Catholics for Renewal Inc.

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

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Royal Commission into Institutional Responses to Child Sexual Abuse
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Introduction

1. The mission and rationale of Catholics for Renewal Inc. are at Appendix 1 with a list of our earlier submissions. In addition to those formal submissions, we have valued the opportunity to discuss the governance focus of our submissions with Commission staff on a number of occasions and with the Royal Commission Chair, the Hon Justice Peter McClellan AM, in an informal meeting on Friday 14 August 2015. Catholics for Renewal has focussed on what we consider to be gravely dysfunctional elements of the Catholic Church’s institutional governance, matters that are critical to the institutional Church’s unaccountable response to clerical child sexual abuse that have resulted in further sexual abuse of children not only in Australia but throughout the world.

2. Catholics for Renewal expresses concerns shared by many Catholics, lay and clerical, regarding the continuing dysfunctional governance of our Church exhibited in the response to the scandal of clerical child sexual abuse. To date, the Catholic Church has evaded responsibility for ‘institutional abuse’, abuse actually facilitated at the highest levels through the dysfunctional governance of the Catholic Church, and has failed to acknowledge the fact of that institutional abuse, whilst attempting to assign all blame for acts of abuse to individual paedophiles and all blame for cover-ups to individual members of the hierarchy.

3. Many other institutions have failed in dealing with child sexual abuse, in covering up and failing to report - institutions such as the defence forces, schools, the health sector and other religious institutions. Catholics for Renewal acknowledges that these are grave failures whatever the institution but our focus, as committed but very concerned Catholics, is on the Catholic Church as an institution and the specific nature of such failures in an institution whose very purpose is to act with integrity and love of the highest order, in accordance with the teachings of Christ. The Catholic Church bases its theology and very existence on the Scriptures and traditions, and on the teachings of Christ. Matthew’s Gospel quotes Christ’s very specific warning on the care of children:

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1 A discussion of the concept we have described as ‘institutional abuse’, abuse effectively caused by the institutional Church, is at Appendix 2.
If any of you put a stumbling-block before one of these little ones who believe in me, it would be better for you if a great millstone were fastened around your neck and you were drowned in the depth of the sea. (Matt 18:6)

The Catholic Church’s failing in dealing with child sexual abuse is a more serious failing and harder to explain because it has not only failed morally, but has clearly acted in a manner contrary to its very purpose and core values.

4. We submit that the reasons for the Church’s behaviour, contrary to and implicitly rejecting its Christian mission, demand careful examination to enable necessary major reform of the institutional Church’s universal governance. Whilst there has been a welcome, albeit belated, acceptance by the Church of grave failings in processes, with inadequate responsiveness of Church officials, there has been no admission or expression of regret for institutional abuse, or even recognition of the dysfunctional universal governance that resulted in failure to prevent or respond adequately to the institutional abuse in the first place. Reform of processes is of limited effect in a system of dysfunctional governance.

5. It is the premise of this submission that the Royal Commission can have little 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 actually reforms that dysfunctional governance.

The Issues

6. This submission will first address each of the issues identified in the Royal Commission’s ‘Issues Paper 11: Catholic Church Final Hearing’ that are particularly relevant to our concerns, and then summarise our key concerns. The Issues Paper asks:

   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?

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

7. We are of the view that 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. Catholic theology and doctrine should have guided the Church’s institutional response to clerical child sexual abuse and clearly did not. The Church’s response to clerical child sexual abuse has demonstrated a disconnection of the Church’s theology and doctrine with its institutional governance. The Church’s
institutional response has been an effective denial of the Church’s theology and doctrine and is evidence of a dysfunctional culture.

8. Too many Church leaders have become captives of this culture, apparently unable to engage effectively with the people of the Church and untroubled by a lack of accountability, transparency and inclusiveness (including inequality of women and gender imbalance in decision making) - a situation that could be described as a wilful form of ‘institutional autism’ in the face of public evidence of the grave damage done to innocent children. Australian Catholic social commentator, jurist, academic, and Jesuit priest, Father Frank Brennan SJ, has observed regarding sexual abuse and the Church:

Clearly, the Church itself cannot be left alone to get its house in order. That would be a wrongful invocation of freedom of religion in a pluralist, democratic society.²

9. The serious disconnection between the Church’s theology and doctrine on the one hand and its dysfunctional governance on the other, disturbed Cardinal Carlo Maria Martini, a Jesuit like Pope Francis and also seen as papabile (a likely pope) at the time of Benedict’s election, who due to advanced illness ruled himself out in that conclave. Martini recorded the following trenchant critique of the Church’s governance just weeks before his death on 29 August 2012³:

The church must recognize its errors and follow a radical path of change, beginning with the pope and the bishops. The pedophilia scandals compel us to take up a path of conversion.

and

The church is 200 years behind the times.⁴

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

10. The Church’s universal governance, its administrative systems and structures throughout the world directed by the Holy See in the Vatican, has enabled a culture of institutional self-interest resulting in cover-ups of child sexual abuse and protection of perpetrators, causing even further abuse of vulnerable children. The institutional

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³ Belfast Telegraph, 3 Sep. 2012, Vatican is rocked by Cardinal Martini’s damning words from beyond the grave, sourced May 2014 at http://www.belfasttelegraph.co.uk/news/world-news/vatican-is-rocked-by-cardinal-martinis-damning-words-from-beyond-the-grave-16205822.html - ixz2G73QeH0
Church is an autocratic, male-dominated and clericalist organisation which lacks accountability, transparency and inclusiveness; such deficient governance provisions inevitably involve bad decisions and inequity. Gaillardetz wryly comments: 5

"The episcopal malfeasance that let bishops cover up instances of sexual abuse was too often motivated by a misguided fear of scandal. The ecclesiastical preoccupation with the vigorous defense of the church’s good reputation blinded too many leaders to the harm that was being done and ended up doing far greater damage to the very reputation they sought to protect."

