The Murphy Report  
—a response

Gerry O’Hanlon

‘This is, without doubt, a period of deep crisis in this archdiocese’ – in Statement of Archbishop Diarmuid Martin, Friday, Dec 18, 2009.

Archbishop Martin’s observation was in response to the resignation of Bishop Donal Murray in Limerick, on foot of negative findings in the Report into the Catholic Archdiocese of Dublin, commonly referred to as the Murphy Report. I want to propose in this article that the crisis extends far beyond Dublin to the heart of the Catholic Church, and that this crisis offers us an opportunity for the ‘radical change’ also referred to in the Archbishop’s statement.

THE REPORT

The Report finds that the preoccupations of the Dublin Archdiocese in dealing with cases of child sexual abuse, at least until the mid 1990s, were ‘the maintenance of secrecy, the avoidance of scandal, the protection of the reputation of the Church, and the preservation of its assets. All other considerations, including the welfare of children and justice for victims, were subordinated to these priorities’ (1.15). The Irish Bishops at the Winter General Meeting of the Episcopal Conference accepted that ‘the avoidance of scandal, the preservation of the reputation of individuals and of the Church, took precedence over the safety and welfare of children’ (Statement, 10 Dec, 2009).

The Murphy Report finds that there are now effective structures and procedures in operation in the Archdiocese of Dublin to ensure the safety of children, but questions whether these mechanisms are not too dependent on the commitment and effectiveness

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of two people – the Archbishop and the Director of the Child Protection Service (1.16). Perhaps in response to this cautionary query, the Bishops stated that ‘we agreed today to request the National Board for Safeguarding Children in the Catholic Church to explore with relevant Government departments and statutory authorities, North and South, a mechanism by which to ensure that the Church’s current policies and practices in relation to the safeguarding of children represent best practice and that allegations of abuse are properly handled’ (Statement, 10 Dec, 2009).

In the meantime, we do well to acknowledge with continuing support and gratitude the courage of survivors in speaking out, the service the media had done in investigating this issue, and the determination of all concerned to ensure that the Catholic Church will be a safe place for children. With time there will be an opportunity to reflect more deeply on the Report itself and some of the other issues which it raises, for example how to assess the powerful influence of a dominant culture on human freedom, the notion of collective responsibility and the learning curve that, pace the Commission’s own findings (1.14), was clearly involved in this whole sorry situation.

However, since, as Fr Donald Cozzens points out ‘the Dublin report details a pattern of church response to clergy sexual abuse that mirrors that of countless other archdioceses and dioceses throughout the Catholic world’, we need urgently to enquire into the deeper causes of the ‘secrecy and denial that have abetted and compounded unspeakable evils’ (The Tablet, Dec 5, 2009, 6-7). Cozzens even dares to hope that ‘the Catholics of Ireland will show the rest of the Catholic world how to face up to one of the saddest chapters in the history of the Church – for the good of the people of God, for the good of children’ (Cozzens, 7).

DEEPER CAUSES: SEXUALITY AND POWER

• ‘But tidying up corporate governance and instituting a more transparent culture is not going to resolve the scandal of clerical sexual abuse. That will require the church to face up to a much more profound problem – the church’s own teaching on sexuality’ (Maureen Gaffney, The Irish Times, 2 Dec, 2009)

• Young people need to be presented with ‘a more persuasive sexual ethic than the no longer relevant traditional teaching, to which for the time being the church remains committed’ (Garret FitzGerald, The Irish Times, 19 Dec, 2009).

• Fianna Fail backbencher Mary O’Rourke on the ‘sheer discourtesy of a body called the Congregation of the Doctrine of the Faith, or something with an equally convoluted title … this wonderful doctrine body, whatever it is, does not reply to let-

83
Do not reply to letters and not seeing fit to talk to his counterpart ... It is just not good enough' (The Irish Times, 4 Dec, 2009).

