This submission has been prepared by AYB and Mary Adams who both gave oral evidence to the Royal Commission into Institutional Responses to Child Sexual Abuse in Rockhampton at the public hearing of Case Study 26: The Responses of the Sisters of Mercy, the Catholic Archdiocese of Rockhampton and the Queensland Government to allegations of Child Sexual Abuse at St Joseph’s Orphanage, Neerkol.

Question 1

To what extent have any of the following issues contributed to the occurrence of CSA in Catholic Institutions or affected the Institutional Response to this abuse?

a. Catholic Theology and Doctrine

Theology: Celibacy is a great calling. (St. Paul Corinthians 7:24-34) We Catholics were indoctrinated to believe a priest was up on a pedestal and better than everyone else.

Jansenism from the Irish brought an approach that punishment, even beatings, would purify children for God. Discipline was out of proportion. This created a structure of fear and contributed to violence. Children felt terrorised. They were unable to object to sexual abuse, which resulted in the cover-up.

Doctrine: Crimen Sollicitationis was published in 1922. There would be no more declarations on infamy, and the requirement to dismiss for ‘more serious cases’ had become one where dismissal was available only where there was impossibility to reform. These crimes were now to be kept secret, and the priest could be transferred to another territory to avoid ‘scandal’. These provisions reflected the twin concerns of the Vatican: The ‘avoidance’ of scandal and treating priests differently because they had been ‘ontologically changed’ anointed by God at ordination. The revival of privilege of clergy through the back door of secrecy had begun. (Kieran Tapsell Potiphar Wife Page 96 Para 2)

Belief in forgiveness of sin/absolution: This is a factor, which supports the cover-up and the Institutional Response.

b. The Catholic Church’s structure and governance

As quoted by Kieran Tapsell “The real authority lies in the Vatican and the Pope. That structure of an international church with hierarchy and law and disciplinary procedures in Cannon law, means that somehow things are dealt with internally as a culture rather than through the state as a culture” Page 159 Para 2 Potiphar’s Wife.

In the past, all Bishops took a vow of obedience when they were ordained and although the current Pope, Pope Francis, is challenging this and taking authority away from the Curia. Acting similar to a Multinational Corporation, there was a vested interest and power status which allowed the Church to deny justice and responsibility e.g. REDACTED This gave the Catholic Church, as a whole, the power to be a law unto themselves – an organisation they saw as founded by God and answerable only to God.
c. Issues related to individual leadership of Catholic Institutions:

Failure of the Neerkol Orphanage Leadership led to a combined number of factors i.e. negligence leading to breakdown in administration, social status, trust and community concepts. Hence, Church/Religious representatives could do no moral wrong. This led to the "Domino Effect" breakdown in consequential checks and balances which in turn led to the "symbolic" misuse of power, lack of accountability, failure in adequate record keeping and adherence and implementation of the legislation.

d. Cannon Law

The code of cannon law was severely weakened in 1983 in the height of church revelations which made it much harder to dismiss child sexual abusers from the priesthood. (Kieran Tapsell page 97 Para 2 Potiphar’s Wife)

In 2006, the BBC Panorama Program, ‘Sex Crimes and the Vatican’ alleged that Pope Benedict XVI was in charge of enforcing secrecy about sex crimes of clergy on children as laid down in Crimen Solicitationis. The program alleged the cover up was not just an isolated instance, sadly mishandled but a Vatican policy cover-up.

e. Clericalism

The teachings and mindsets have been that priests were on a pedestal. As children, we were taught that the priest was God’s representative on earth and only he had the power to change the bread and wine into the body and blood of Christ and the power to absolve and forgive sins. The ‘messiah complex’ is still being taught in Sydney seminaries. (Kieran Tapsell - Potiphar’s Wife Page 174 Para 2). Barry Coldrey believes religious communities see themselves as ‘special’ children of God. (Religious Life without Integrity)

The laity has always been overshadowed by the spiritual elite thus creating a division. The Priest was supposedly so close to Christ. “Unwittingly many parents welcomed the Roman Collared predators into their families and gave them access to their children often out of a reflexive Catholic conviction as there was no better role model for them, especially in boys”. Betrayal -The Crisis in the Catholic Church-, Boston Globe Investigation Page92 Para 2.