Keenan has observed that

obedience is one of the central features of governance for the Roman Catholic Church in exercising authority, 8

and

the role of obedience in the current crisis of child sexual abuse cannot be underestimated. 9

Some argue that the Catholic Church’s central control is constrained by the local authority of diocesan bishops. However, despite strong support for subsidiarity and collegiality at the Second Vatican Council 1962-65, the Church remains an institution where there is considerable central control and strong direction in practice, and the evidence confirms that this has been key to the child abuse scandal throughout the world.

In April 2010, Fr Hans Kung, an internationally eminent theologian and respected critic of the Catholic Church’s governance, who served as an expert theological advisor to members of the Second Vatican Council, wrote an open letter to

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6 See a helpful discussion of this issue in Marie Keenan, Child Sexual Abuse and the Catholic Church: Gender, Power and Organizational Culture, Oxford University Press, New York, 2012. P. 223
7 Catechism of the Catholic Church, 882
8 Keenan, Child Sexual Abuse, p. 156
9 Keenan, Child Sexual Abuse, P.224
In that letter, Kung observed:

> There is no denying the fact that the worldwide system of covering up cases of sexual crimes committed by clerics was engineered by the Roman Congregation for the Doctrine of the Faith under Cardinal Ratzinger (1981-2005). During the reign of Pope John Paul II, that congregation had already taken charge of all such cases under oath of strictest silence. Ratzinger himself, on May 18th, 2001, sent a solemn document to all the bishops dealing with severe crimes (‘epistula de delictis gravioribus’), in which cases of abuse were sealed under the ‘secretum pontificum’, the violation of which could entail grave ecclesiastical penalties.

14. The “oath of strictest silence”, also known as the pontifical secret (‘secretum pontificum’), implicitly directed non-compliance with any requirement of civil law, or urge of personal conscience, to report cases of child sexual abuse to civil authorities. Kung’s claim has been evidenced by many other sources. There is increasing support by some Church authorities for reporting criminal sexual abuse of children by religious personnel to civil authorities as discussed below. However, that attitude has not emerged until recently and is still contested; the application of the pontifical secret has not been repealed.

15. The role of the Vatican in the sexual abuse scandal was made clear in the 400-page report into abuse in the Diocese of Cloyne in Ireland; Judge Yvonne Murphy highlighted the relevance to the Cloyne events of a ‘strictly confidential’ letter sent to all Irish dioceses in 1997 by papal nuncio Archbishop Luciano Storero, expressing “serious reservations of both a moral and canonical nature” about a proposal from the Irish bishops to make the reporting of child sex abuse allegations to the civil authorities mandatory.

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11 elected Pope Benedict XVI April 2005


Note the instruction: “Cases of this kind are subject to the pontifical secret.”


16. The sexual abuse crisis in the Catholic Church has been exacerbated by the Church’s universal dysfunctional governance arrangements. The Royal Commission has heard evidence of Church leaders being aware of the abuse of children by particular priests or religious in their charge but, with apparent endorsement and direction from the Vatican, failing to report such knowledge to civil authorities and thus failing to protect other children from abuse, indeed exposing other children to abuse. Further, there have been many instances where leaders covered up abuse and reassigned abusers within their jurisdiction or to the jurisdiction of another Church leader. 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 properly focussed on the child rather than prosecution of the perpetrator.

17. The pontifical secret, a canonical direction\(^\text{15}\), continues to forbid bishops from reporting known paedophiles to the police, unless a state law mandates criminal reporting. Most states/countries do not have such mandatory criminal reporting laws and so bishops of those states/countries are subject to the canonical direction to keep paedophilia secret. It is somewhat encouraging that Pope Francis recently issued a canonical instruction (a ‘\textit{motu proprio}’ on 4 June 2016)\(^\text{16}\) which specifically provides for a bishop’s removal from office being considered for negligence in response to clergy sexual abuse, but Francis has not repealed the pontifical secret instruction preventing the reporting of cases of clerical child sexual abuse. This is a mixed signal which is discussed further below.

18. Another welcome but mixed signal came from Cardinal Sean O’Malley, President of the Pontifical Commission for the Protection of Minors, who affirmed the priority of moral principles over canonical prescriptions: “\textit{(W)e all have a moral and ethical responsibility to report suspected abuse to the civil authorities who are charged with protecting our society,}”\(^\text{17}\) a position regrettably lacking full support in the Vatican curia and not endorsed by the Pope. Catholics for Renewal had earlier corresponded with Cardinal O’Malley on this matter (copies at Appendix 3A-C). The clear ‘\textit{moral and ethical responsibility}’ has not been adopted by the Church: the ban on reporting remains. In fact, as discussed below under (‘Formation’, Issue 1g), bishops are still

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\(^{15}\) For a comprehensive canonical analysis of the history and application of the pontifical secret, see: Kieran Tapsell, \textit{Potiphar’s Wife: The Vatican’s Secret and Child Sexual Abuse} (Adelaide: ATF Press, 2014).


advised in formation that they have no obligation to report to civil authorities.

19. It is regrettable that Pope Francis, in his recent exhortation addressing the Church’s concern for families, *Amoris Laetitia*<sup>18</sup>, avoided the scandal of clerical child sexual abuse and ignored the Church’s protection of paedophile clerics; a papal exhortation on families failed to address a scandal that has destroyed the lives of many children and families throughout the world. He merely notes:

*The sexual exploitation of children is yet another scandalous and perverse reality in present-day society... The sexual abuse of children is all the more scandalous when it occurs in places where they ought to be most safe, particularly in families, schools, communities and Christian institutions.*

It seems inexplicable that the pope would refer to child sexual abuse in ‘Christian institutions’ in a document dealing with the Catholic Church’s pastoral care of families without specific mention of the Catholic Church’s own institutional abuse of children and their families. There is a form of grave denial taking place at all levels of the hierarchy.

