and parishes would provide some evidence as to the effectiveness of the policy and procedures in place.

Towards Healing remains an inadequate attempt in establishing a victim assistance program for individuals who have been subject to sexual abuse, assault and rape of children and should be reviewed in the light of the United Nations handbook on Justice for Victims (1996).

However, the overwhelming view is that an independent body should take over the current role of Towards Healing with the Catholic Church being a stakeholder not the responsible authority for the process so that there can be more cooperation with other stakeholders, compliance with the Australian Law, independent of canon law, transparent and reportable to the community.

It remains Micah Projects firm conviction that the principle objective (and effect) of the document is not to prevent the sexual abuse of children within the institution of the Catholic Church, but is instead a protocol formulated for the sole purpose of keeping such matters out of the criminal, legal and civil domain where they are more properly dealt with. The isolation of the document from the usual modes of public accountability may in fact or by perception create a climate of secrecy which has surrounded the sexual abuse of children within the institution of the Catholic Church. To this extent the document completely fails to prevent further sexual abuse and protect children within the Catholic Church. The document should be disbanded and rewritten solely as a guide for the provision of pastoral care and leave the management of investigations and determination of redress to the appropriate criminal and civil authorities.

## Report from the Neerkol group, Case Study No 26, St Joseph's Orphanage. Witnesses response

Report of Case Study No. 26, The responses of the Sisters of Mercy, the Catholic Archdiocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph's Orphanage, Neerkol

### 5 RESPONDENT'S FEEDBACK

- Immediately following the Case Study people who were witnesses uniformly felt the Sisters of Mercy and Bishop McCarthy missed an opportunity to reach out to witnesses to extend their sympathies and to follow up to see what could be done for those people who had shared their experience of abuse. Since the public hearing no one has heard from anyone but the Child Safety officer who acts on behalf of the Sisters of Mercy. This response to witnesses has been reactive rather than proactive.
- There was a long discussion about the role the child safety officer played and what her official role is. There were some present who has received money or loans via child safety officer and others who had been turned down, one person did not know how to access financial help at all. This was a small group and it highlighted the lack of transparency that the Sisters of Mercy operate under, with some knowing how to access money and others not knowing.
- No one seemed aware of who made the decisions.
- The child safety officer is not the PSO for the Rockhampton Diocese. This role is carried out by a woman who works with Bishop McCarthy.
- It was noted that there was a strong presence of the religious and church officials along with Francis Sullivan at the Public Hearing in Rockhampton. This was not followed up in any response to witnesses at all.
- The only response comes from the media/PR Truth, Justice and Healing Council who claim to represent the religious response.
- Witnesses talked about how the response of the Sisters of Mercy response fit with other responses by the Catholic Church. There is complete lack of clarity around these one off processes

### DISCUSSION ON FINDINGS OF CASE STUDY

The group agreed the findings were very disappointing, no judgement on Reg Durham in particular, repetitive language about people in positions of power who "failed to provide a compassionate response". The group felt this really underestimated the harm, the abuse, the violence and the trauma people have been left carrying all their lives.

The Findings of the Case Study "are weak, in particular against the State Government, who were responsible for placing many children in care in the first place".

## ISSUES PAPER 11 GENERAL DISCUSSION FROM NEERKOL WITNESSES

- Celibacy is not a normal way for a human being to live. It should be a choice made later in life. All people need to live in loving, nurturing relationships otherwise they begin to look for that in other ways and areas.
- Men who go into the seminary are often quite young and not sure of their own sexuality, they're still looking for their own sexuality.
- The role of the Vatican and Canon Law should become obsolete. The Church should have to follow the same laws as everyone else, as citizens in communities. If you do something wrong you should be charged for it. You should face court and prison. Not be sent to do penance and moved around parishes and schools
- There should be a journey that begins with the selection of priests by lay people who are psychologically trained, where they continue to be screened, counselled and monitored and it is separate and transparent from the church process.

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Our hope is to create justice and respond to injustice at the personal, social and structural levels in society.

We work collaboratively with people who experienced abuse and neglect in institutions, foster care and detention centres. We acknowledge their courage as they move from adversity to hope in seeking public recognition, justice and redress.

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