No one with knowledge of Irish public life would accuse distinguished figures like Maureen Gaffney, Garret FitzGerald or Mary O'Rourke of being rabidly anti-Catholic. On the contrary, I believe most people would acknowledge both their fairness and their constructive attitude towards the Catholic Church. Taken together, I believe their comments point to a problematic nexus of issues around sexuality, power and the relationship between them, which are deeply corrosive of Catholic Church moral authority and credibility.

'THE SENSE OF THE FAITHFUL'
The roots of this crisis lie buried back in the 1960s. First, in the Second Vatican Council, there was a clear emphasis on the Church as the People of God – we are all, as the great Dominican theologian Yves Congar once put it, first and foremost brothers and sisters: it is only secondarily, and in service of mission not in exercise of power, that we are laity, priests, religious, bishops, Pope. Baptism comes first and remains primary, and all baptised people are called to exercise that Priesthood of the Faithful which is part of our service to the wider world, a kind of sacramental sign intended to give hope to all men and women that our relationship with God is our source, our constant nourishment and our final home. To that end, with Baptism and Confirmation, with Eucharist, we are given the presence of the Holy Spirit: those who are tasked with leadership roles in the Church will need to consult with the lay faithful in order to discern the sensus fidelium, the 'sense of the faithful', which is intrinsic to sound church governance and teaching. All this is entirely consistent with the well-known principle of subsidiarity, so prominent in Catholic Social Teaching.

Sadly, for a multitude of reasons, this dream of Vatican II of a more collegial church, with active lay participation, and a balancing of the power of the papacy with the influence of local churches (Episcopal conferences, informed by lay input), has for the most part not been realised.¹ The dominant culture of our

¹. See the perceptive article on this issue by Fainche Ryan, ‘A Theology of Ministry’, The Furrow, 60, Nov 2009, pp 588-595, in which, inter alia, her argument leads her ‘to wonder if baptism is not an empowerment into both Christian service and authority’ (583).
THE MURPHY REPORT

Church remains that of a dysfunctional, autocratic clericalism, as Cozzens makes so clear. So many women religious, not just laity, know this only too well. We have had in Ireland some small steps forward – with, for example, the development of Parish Councils – but there has been little sense of urgency about this whole movement. Perhaps this has been due in no small part to what theologian Nicholas Lash has identified as the conflicting interpretations of Vatican II and the success of the Roman Curia in resisting reform and effectively ensuring that collegiality has yielded to a more entrenched centralisation.

HUMANAE VITAE AND ITS AFTERMATH

If there was one event which crystallised this crisis of power and linked it with the crisis of sexuality it was the promulgation of Humanae Vitae in 1968. The Papal Commission leading up to this promulgation included lay men and women, married couples, medical and other experts. It found – much to its own surprise, since this was originally a commission to advise the Pope on issues of population control in response to developments in the UN and initially simply accepted without question the traditional church teaching on contraception – that it could not establish the intrinsic evil of contraception on the basis of natural law or reasoning. Four theologians (from a Commission variously estimated as comprising between 58 and 70 persons) dissented from this finding. Paul VI in his Encyclical took the side of the four dissenting voices and effectively decided the issue by papal authority and power.

However, a large majority of practising Catholics have not ‘received’ this teaching as true: they do not find it persuasive. Theologians have pointed to an overly physicalist notion of natural law underlying the teaching, as well as an overly static notion of what tradition entails, tendencies which continue to be the case with regard to the many other neuralgic areas of sexual teaching which Maureen Gaffney identifies (such as premarital sex, remarriage, homosexuality, the role of women in ministry and mandatory clerical celibacy). It is also worth noting, in particular in the context of the novel introduction of teaching on sexuality into Catholic Social Teaching in the recent Encyclical Caritas in Veritate, how absolute this teaching is in contrast to the more tentative stance on disputed economic and political matters. Is it not curious that the Church can claim such certainty on a matter as complex as human sexuality, while being more modest about truth

THE FURROW

claims in other spheres and even admitting that the natural law is not something that we know fully but rather something about which we grow in knowledge?4