20. There are provisions of canon law and other official instructions from the Vatican which should be repealed or changed to ensure appropriate implementation of theology and doctrine and, in particular, proper governance of the institutional Church. We refer in general to the need for structures and processes of decision making that are based on principles of accountability and transparency and inclusiveness, and the provision for gender balance at the most senior decision making levels of the Church.

21. Without theological or doctrinal basis, women are presently excluded from senior decision making by canon law<sup>19</sup>, and administrative practices restrict the exercise of governance to ordained male priests. Such gender imbalance in executive decision making is generally recognised in secular 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 1c: Issues related to the individual leadership of Catholic institutions**

22. Catholics for Renewal has not prepared a response on individual leadership of Catholic institutions, as our primary focus has been on the over-riding dysfunctional

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<sup>19</sup> Canon 129, “one of the most debated issues” in canon law, can be applied to exclude lay men and all women from the power of governance; cf. John P. Beal, James A. Coridden and Thomas J. Green (eds.), *New Commentary on the Code of Canon Law*. (New York: Paulist, 2000), 184
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governance of the universal Church which is the context for individual leadership of Catholic institutions.

**Issue 1d: Canon law**

23. Canon law is an important feature of Catholic Church governance that establishes the nature of the institutional Church as a corporate entity, indeed as a corporate citizen of the world. Canon law therefore is of major importance to the governance of the institutional Church and is critical to understanding how that governance permitted and indeed contributed to the scandal of clerical child sexual abuse.

24. 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 of the Catholic Church 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 due process which was specifically prescribed in Canon Law, following Morris’ passing speculation, later clarified, about the possibility of married and women clergy. In fact, the Code provides that the Pope “possesses supreme, full, immediate, and universal ordinary power in the Church, which he is always able to exercise freely” (c. 331).

25. Pope Francis issued a canonical instruction (a ‘motu proprio’) on 4 June 2016, but strangely not taking effect until 5 September 2016, which purports to provide for a bishop’s negligence in response to clergy sexual abuse, to lead to his removal from office. While this direction set in place some processes which hopefully might make such action more likely, it is a reflection of the Church’s governance that such a direction was not necessary as the action could already be taken under the current provisions of canon law, and simply reflected the Church’s Christian teachings. As the American publication National Catholic Reporter editorialises, this “new law for bishops raises many questions” (Jun. 10, 2016). Some questions might be:

1. Why has it taken so long to assert explicitly the obvious responsibility of the bishops to behave in accordance with the Church’s Christian values?

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20 Canon 221 §3: “The Christian faithful have the right not to be punished with canonical penalties except according to the norm of law.”


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2. Why doesn't the motu proprio:
   a. withdraw the application of the pontifical secret which presently prevents bishops reporting cases of paedophilia to the civil authorities where there is no mandatory civil requirement to report? and
   b. actually mandate reporting of cases of paedophilia to the civil authorities in all states where the rule of law prevails?

3. Why hasn't Pope Francis admitted the Church's institutional abuse, knowingly protecting paedophiles through cover-ups and thus exposing further children to sexual abuse?

26. Changing canon law to codify good governance for the Church could be 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 also to the clericalist culture which promotes a lack of accountability, transparency and inclusiveness. As Fr Thomas P. Doyle observed in commenting on the motu proprio:\(^23\):

> It will take more than papal pronouncements to bring about the changes in direction that are essential. It will take a fundamental change in attitude and this will not be evident as long as the hierarchy still believes that the church is a stratified society with the bishops on top and the vast majority of believers on the bottom, whose only duty, according to Pope Pius X, is to obey and docilely follow the bishops.

27. Taking actions against negligent bishops is crucial. Yet it is equally 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 clearly projected 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, reiterating Doyle’s first sentence above, “It will take more than papal pronouncements to bring about the changes in direction that are essential.”

**Issue 1e: Clericalism**

28. Dr Marie Keenan’s comprehensive 2012 study of clerical child sexual abuse in

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\(^23\) Thomas P. Doyle “Pope calls bishops' negligence a crime: this is important” NCR, 17 June 2016, sourced 22 June 2016 at: http://ncronline.org/blogs/examining-crisis/pope-calls-bishops-negligence-crime-important

[Dominican priest Thomas P. Doyle is a canon lawyer and long-time advocate for victims abused by Catholic clerics. He is also co-author of the 2006 book *Sex, Priests and Secret Codes: The Catholic Church's 2,000-Year Paper Trail of Sexual Abuse*]
Ireland\textsuperscript{24} 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 the ‘clerical culture’ (‘clericalism’) imposes “an iron law of denial and silence on priests that contributes to many of the problems in the priesthood today”\textsuperscript{25} (note that ‘priests’ and ‘priesthood’ include bishops). 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.

29. 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

\begin{quote}
  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
\end{quote}

and

\begin{quote}
  Clericalism may also help to explain why the institutional Church reacted to reports of abuse in the way that it did and why some secular institutions deferred to the institutional Church when dealing with sex abuse cases (Murphy Report, 2009; Ryan Report, 2009).
\end{quote}

30. Cardinal Gerhard Ludwig Müller, Prefect of the Vatican Congregation for the Doctrine of the Faith, recently asserted that the entire edifice of the Church’s ecclesiastical structure rests on the ordination of clerics, referring to “the hierarchical constitution of the Church by divine right, founded on the sacrament of holy orders”\textsuperscript{26}. This emphasis on clerical status, the vice of clericalism, implies a rejection of the prime Christian value of humility, a quality endorsed strongly by Pope Francis who has said that “there can be no humility without humiliation.”\textsuperscript{27}

31. 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

\textsuperscript{24} Keenan, \textit{Child Sexual Abuse}
\textsuperscript{25} Keenan, \textit{Child Sexual Abuse}, P.41
\textsuperscript{26} Staff Reporter, ‘Reformation is nothing to celebrate, says Cardinal Müller’, Catholic Herald, Thursday, 31 Mar 2016, sourced 22 June 2016 at: http://www.catholic herald.co.uk/news/2016/03/31/reformation-is-nothing-to-celebrate-says-cardinal-muller/
State and its agencies must intervene to bring that situation to public attention and ensure that the Church becomes a good corporate citizen. This is the major challenge facing the Royal Commission in the ‘Catholic Church Final Hearing’.

