

Understanding the culture of the catholic institutional response to Child Abuse through the concept of sin, penance, reconciliation, and forgiveness.

For the Royal Commission

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1. Theology of the sacraments of healing

1.1. The Christian sacraments of healing (reconciliation and anointing of the sick) involve both the forgiveness of sins and the desire for the physical healing of the individual. Both of them concern themselves with the repatriation of the individual back into the Church community. Where the sacramental-theological understanding is a mechanistic one, then the sacramental rites tend to take on a legalist expression, and the purpose of the rites becomes deified, or magical.

2. Is Child abuse sin or crime?

2.1. The theology and practice of the reconciliation is oriented towards actions as sinful, not criminal. The theological view of sin is that sin can be forgiven through the process of confession, absolution and penance. There is no theology of crime. Crime is a common law, or legal reality, that is identified through proof of guilt, judgement by judge and or jury, conviction and punishment. Crime is concerned with forgiveness, whereas sin is.

3. Sin, not crime, as the default position: To forgive, or not to forgive?

3.1. A debate has arisen concerning the relationship between the forgiveness by the Church, forgiveness by God and the judgement of the civil state; who is the ultimate arbiter of justice, mercy, forgiveness and punishment? Illustrative of this is a question posed during the *Private Hearing of Paul David Ryan* when the Chair asked:

3.1.1. ‘Do you (Paul David Ryan) understand that to someone who is not a church person the idea that through a secret mechanism (confession) in the church the person (penitent) is able to resolve their problems (sins) over their criminal activity without a civil sanction is offensive?’ (Royal Commission: *Private Hearing of Paul David Ryan*, Sydney, 25 February 2015, nn5-9, p108)

3.2. Earlier on page 7 of the same document the leading question was asked: ‘Should civil law prevail over canon law?’ (Op cit, p107)

3.3. This interchange raises several key issues concerning the meaning, purpose and public perception of the sacrament of reconciliation and penance, particularly as the question is addressed to a former priest, and convicted androphile, as the *quasi* representative of the church.

3.4. Understanding the process and meaning of sacramental confession is culturally defined (interior, group knowledge) and this culture’s use of the sacrament has impacted on the perceived value of the sacrament itself. Therefore, it is important to distinguish between the theology of forgiveness that underpins the sacrament and the *culture of use* to which it is put, or to the *abuse of the sacrament*.

3.5. Non-church observers need to be careful when identifying the distinction between the theological meaning and the purpose of the sacramental rite, over against the human uses of the sacramental rite. This is especially true where a mechanistic concept of ritual/sacramental theology and forgiveness is at play

in the church culture, or where an anti-theological culture is at play in the judicial system.

- 3.6. That 'the idea' of a secret confession can forgive a believer is problematic for an external observer, and raises the question of the nature of sacramentality and the seal of the confessional.
- 3.7. The use of the sacramental seal is an issue for the debate concerning the institutional response to child abuse. The seal of the sacrament may have contributed to the culture of abuse in the church, but may equally have not; there is very little conclusive information available upon which to make a definitive decision.
- 3.8. The possible civil law requirement to refuse a priest the right to maintain the seal of the confessional, in accordance with Canon Law, in crimes of child abuse could set a precedent that may be both unreasonable and immoral, given that many other people rely on this requirement for a host of other reasons. The question of the seal and its use or misuse is one that directs us back to the dominant culture of the church at the time of the abuse of power by clergy.
- 3.9. That forgiveness of sin also forgives 'criminal activity without a civil sanction' presumes that sin, and illegality, are the same thing, when in some cases they are not. Which worldview takes precedence here and which is more valid? Is it possible to take the moral stand that the legal detention of illegal migrants on a pacific island, even when sanctioned by Australian law through acts of parliament is sinful, even where it is not illegal? Or is it sinful to steal bread to feed one's family from a merchant who inflates the price in famine when this is clearly illegal? Does the Catholic Church have the right to perform its sacramental ritual and live out its sacramental truth, without recourse to civil law that looks for punishment not reconciliation?
- 3.10. That confession, absolution and penance done according to the rites of the church 'is offensive' to the non-church person is a huge matter. If this is in fact the case there is no resolution, because the sacramental rite and theological basis of confession, absolution and penance has effectively given scandal to non-member, non-believers, other Christians, etc. and the sacramental value has been lost. This is a grave concern for the church itself that it has given scandal and it needs to repent of this publically.
- 3.11. How can the Commission work with the church to develop its understanding of the criminality of sin and how can the church work with the civil state to develop its understanding of the sinfulness of crime?

4. Is forgiveness and confession enough for child abusers?

- 4.1. Generally the leaders of the Church believed that they had the power to 'bind and to loose' and that those who were reconciled with the Church were also forgiven by God. God's forgiveness always came to those who turned away from sin and mended their ways, and the Church simply declares them forgiven by God when it was sure that they had truly reformed. Reconciliation with the Church was a sign that reconciliation with God had already taken place, because of the visible changes evident in the life of the penitent.

5. Priesthood culture

- 5.1. There is a key issue overall that is prior to the sacramental rite of confession and that is the action and thinking of the bishops and priests who put the

institution of the church before the needs of children and teenagers, their sexual-social development, selection and their training for power. The culture and training of priesthood is deeply problematic; it is a culture that infantilises its members. It would be valuable to discuss the nature of contemporary priesthood and contemporary training to see whether the culture that produced these earlier types of priests has substantially evolved in recent years?

6. Public sin and private sin

- 6.1. The theology surrounding reconciliation and penance and confession has begun to change as the concept of sin has developed. Theologians have started to ask about structural sin and public sin and whether the division of sins into mortal and venial and their links to the commandments does justice to the complexity of people's lives and the motivations for their actions.
- 6.2. The Commission needs to encourage the church to adopt a less legalistic approach to this sacrament and in its priestly and ministry formation to use more completely the insights of the social sciences, so that they may better understand the complexity of human motivation and that sin is both a breaking of a personal relationship with God and with the human community.