INTELLECTUAL MEDIOCRITY AND ABSENCE OF OPEN DEBATE
What has happened in our Church as a result of this problematic relationship between sex and power is that there has developed a culture of ‘don’t ask, don’t tell’ (Murphy, 1.31), a culture which is at its most lethal of course in relation to clerical child sexual abuse, but is much more pervasive than this one issue. Catholics who have questioned this relationship have been ignored – sometimes silenced, more often simply regarded by the establishment as disloyal and even as ‘cranks’. This has resulted in an intellectual mediocrity and a culture in which often very good people (lay, religious and clerical) keep quiet, even become unaware of why they believe what they believe, instead of submitting beliefs to intelligent scrutiny. And it is out of this mistaken culture of loyalty that the pool of Bishops is replenished, thus perpetuating the institutional blind-spot.

By way of exception in Ireland a bishop like Willie Walsh has over and again voiced his concern about a raft of Church sexual and gender teaching, echoing the questioning he has heard from good, committed Catholics of his diocese. This, you would imagine, is what a bishop ought to do. But, at best, there has been a deafening silence from his fellow bishops, who in this respect seem to view their role more as vicars of the Pope than, as Vatican II would have it, vicars of Christ.5

Polarisation may be a bad thing, but conflict need not be; in fact, in human affairs it is often vital for growth in truth. Have we forgotten that the very opening of the Good News to us, the Gentiles, depended in no small measure on the conflict between Paul and Peter in the early church? And one recalls the wise counsel of Gamaliel, member of the Sanhedrin, addressing his fellow Jews in relation to the disturbances caused by this new way of looking at truth promulgated by the followers of Jesus: ‘What I suggest, therefore, is that you leave these men alone and let them go. If this enterprise, this movement of theirs, is of human origin it will break up of its own accord; but if it does in fact come from God you will not only be unable to destroy them, but you might find yourself fighting against God’ (Acts, 5, 38-39). This ‘Gamaliel principle’, an application of the evangelical ‘by their fruits you will know them’, is too often bypassed by our Church in heavy-handed attempts to impose truth, not by means of the

5. Cf Lash, op cit, 235, referring to Vat 11, Lumen Gentium, n 27.
THE MURPHY REPORT

authority of persuasion and reason, but rather by the authority of power. It often seems in our Church that we attempt not just to inform conscience but to coerce it.

In fact Pope Benedict XVI rightly again and again stresses the compatibility of faith and reason, and there is a lovely phrase in the Declaration of Religious Freedom in Vatican II which says that ‘truth cannot be imposed except by virtue of its own truth, as it makes its entry into the mind at once quietly and with power’ (Dig. Hum. 1). What has happened instead with regard to many controverted issues of sexual morality in our Church is the development of a culture of taboo and fear, with matters being settled by appeal to authority and power rather than by means of open and reasonable discussion. This is simply incredible to the modern democratic mind-set, and it pays scant respect to the notion of that ‘sense of the faithful’ which is intrinsic to the Church’s own teaching. It lends substance to the trenchant critique of Maureen Gaffney:

… the Catholic Church is a powerful homo-social institution, where men are submissive to a hierarchical authority and women are incidental and dispensable … it has all the characteristics of the worst kind of such an institution: rigid in social structure; preoccupied by power; ruthless in suppressing internal dissent; in thrall to status, titles and insignia, with an accompanying culture of narcissism and entitlement; and at great psychological distance from human intimacy and suffering (The Irish Times, Dec 2, 2009).