**Issue 1f: Mandatory celibacy**

32. 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**

33. Selection, screening, training and ongoing formation are critical to ensuring the adequate preparation of candidates for the priesthood and religious life, but these programs must be part of a broader reform of the Church’s governance to ensure every step is taken to remove the culture of clericalism and its associated dysfunctions. Reforms to selection, screening, training and particularly ongoing formation will be of little value without major reform of structures, culture and governance.

34. We stress the critical importance of formation in implementing and maintaining an appropriate culture. 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.

35. It was recently reported (February 2016) that a Vatican training course for new Catholic bishops informed the bishops that they had no obligation to report suspected cases of clerical child sexual abuse to the police. The Tablet reported that a “French Monsignor and psychologist, Fr Tony Anatrella, allegedly told newly-ordained bishops in September 2015 that under Church law they were not required to report sex abuse of minors to public authorities.”

In these circumstances, where leaders of the Church are reinforcing existing dysfunctional rules, Cardinal O’Malley’s subsequent

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statement (see Issue 1b above) stressing the “moral and ethical responsibility” of clergy to report all suspected cases of abuse to the police might be seen as little more than a crude public relations exercise.

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

**Issue 1h: Support for and supervision of working priests and religious**
37. The governance of the Catholic Church is very controlling universally, with considerable authority and direction at every level to enforce doctrine and canon law, but involves minimal intervention in local matters including the routine exercise of administrative authority by diocesan bishops and by parish priests. This appears to result in 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, and importantly the lack of support from the universal Church (the Vatican curia), and lack of adequate supervision of priests who often carry considerable responsibility and authority with limited oversight or direction; but bishops and priests must still act in accordance with and apply doctrinal and canonical standards enforced by the Vatican.

**Issue 1i: The operation of the sacrament of confession**
38. The Catholic Church’s internal laws in respect of the seal of confession universally bind all Catholic priests irrespective of the country in which they exercise priestly ministry. The Code of Canon Law provides inter alia 29:

   *The sacramental seal is inviolable; therefore it is absolutely forbidden for a confessor to betray in any way a penitent in words or in any manner and for any reason.*

39. Canon Law also provides that “physical or moral impossibility” 30 can excuse a person from making a confession of sin. It has been argued that if there were any real possibility in the circumstances of a confession that a child predator would be reported by the confessor priest to the police, the penitent would be excused on grounds of moral impossibility from confessing that sin. 31

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29 Canon 983.1
30 Canon 960
40. There is an argument that the seal 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 the sacrament of Reconciliation. 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 with little likely to be gained in the protection of children. However horrendous the crime and sin, a requirement of this nature could be ineffectual, resulting in canonical exemption from confession and isolation of the perpetrators from a potential source of guidance and contrition.

41. Arguments for exempting matters arising in the sacrament of Reconciliation do not however seem to preclude the possibility of priest confessors giving conditional absolution, dependent on a ‘penance’ of reporting the sin/crime to the police. The Royal Commission could consider proposing in its report that the Church direct confessors through canon law that absolution for sins of child sexual abuse should normally be dependent on the penance of reporting such a serious crime to the police and that absolution be conditional on the performance of the penance. Such a canonical direction would arguably be more effective than a legal obligation to report, and would signify some commitment by the Church to the reporting of clerical child sexual abuse. 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**

42. “Openness is at the heart of ecclesial accountability.” Without such openness, there can be little sense of accountability and that has been well demonstrated in the Church’s response to clerical child sexual abuse.

43. Openness/transparency is generally regarded as essential to effective accountability and good governance. Conversely, those in authority tend not to be concerned with transparency where there is no accountability. Secrecy as a tool of governance also lacks the benefits of involving in decision making those affected by decisions. Secrecy and associated lack of open consultation in decision making is a common feature of the Catholic Church’s governance, where ‘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.

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32 Most Rev. Donald W. Wuerl, STD, Bishop of Pittsburgh USA, ‘Reflections on Governance and Accountability in the Church’, in Governance, Accountability, and the Future of the Catholic Church, ed. Francis Oakley and Bruce Russett (New York: Continuum, 2004), 19
44. Lack of accountability effectively promotes secrecy but transparency promotes accountability through public interest in the reasons for public decisions. Both have been evident in the work of the Royal Commission in exposing evidence of clerical child sexual abuse previously hidden from civil authorities. Transparency is a weapon against corruption. As Supreme Court Justice Louis Brandeis (1916–1939), wrote shortly before his time on the court:

Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman.

45. 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.

46. Bishops are required to report to Rome in a variety of circumstances yet it seems a rare occasion that such reports are not hidden from the 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 would have been raised by many but may have been excluded from the Bishops’ report to the synod. The report of the bishops was apparently secret, ensuring a lack of accountability to the faithful and promoting scepticism as to the adequacy of its contents in informing the synod on the views and concerns of the Australian faithful.

47. Canon 399 §1 states:

Every five years a diocesan bishop is bound to make a report to the Supreme Pontiff on the state of the diocese entrusted to him, according to the form and time determined by the Apostolic See.