In AYB’s case, Reg Durham was so enmeshed in the family that we could not open our Christmas presents until after he had finished saying his Christmas masses. He also shared several meals a week in our home and there was always a place set for him at the family dinner table (even when he was not there). He also holidayed with our family regularly. He was treated like ‘God’ by my parents.

f. Mandatory celibacy

The philosophies in early centuries were that celibacy was of a higher calling, a gift, a life of sacrifice, denial of life’s pleasures. In 1022 Pope Benedict VIII officially declared that priests were banned from taking on wives and mistresses in order to protect the church property. Factors operating in later society as a whole may have contributed to ‘sins of the flesh’! Because the Anglican Church has the flexibility to marry, statistics show the incidences of child sexual abuse is much lower percentage wise. How can an individual who has not experienced love and nurturing
make an informed choice for life? Surely, priests could be given a choice rather than having an enforced decision placed upon them.

Married clergy in other denominations appear to work more successfully. Richard Rohr OFM states in *Sex Power and The Clergy* written by Muriel Porter page 138 Para 3 “Celibacy as a prerequisite for ministry is a set-up for many false takers who need identity, insecure and ambitious men who need status; passionate men who need containment for their passions; men who are pleasing their pious mothers or earning their catholic father’s approval; ‘the sacred’ will prevent their feared homosexuality, their wild heterosexual hormones or their paedophilia; men with arrested human development who seek to overcompensate their identification with a strong group; men who do not know how to relate to other people and to women in particular.”

Muriel Porter writes in *Sex, Power and Clergy*: “Celibacy as part and parcel of monastic life has a rationale. The structured community of the monastery, set apart from everyday life, offers in theory at least a holistic and balanced way of life. Companionship, shared purpose, and a degree of asceticism allow integration. Celibacy imposed without the support of a monastic community, however, can be dangerous, quite apart from the struggles priests might have with their sexual urges. The celibate life involves much more than merely giving up sex”. (Page 129 Para 2)

g. Selection, screening, training and ongoing formation

In Barry Coldrey’s ‘Religious Life Without Integrity’ he states “the Church’s screening training and recruitment policies were mainly due to ‘cradle snatching’ with teenage candidates going into Junior Seminaries.”

Thankfully, this is now a thing of the past. This could have been a contributing factor for much of the abuse. To go into a seminary without firstly experiencing a loving, nurturing relationship is asking young men to make a lifelong decision without this experience. The lack of screening process, using psychological testing and background checks would have also been a major contributing factor to the sexual abuse in the church. The House of Commons Health Committee Report to Parliament in 1950’s and thereafter on the British Child Migrants, stated a low opinion of the Christian Brothers and the Sisters of Mercy, REDACTED

h. Support, supervision for the working priests and religious

Being in the cocoon of the seminary does not prepare men for the physical environment many young priests later found themselves i.e. isolation, lack of social interaction, loneliness and desperation REDACTED. As far as the supervision of Parish Priests, they were not accustomed to reporting to anyone other than the Bishop. Hence accountability was non-existent.

i. Operation of the sacrament of confession

The seal of confession contributed to the cover up of child sexual abuse with the Christian mentality that sin happens and must be forgiven. A priest is forbidden to reveal what is told to him in confession. If he does it is automatic excommunication which gave the offender liberty of conscience e.g. In Case Study 26, AYB, AYE, David Owen and others referred to their experience of the confessional. AYB states that she went to confession sometimes on a daily basis to confess
'her' sin of impurity to the priest who abused her. She was asked if she was sorry for 'her' sin and given a penance. When Durham was asked who he went to confession to, Durham stated that he didn't have to go to confession. Others reported when they told the priests what was happening in the orphanages, it is alleged, they were transferred to a worse institution. These patterns of guarded information and secrecy in the sacrament of confession about known individual behaviour compromised community and legal actions.

j. The use of secrecy, including the practice of mental reservation:

Abundant research in the use of secrecy in the confines of the catholic church spans over many issues especially cannon law, vested interest, social status etc. "The fact that priests were sexually assaulting children was bad enough, but through cannon law since 1922, six popes and their Roman Curial advisors allowed so much more damage to be done to the 'little children' — a crime which the church's own founder thought was so bad that those involved should have millstones put around their neck and be thrown into the sea." Mk 9:42. (Kieran Tapsell- Potiphar’s Wife Page 351)

“The whole idea of pontifical secrecy without an exception for reporting crimes to the police was designed to avoid scandal.” (Kieran Tapsell Potiphar’s Wife Page 292) Studies have shown that the church has often used mental reservation as a justification of misleading the congregation and closing ranks.

k. Individual psychosexual factors:

The key factors of the psychosexual difficulties can be argued around the maturity of spiritual, psychological and psychosexual development which may have significantly impacted on the clergy's ability to function in a professional and competent administration. Jason Berry in 'Lead us not into Temptation' suggests most sex offenders have conflicts rooted in childhood. Celibacy is central to the church, an institution ruled by unmarried men. What we have seen in the late twentieth century is an ecclesiastical culture that has become a magnet to men with psychological problems, as well as a great number of homosexuals”. (Introduction page XII)

In the Preliminary Expert Report (Report 1. Priests, Celibacy and Sexuality) by Richard Sipe (psychotherapist) he states from available sources and, his work and research in the field, 'that an estimate of at least 1,300 priests and religious have been treated for psychosexual disorders involving minors in the past 25 years at a cost of over 50 million dollars. The USA Bishops Conference in 1970 contributed money to the Paracletes to support the development of their treatment program. The Bishops also issued directives regarding the retention or destruction of the treatment reports provided to the bishops ... and the Paracletes and their staff followed these directives. He concludes in paragraph 53 that the bishops of the United States individually and collectively were well aware of certain psychological problems of priests including sexual involvement with minors and were also aware of alternative modes of addressing psychosexual problems other than spiritual renewal and geographic transfers’. His research began in the 1960's and these conclusions were apparent in the 1970's.
I. Factors operating in society as a whole:

Society as a whole put the church/clergy on a pedestal giving them power and a false authority. The church is also a patriarchal institution par excellence, and particularly - male dominance over women and children. This lies at the heart of all forms of sexual and domestic abuse.

Bishop Geoffrey Robinson has written about ‘the problems of the ‘messiah’ complex amongst recently ordained priests in Australia, where they believe they are on a special mission from God, and therefore above the rules of ordinary mortals’: (Law and Culture. Potiphar’s Wife Page 174 Para 1)

With the revelations of sexual abuse in the church, societies now expects that the clergy must earn their authority and respect.

Question 2
What extent has the occurrence of CSA been the results of failings of individuals and to what extent have systemic institutional factors i.e. structure, governance and culture contributed?

The ‘Messiah’ complex comes into play once again where the priest was put on a pedestal. Some even believed they were the ‘ecclesiastical elite’. These special privileges allowed an overindulgence of their personal needs, exploitation of the trusted relationship with vulnerable children and the systems. Sexual Abuse begins with attitudes of trust which is a result of the privileges invested in them. Parents especially held the priest in such high regard and would consult ‘Father’ with their smallest of problems. This saw parish priests, such as Reg Durham, becoming enmeshed in personal relationships of families. There were no boundaries, no accountability due to his official status. This exploitation of trusted relationships gave him many opportunities which allowed him to manipulate every situation to his own advantage/personal needs/sexual gratification and comfort.

Overindulgence and substance abuse which went unchecked was also a contributing factor. In isolated locations, such as orphanages, there was no supervision which led to an unsafe and an exploitable environment. A smorgasbord of children was at their disposable for their self-gratification! The challenging issue here is the fragmented diversions of the Church Constitution - not having one autonomous structure. This compromises every aspect of accountability, protocols and law.

The structural set up of particular institutions such as State Government Religious run orphanages, lacked sufficient accountability/culpability. In Performance reviews, written policies and procedures compromised the guidelines and boundaries by the power structure i.e. religious order/charity. This allowed them to have full reign over the running of the establishment.