This culture is now having political ramifications. In Ireland the Minister for Foreign Affairs has called the Papal Nuncio, and hence the Vatican, to account for effectively hiding behind a diplomatic smokescreen instead of cooperating fully with an enquiry into serious moral and criminal failure. The Murphy Report itself (7.13), based on the evidence of Monsignor Stenson, of the Dublin Archdiocese, notes that the Vatican Congregation for the Clergy had reservations about the policy of reporting allegations and suspicions of child abuse to the civil authorities set out in the 1996 Framework Document, prepared by the Bishops’ Advisory Committee on Child Sexual Abuse. Apparently, the basis of the reservation was ‘that the making of a report put the reputation and good name of a priest at risk’ (7.13). This, understandably, has led to some unease about the role of the Catholic Church in public life in Ireland, in particular in the field of education. It is also widely reported that the Vatican has pleaded sovereign immunity with respect to being sued in courts in the USA.
(Patrick Smyth, The Irish Times, 19 Dec.), an issue which brings up both the relationship between the Vatican and local churches, but also the distinction between the Vatican as Church and the Holy See as a sovereign state.

All this recalls the sardonic impatience, almost contempt, of Mary O'Rourke in the Dail. It also alerts us to how far we have come from the notion of power and authority personified by Jesus in the washing of feet. It seems at times we are closer to the notion of power as exercised by the Scribes and Pharisees in this devastating critique of Jesus, according to a modern paraphrase:

Instead of giving you God's law as food and drink by which you can banquet on God, they package it in bundles of rules, loading you down like pack animals. They seem to take pleasure in watching you stagger under these loads, and wouldn't think of lifting a finger to help. Their lives are perpetual fashion shows, embroidered prayer shawls one day and flowery prayers the next. They love to sit at the head table at church dinners, basking in the most prominent positions, preening in the radiance of public flattery, receiving honorary degrees and getting called 'Doctor' and 'Reverend' (Mt 23, 4-7, according to The Message Bible, by Eugene E. Peterson, 2003).

Of course institutions are important, and of course office should be honoured, but really do we need all this fine dress (which dates back to the paraphernalia of the Roman senate, reinforced by the fourth century Constantinian settlement between Church and State), these honorific titles like 'Your Grace', 'Your Excellency', 'The Holy Father'? Have we not set ourselves up for the kind of autocratic abuse of power which Jesus warned against?

A WAY FORWARD

One gets the sense that we are at a watershed moment in Irish Catholicism, with repercussions for Catholicism world-wide. There is an institutional dysfunctionality at the heart of our Church which goes beyond any simple notion of governance or management reform and which needs to be tackled.

There are many good reasons, not least the emergence of a more globalised world, for a centralized papacy, and, as church historian Eamon Duffy has so well articulated, the papacy, albeit in need of reform, is a great blessing for the Catholic church. It would be ironic if, at a time when secular commentators are point-

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ing to the need for global governance to tackle economic, environmental and political problems, we as a church turned our backs on the service to universality that the papacy can provide. However, already in 1995 John Paul II was aware that, particularly to non-Catholics, the papacy was seen as an obstacle rather than as a sign of unity, and he asked for help to change the papacy in ways which would better fulfil its great potential.

It would seem appropriate that we in Ireland might respond to this request. Again, theologian Nicholas Lash has many suggestions along the lines of greater consultation of local bishops and laity, including a standing commission of bishops and lay people from all over the world who would effectively take over the functions of the Roman Curia. Cardinal Martini often called for a Third Vatican Council precisely to address the kind of neuralgic issues such as collegiality, sexuality, inter-religious dialogue that did not seem to him to be well handled: again, down the road, this is surely worth considering. There will be many other suggestions also worth considering.

But first it would seem that we need in Ireland to renew our own understanding of Church, along the more participative lines envisaged by Vatican II, and, in particular, with a greater role for women and without any veto on the kinds of issues that might emerge in the consultative process that will be required (1 Thess. 5, 19: don’t stifle the Holy Spirit!). Why not, then, envisage the oft-proposed National Synod or Assembly, well prepared in each diocese, touching into the experience of believers and disaffected alike?