Such quinquennial reports are apparently prepared in secret and without consultation, again avoiding any accountability to the people of the Church, or any benefit from the perceptions and wisdom of the people. Catholics for Renewal auspiced an open letter to the Australian bishops in 2011 at the time of the last quinquennial visit by Australian bishops to the Holy See identifying a range of concerns with the Church’s governance including the scandal of clerical child sexual abuse. The letter (Appendix 4), signed by more than 8,000 Australian Catholics was delivered by Archbishop Philip Wilson, the then President of the Australian Catholic Bishops Conference, to Monsignor Wells, then Assessore of the Vatican Secretariat of State. We do not know whether the open

letter was mentioned in the quinquennial reports of the bishops and are still awaiting a reply despite many follow-ups over the intervening years. We have since learnt that ignoring correspondence is a well-established tactic of the institutional Church throughout the world in dealing with difficult issues raised by the faithful.

48. This secrecy, with a lack of transparency and accountability, clearly facilitated the denials and obfuscation in the Church’s response to clerical child sexual abuse. We understand that the Australian Catholic Bishops Conference is presently preparing for their next *ad limina* visit. We hope that the bishops’ report on the state of the Australian Church will do justice to the work of the Royal Commission as it affects the Church. We do not expect that the people of the Church will be consulted by the bishops in preparing their report, despite the often expressed views of Pope Francis supporting involvement of the faithful. Secrecy enables inadequate reporting.

49. Secrecy is also applied to the process of selecting bishops which generally minimises participation by priests and laity. The Code of Canon Law provides that local bishops are ‘in common counsel and in secret to compose a list of presbyters ... who are more suitable for the episcopate’ (c. 377, §2), and that the Apostolic Nuncio of the country is to “seek individually and in secret the opinion of others . . .” (c. 377, §3). Catholics for Renewal is presently examining means by which the wider Church community can contribute their views to the bishop selection process; regrettably, the apostolic nuncio declined a meeting on the matter and referred us to the Prefect for the Congregation of Bishops in the Vatican. It seems that this culture of secrecy and unaccountability precluded even a meeting with the Holy See’s representative in Australia.

50. Governance in the Catholic Church has long operated with secrecy as an integral part of its operations, but never has it been so evident as in the last 150 years where paedophile priests were concerned. The history of secrecy in the Church’s control of information about sexual abuse and abusers has been well documented.34

51. 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 Laws, the archbishop of Boston, revealed by the Boston Globe spawned the group ‘Voice of the Faithful’ which continues to seek justice for survivors and reform of the Church’s governance.35 The Attorney General for Massachusetts in his inquiry highlighted the Church culture of

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35 James E Muller (founding President of *Voice of the Faithful*) and Charles Kenney, *Keep the Faith, Change the Church – the battle by Catholics for the soul of their Church* (USA: Rodale, 2004).
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secracy used to “protect the institution at the expense of children.” The Attorney General concluded in his report:

The widespread sexual abuse of children in the Archdiocese of Boston was due to an institutional acceptance of abuse and a massive and pervasive failure of leadership. For at least six decades, three successive Archbishops, Bishops and others in positions of authority within the Archdiocese . . . chose to protect the image and reputation of their institution rather than the safety and wellbeing of the children entrusted to their care.

52. The structural secrecy within the Catholic Church, reinforced by canon law and instructions from the highest authorities, ensured cultural pressure against openness and honesty, especially (but not only) about clerical sexual behaviour which would damage the ‘good name and reputation’ of the Church, inevitably leading to denial and disavowal. And this structure of secrecy consequently lacked the checks of accountability expected of good governance. Secrecy was pervasive, entrenched and protected.

53. The Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations reported:

In regard to the Catholic Church specifically, the Committee found that rather than being instrumental in exposing the criminal abuse of children and the extent of the problem, senior leaders of the Church:

- trivialised the problem
- contributed to abuse not being disclosed or not being responded to at all prior to the 1990s
- ensured that the Victorian community remained uninformed of the abuse
- ensured that perpetrators were not held accountable, with the tragic result being that children continued to be abused by some religious personnel when it could have been avoided.

Analysis of the Catholic Church’s past handling of this problem shows that it had many of the internal features of an organisation at high risk of its personnel perpetrating criminal child abuse.

The ‘internal features’ identified by the Parliamentary inquiry included governance indicators that often accompany secrecy, namely ‘culture and power’ and ‘complex hierarchy and structure’.

37 Family and Community Development Committee, Betrayal of Trust: Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations, (Melbourne: Parliament of Victoria, Nov.2013), Executive Summary, xxxi
54. The 1983 Code of Canon Law requires that all persons admitted to offices in the diocesan curia must ‘observe secrecy within the limits and according to the manner determined by law or by the bishop’. There can be no doubt that the culture of secrecy, denial and disavowal within church governance has proved a major impediment to honesty, openness, accountability and transparency at both the individual and organisational levels, tragically impacting the institutional response to the clerical sexual abuse of children throughout the world.

Issue 1k: Individual psycho-sexual factors
55. Catholics for Renewal has not studied in any depth individual psycho-sexual factors but is familiar with the well-informed work of Marie Keenan among others on the matter.38

Issue 1l: Factors operating in society as a whole.
56. Whilst individual cases of clerical child sexual abuse may well reflect factors operating in society as a whole, Catholics for Renewal considers that the dysfunctional governance of the Church alone generated the disgraceful responses to clerical child sexual abuse in the case of the Catholic Church, together with inadequate formation and oversight of clerics, all leading to institutional abuse. 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 Church’s own governance ensured the Church’s inability to respond appropriately and morally.

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?

57. The occurrence of child sexual abuse in Catholic institutions would certainly seem to have been a result in the first instance of 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

38 Marie Keenan, *Child Sexual Abuse and the Catholic Church: Gender, Power and Organizational Culture*, Oxford University Press, New York, 2012
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Church’s ‘institutional 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?

58. Catholics for Renewal believes that inadequacies in the institutional response to child sexual abuse in Catholic institutions have too readily been assigned solely to the failings of responsible individuals. While many individuals in responsible positions of leadership have clearly failed in their responsibilities for protecting children, those leaders have been working in a dysfunctional governance environment as discussed in this submission.

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

_I think the faults overwhelmingly have been more personal faults, personal failures, rather than structures._

Catholics for Renewal rejects the Cardinal’s claim, a claim seemingly intended to deflect attention from the responsibility of the institutional Church for actions of individuals that accorded with the cover-up directions of the Holy See. Cardinal Pell’s testimony also 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 directions to secrecy which explain the consistent cover-up throughout the world.

60. 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, focussing again on individuals without any acknowledgement of the institutional directions and culture to which those individuals were subject. Bishop James Johnston Jr., head of the Kansas City-St. Joseph diocese since last November, chose his words carefully at the "Service of Lament" in his diocese on 26 June 2016. He said:

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I am here to confess, apologize and repent for the sins of those who held the sacred trust of the church, and betrayed that trust.

These are contrite sentiments, but the statement lacks efficacy without any acknowledgement, let alone apology, for the culture of cover-up authorised and encouraged by the universal, institutional Church at the highest levels, whose trust cannot therefore be said to have been betrayed. The institutional Church actually facilitated much of the abuse and thus betrayed its own sacred trust, and that is the major issue facing the Church. Until the Church’s leaders acknowledge, apologise for and reform the disgraceful governance and culture that enabled and in fact authorised those ‘sins’ and was the greatest sin of all, namely institutional abuse, society can have little confidence in the Church’s future governance.

61. See earlier comments on this issue. Catholics for Renewal considers systemic institutional factors of governance, including structure and culture, as the critical contributing factors to clerical child sexual abuse and in particular the Church’s ‘institutional abuse’.

**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?

62. 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 views we have expressed have been derived from examination specifically of the Catholic Church. The Catholic Church must accept responsibility for its own failings which are not in any way mitigated by like failings of others.

**Issue 5:** To what extent are there factors specific to particular dioceses or religious congregations which have contributed to the occurrence of child sexual abuse or affected the institutional response to this abuse by those dioceses or congregations?

63. Catholics for Renewal has not prepared a response on factors specific to particular dioceses or religious congregations, but rather points to the governance dysfunctions
common to the whole institutional Church at the heart of the Church’s response to clerical child sexual abuse.

Issue 6: The current and future proposed approaches of Catholic Church authorities to:

a. responding to child and adult victims and survivors of child sexual abuse, including secondary victims
b. responding to individuals subject to allegations of child sexual abuse
c. the protection of children and the prevention of child sexual abuse.

64. Catholics for Renewal has not prepared a specific response on these approaches except to acknowledge the considerable process work undertaken in these matters by the Church in Australia, noting however that the Royal Commission can have little confidence in the institutional Church’s responses to the Commission’s findings until the Church acknowledges both its ‘institutional abuse’ of children and the dysfunctional governance at the heart of that abuse, and undertakes reforms of that dysfunctional governance. As noted above, reform of processes is of limited effect in a system of dysfunctional governance.

Issue 7: To what extent has any Catholic Church authority in Australia taken action in response to the published reports of Royal Commission case studies?

65. Catholics for Renewal has not prepared a response on these specific case studies.

Our key concerns

66. 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:

With the ongoing Royal Commission into sexual abuse, the spotlight has been shining on the church’s dismal failure. The spotlight which is also the title of the current film on the subject, has revealed just how far we have drifted from the vision of Jesus, in Boston, Melbourne and elsewhere. Instead of demonstrating

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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.

67. 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.

68. The Royal Commission’s work provides the Church with an opportunity to address and to some extent redress its failings with humility, courage and wisdom - in the words of Cardinal Martini, “to take a journey of transformation”41. The Church is accountable to God and to the people of the Church, and it is accountable also to the State on matters pertaining to the State. 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.

69. 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 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.

70. 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 and that requires an approach to the selection of bishops that is informed by consultation with the faithful to determine real leadership needs.

71. 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.

72. 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.

Peter Johnstone OAM
President
June 2016

David Timbs
Member

Maria McGarvie
Member

Catholics for Renewal Inc.
Doncaster Heights LPO
PO Box 178
Doncaster Heights, Vic. 3109
Appendix 1-1

Catholics for Renewal Inc.

1. Catholics for Renewal Inc. (www.catholicsforrenewal.org.au) is a group of Australian Catholics who are deeply committed to the mission of their Church, and to ensuring the effective promotion of Christ’s teachings. Catholics for Renewal identifies with a key premise of the Second Vatican Council that sound governance is intrinsic to the Christian nature of the Catholic Church, a church founded by Christ to be his “witnesses . . . to the ends of the earth” (Acts 1:8b).

2. Catholics for Renewal is concerned that the institutional governance of their Church is neither accountable nor transparent and is failing to model Christian behaviour in many aspects of the governance of the Church. The Catholic Church’s own proclaimed moral beliefs and values demand the highest values in governance, including accountability, transparency, respect for the person, and inclusiveness; those beliefs are all guided by a Christ-like love of others and value highly the rights of children. The Church’s dysfunctional governance has been tragically exposed in its response to clerical sexual abuse of children, involving injustice and cover-ups and then further sexual abuse, ‘institutional abuse’, involving the protection of abusers.

3. The Catholic Church’s system of governance involves considerable centralised and global control, with complex and strong systems of authority through diocesan hierarchies and religious orders. The Church’s ultimate central controlling authority, the Holy See, has a propensity to exercise that control in an autocratic manner, fails its own espoused ‘principle of subsidiarity’\(^2\), lacks accountability at every level, and has no commitment to transparency or to inclusiveness in its decision making. Moreover, the Church has institutionalised gender bias, and persists with an inappropriate and anachronistic culture and structure that reflects a pre-eminent concern for protection of the institution.