Archbishop Martin, for one, seems reluctant to go down this route, suggesting (The Irish Times, 2 Jan , 2010) that perhaps ‘an ongoing talk-shop may not be the answer either. I think we do require leadership, and some of us are called to do that’. But in the same interview the Archbishop admits that ‘occasionally you have these seismic moments when you have a real change ... a qualitative leap to a different view of church’. I would suggest that the decisive leadership that is required is precisely the facilitation of a much wider consultative process, like that which would culminate in a National Synod or Assembly. It will not do any more for priests, bishops, cardinals, the Pope to simply tell us what to think, what to do. People rightly want to have a say. And, of course, all this would have to be carefully thought through so that

7. Lash, op cit, 238ff.
8. Lash, op cit, 239.
any such Assembly would result in genuine consultation, and would build in the possibility at least of that kind of respectful and constructive disagreement with Rome modelled on the dialogue between Peter and Paul in the early Church.

Now would also seem to be a good time to call into question the reality that certain narrow grounds of orthodoxy are a *sine qua non* of Episcopal appointments at present, and to call for more transparent, representative and accountable local, including lay, participation in the appointment of bishops. It’s instructive to note that as recently as 1829, of 646 diocesan bishops in the Latin church, only 24 had been appointed by the Pope: often we forget how new many of our ‘traditions’ are!10

The danger it seems to me is that we remain at the level of a reform of management and communications structures in each diocese, with effective child safety guidelines (all good in themselves), but do not tackle the deeper issues noted here. Archbishop Martin, in an earlier statement, promised that ‘there will be wider consultations’ (18 Dec statement): are we as a church ready to grasp nettles, are we prepared to move beyond anger to a more active and constructive participation?

CONCLUSION

Karl Rahner once said, in relation to Christmas, ‘Light the candles. They have more right to exist than all the darkness. It is the Christmas that lasts for ever’ (*The Tablet*, 19/26 Dec 2009, p 29). The integration of God’s justice into God’s mercy and love is the Good News of Jesus, sealed in his death and resurrection. Faced with the dominance of a clerical culture, who knows how any of us might have coped, had we been in positions of leadership? Perhaps, as with bankers and politicians in other areas of life, we need as well as exigent calls for justice a little dose also of ‘there go I but for the grace of God’? There is so much goodness among laity, priests, religious, bishops, the Pope – with God’s help we will emerge from this present period of crisis, humbled but also stronger. We will do so by honouring the sufferings of the abused, and by demanding accountability from, but also showing mercy to, those who have abused.

But we will only do so if we have the courage to look at the deeper roots of what has brought us to this place, the institutional dysfunctionality which lies within our Church. And to do that we will need to find solidarity with other parts of the world that have undergone a similar crisis, in order to call our universal Church to account and to a more hopeful, less fearful future. We will need to

do all this with a wisdom that can discern between what needs reform and what remains as truly good and life-giving in our Church. The exercise of authority, however democratically structured, is never that easy for us human beings, and our fellow Christians of a non-Roman Catholic persuasion, with their more consultative processes, know this well. We need some deep, strategic reflection on what might constitute beneficial change, a reflection which will understand widespread consultation and shared decision-making as a necessary, even if not sufficient, element of the process.

A daunting task? Yes, but one remembers Luther’s ‘I can do no other’, and one remembers, above all, ‘that all creation from the beginning has been groaning in one great act of giving birth… and we too with it’, and that the Holy Spirit accompanies us in this great act so that ‘... we know that by turning everything to their good God co-operates with all those who love him…with God on our side, who can be against us?’ (Rom, 8, 18-31).

Seeing the light. A rabbi and his students were discussing the Law and their attention was focused particularly on the issue of being able to pinpoint exactly when dawn has arrived. One student said, ‘The light has dawned when you can look into the distance and distinguish individuals from trees.’ ‘No,’ said the rabbi. ‘The day has started when you can distinguish a person’s features,’ offered another student. ‘No,’ said the rabbi. So they asked him, ‘When has the light dawned and the day truly begun?’ The rabbi said, ‘The day has dawned and the light has truly begun to shine when you can look on the face of any man and recognise your brother.’

— KIERAN J. O’MAHONY, OSA, Do We Still Need St. Paul? (Dublin: Veritas) p. 140.