4. The Catholic Church maintains an exclusively clerical and hierarchical structure of autocratic and sexist governance. That governance is exercised through male, celibate bishops, disproportionately aged and often socially isolated, with limited engagement with the membership, subject to the supreme control of a papal monarch.

\(^2\) The principle of subsidiarity was first formally developed in the encyclical \textit{Rerum Novarum} of 1891 by Pope Leo XIII, and can be stated as: “an organizing principle that matters ought to be handled by the smallest, lowest or least centralized competent authority. Political decisions should be taken at a local level if possible, rather than by a central authority”. cf Wikipedia sourced April 2014 at: http://en.wikipedia.org/wiki/Subsidiarity\_\(\text{Catholicism}\)
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Appendix 1-2

It is a thoroughly out-dated and unaccountable system of governance that does not even approach modern standards of good secular governance (or established Australian values) that routinely require transparency, inclusivity and accountability.

5. Catholics for Renewal represents Catholics who are committed to the Catholic faith and accept their inherent responsibility for ensuring that their Church is faithful to its mission. We act in accordance with our faith, conscience and canon law. Canon 212 §3 states, "The Christian faithful have the right and even at times the duty to manifest to the sacred pastors their opinion on matters which pertain to the good of the Church and to make their opinion known to the rest of the Christian faithful."

Earlier submissions

6. Catholics for Renewal expresses concerns shared by many Catholics, lay and clerical, regarding the dysfunctional governance of our Church. Our earlier submissions to the Royal Commission into Institutional Responses to Child Sexual Abuse were:

- August 2013: Royal Commission Issues Paper 2 on ‘Towards Healing’
- May 2014: Royal Commission Issues Paper 6 on ‘Redress Schemes’
- March 2015: Royal Commission Consultation Paper on ‘Redress and Civil Litigation’.
INSTITUTIONAL ABUSE

1. Central to this submission is the concept of ‘institutional abuse’ which refers to the Catholic Church’s common response to cases of clerical child sexual abuse, including well-documented evidence of cover-ups facilitated by well-orchestrated and canonical processes designed to ensure institutional protection and damage control throughout the world. The result was further abuse of children by paedophiles protected by the Church.

2. ‘Institutional abuse’ occurs when an institution legitimises actions which facilitate or deal inadequately with child sexual abuse, or when an official representative of the institution:
   
i) without due regard to the evidence, does not believe or denies a victim’s claim of sexual abuse brought against an employee or agent of the institution, and places the protection of the institution and its reputation ahead of the interests of the child victim; or
   
ii) fails to act to protect a child where that official representative has knowledge or holds a reasonable suspicion that a child is being abused by an employee or agent of the institution, thus exposing that child and potentially other children to further abuse; or
   
iii) intentionally attempts to cover up the sexual abuse of a child by an employee or agent of the institution by transferring the abuser to another location (parish) or work thereby placing other children at risk of abuse; or
   
iv) fails the moral imperative to report evidence of the crime of sexual abuse of a minor to the relevant State/Territory police agency for investigation and prosecution, irrespective of whether there is a mandatory criminal reporting duty applying in the jurisdiction in which the offence occurred; or
   
v) otherwise fails to act in the best interests of any victim of sexual abuse by an agent or employee of the institution.

3. We make strong, evidenced statements regarding institutional abuse by the Catholic Church arising from the inadequacy of the Church’s governance; we believe that the scandal of the sexual abuse of children by priests and other agents and employees of the Catholic Church has shown that the Church’s Christian values have been eroded by its world-wide dysfunctional culture and governance, which lacks accountability, transparency and inclusiveness in decision making, a culture that cannot be adequately countered just by new protocols and agreed schemes of redress – a culture that has resulted in institutional abuse of victims of sexual abuse.
4. Furthermore, that flawed system of ecclesiastical governance can only be adequately understood through an informed and thorough grasp of the Church’s structure and culture, a matter that we attempt to address in this submission and a matter on which the Commission may wish to seek other expert objective advice.
4 March 2015

His Eminence Cardinal Sean O’Malley  
Pontifical Commission for the Protection of Minors  
Vatican City State  
(through the Apostolic Nunciature, Australia)

Dear Cardinal O’Malley,

We are a group of committed Catholics seeking a more Christ-like Church. We are writing to you as President of the Pontifical Commission for the Protection of Minors to express our deep concern at the Church’s unwillingness to require that bishops report all allegations of the clerical sexual abuse of children to civil authorities unless there is a State civil law requiring such reporting.

A recent Global Pulse article (10 February 2015, by Kieran Tapsell) reports that the UN Committee against Torture requested on 22 May 2014 that the Holy See require that bishops report child sexual abuse by clergy to civil authorities, irrespective of whether or not there is a State civil law requiring it. The Holy See is reported to have rejected this request on 26 September 2014, claiming that this would involve interfering with the sovereignty of independent nations, a seemingly disingenuous claim that suggests that States without mandatory reporting requirements would proscribe such reporting. This response seems to us inexplicable as it involves the Church effectively prohibiting reporting of allegations of child sexual abuse or any evidence obtained in its internal inquiries to civil authorities if there is not a State legislated requirement. The moral obligation is clear.

Incredibly, our Church only requires its bishops to report alleged paedophiles to the police in those few jurisdictions where bishops have no legal choice. Thus the cover-up continues through the institutional Church protecting alleged paedophiles from the civil law and potentially facilitating their further abuse of children. This is the practice of the Church established by Christ who used the strongest language to condemn those who “put a stumbling block before one of these little ones”. Can the Pontifical Commission for the Protection of Minors demand the immediate cessation of this institutionally protected abuse of children?

Global Pulse also reports that the Pontifical Commission has met only a few times. The Commission is still to consider the Church’s governance structures and culture that permitted the covering up of clerical child sexual abuse and also the issue of transparency and accountability for the protection of children within the Church. We
respectfully request that all members of the Commission address these matters urgently, and that the Commission prepare a report on the grave impacts of clerical child sexual abuse on families for the 2015 Ordinary Synod on the Family. The Church’s credibility to promote and offer pastoral care for families is tied closely to how the Church responds to clerical child sexual abuse. In particular, the Church needs to examine the shortcomings in its governance and culture that have enabled the institution to put children at grave risk.

In the first instance and as a matter of urgency, we believe that the members of your Commission would want to reject strongly the position adopted by the Holy See in refusing the request of the UN Committee against Torture that bishops be required to report child sexual abuse by clergy to civil authorities, irrespective of whether or not there is a State civil law requiring it. We would appreciate your advice as to when the Pontifical Commission for the Protection of Minors will be able to consider this matter.

Yours in Christ

Peter Johnstone OAM
President, Catholics for Renewal Inc Australia
www.catholicsforrenewal.org.au
Phone: (redacted)

Cc: Kathleen McCormack, Member (Australia)
Friday, 4 December 2015

His Eminence Cardinal Sean O’Malley OFM Cap.
President, Pontifical Commission for the Protection of Minors
Archdiocese of Boston
66 Brooks Drive
Braintree, MA 02184

Dear Cardinal O’Malley

I wrote to you on 4 March 2015 on behalf of Catholics for Renewal Australia via the diplomatic bag of the Apostolic Nuncio for Australia at the address of the Pontifical Commission for the Protection of Minors in the Vatican. I am now attaching a copy of that letter having obtained an assurance from your office by phone that this correspondence will be immediately brought to your attention.

I have had no response to my letter of 4 March 2015 sent to the Vatican despite the Nuncio’s follow-ups at my request. I understand that Kathleen McCormack, the Australian Member of your Commission whom we cc’d, has confirmed receipt of her copy.

You will appreciate the urgency of this matter where our Church is preventing bishops from meeting a grave moral obligation to report criminal paedophiles to civil authorities. Despite so many regrets expressed by the pope for the devastating effects of clerical child sexual abuse on children, the cover-ups continue on the canonical instructions of the Holy See. I can only assume that there is some fundamental misunderstanding that can and must be remedied.

You are possibly aware that there is a well-advanced national inquiry in Australia at present, the Royal Commission into Institutional Responses to Child Sexual Abuse, which will examine Cardinal George Pell on 16-18 December. It is likely that Cardinal Pell will be queried on this matter.

Catholics for Renewal would be grateful for any early advice you can provide on this matter.

Yours in Christ

Peter Johnstone OAM
President, Catholics for Renewal Inc Australia
Phone: (redacted)
Email: (redacted)

Cc:
Kathleen McCormack, Member (Australia)
His Excellency Most Reverend Adolfo Tito Yllana, Apostolic Nuncio to Australia
Dear Pope Benedict and Bishops of Australia

We, the undersigned Catholics of Australia, write to you regarding our concerns for the Church. We ask that you consider these matters during the 2011 Ad Limina visit.

As Christ’s faithful, we must speak out. Under Canon Law we have a right and a duty in keeping with our knowledge, competence and position, to manifest to our pastors our views on matters which concern the good of the Church (c.212, §§2-3).

The Church no longer adequately inspires many of our communities. It has alienated too many adults who were born of Catholic parents, attended Catholic schools, and lived a sacramental life. It has become disconnected from, and irrelevant to the lives of too many of our children. With fewer priests, its ability to provide regular Eucharist in our parishes, especially in rural areas, has become increasingly limited. As an institution it does not yet embody the vision of Vatican II for a truly collegial Church in which decisions respect local cultures, communities and circumstances. Rather, it appears as an institution focussed on centralism, legalism and control, with few effective structures for listening and dialogue, and often more concerned with its institutional image and interests than the spirit of Christ.

Our Church has been tainted by injustice and blemished by bad decisions. We still reel from the sexual abuse scandal where the Church’s initial response was manifestly inadequate and where some authorities, in their attempts to protect the institution, exposed innocent young people to grave harm. We were shocked at the lack of due process in the way Bishop Morris, a dedicated pastor, was removed from his diocese. We were dismayed by the failure to consult properly on the new English translations of our liturgy. We can no longer accept the patriarchal attitude towards women within our Church, and we fear that an extended claim to infallibility is stifling discussion on many important issues. These issues include some teachings on human sexuality, as well as new forms of ministry for women and married men; the latter an anomaly for a Church committed to equality, and which welcomes married ministers from other Christian traditions. These concerns undermine confidence and trust in you our leaders.

We want and pray for a renewed Church that follows Christ more closely in every way. We need a Church committed to authentic collegiality and subsidiarity. We seek an open, transparent and accountable Church, which respects due process, rejects every form of discrimination, listens to its people, promotes co-responsibility in every facet of its mission and ministry, and is compassionate to its core. We call for an outward-facing Church totally committed to justice, peace, ecumenism and dialogue with other faiths, and which advocates unequivocally for the rights of the oppressed and...
disadvantaged while tending practically to their needs. We need and want a Church where we are ‘all one in Christ, with no more distinctions ...between male and female’ (Galatians 3:28) and whose leaders read well the signs of the times and interpret them in the light of the Gospel.

As a first step towards collegiality and subsidiarity, we call on each diocesan bishop to convene at an early date a synod in his diocese, under the provisions of Canon Law (c.460-468), to discuss how the local Church might be a more authentic witness in the 21st century. We also ask that Pope Benedict allow a return to a more accountable and consultative process for the appointment of bishops, giving both priests and people a real voice as was earlier Church practice. This could commence with the appointment of the next bishop of Toowoomba.

For all of us Jesus is the way, the truth and the life. As the People of God and your sisters and brothers in Christ, who together seek the Kingdom of God, we pray that the Spirit will guide us all ever closer to Jesus in the critical task of renewal.

_Catholics of Australia_

(July-Oct. 2011)