The lack of adherence to administrative and monitoring structures within the child welfare system in Queensland was a key factor and this led to the breakdown in the responsibilities for care of the children shared between the State and Religious Orders. The level of responsible governance and the guardianship of the children at Neerkol were left to the discretion of the Sisters of Mercy who had inadequate funding, inadequately trained staff, overcrowded facilities and were unable to
recruit suitable employees because of the remote location of Neerkol. The State Government acknowledged these factors in their review. These religious organisations had inadequate reporting factors and record keeping, which also contributed to this breakdown in accountability.

Collective issues that contributed to the erosion of individual and systems failings were the hierarchical status of both church and Religious Organisation.

The cultural influence of the Irish background impregnated retribution and fear to silence their victims. There was a generational influence of ex-residents joining the religious order and returning to work in their original residential home. There were four girls in Mary Adams time.

Question 3

To what extent have any inadequacies in Catholic institutional response to CSA been a result of failings of responsible individuals? To what extent have systemic institutional factors affected institutional responses to CSA by Church Authorities?

Bishops as the moral leaders in the Diocese were unable or inadequate in taking responsibility for their institutional response.

A personality defect in some perpetrators was a contributing factor to the abuse. The failings of individuals were concealed by lack of professional qualifications, no required standards or procedures and no personal supervision. These are only some of the factors which contributed to CSA.

Barry Coldrey states in Religious Life Without Integrity Page 37 Chapter 10: “Church leaders have an extraordinary inability to connect with the sexual abuse allegations. What made it more difficult to confront was the church’s usual moral righteousness. It had been caught out. Perhaps the Church has to confront the basic problems associated with priestly loneliness, jealousy, dissatisfaction, incompetence, and conceit and diminishing social status”.

Kieran Tapsell writes “The Structure and Rules of the Catholic Church facilitated that cover up. The State Authorities facilitated the cover up by not fulfilling their responsibilities to ensure that the law was implied equally to all and allowing the church institutions to be beyond the reach of the normal law enforcement processes. The welfare of children which should have been the first priority was not a factor to be considered in the early stages. Instead the focus was on the avoidance of scandal and the preservation of the good name, status and assets of the institution and of what the institution regarded as most important members…the priests”. Potiphar Wife Page 225/226.
"The attitude of the Vatican itself in dealing with these cases is further evidence that cannon law meant what it said, and that Bishops were following not only cannon law, but the interpretation that the Vatican had placed on it." Kieran Tapsell Potiphar Wife Page 226/227

Question 4

To what extent are any factors that contributed to the occurrence of CSA in Catholic Institutions or affected Institutional Response unique to the Catholic Church?

Sexual offenders are found in all denominations. Indicators that are unique to the Catholic Church are, mandatory celibacy and easy access to children. Familiarity gave the opportunity for repeated patterns of abuse. In the home at Neerkol, the priests were aware of the regimental program/time factors and they had the freedom to take children into the presbytery for extracurricular studies e.g. Adam and Eve in the Garden of Eden! Altar boy training and religious studies also gave the priest unlimited access to children.

Kieran Tapsell states on Page 99 Potiphar’s Wife. “Although one can find Crimen Sollicitationis on the Vatican website, this publication only occurred in 2003. Bishops and Clergy involved in Church investigations were allowed to know, but the rest of the world was not. This was a deliberate policy and not something that happened as a sort of side effect of clumsy attempt to protect the good names of the participants in the church’s investigation. It reflects the Church’s obsession with ‘scandal’, a word which appears 28 times throughout the 1983 Code of cannon Law. The words ‘secrecy’ or ‘secret’ appear 35 times, three times more than the Scripture”.

“The avoidance of ‘scandal’ is an expression that appears frequently in the churches internal documents of child sexual abuse matters. A concern about ‘scandal’ was understandable because that meant loss of faith, and therefore, membership of the church”. Potiphar Wife, Page 260 and 261. Kieran Tapsell.

Towards Healing is an institutional response unique to the Catholic Church. It was a system of negotiation and mediation where the victim was at a severe disadvantage because of the structure of the Church. The two personal experiences that follow, show how inadequate was the ‘Institution Response’ of the Catholic Church.

1. AYB found nothing healing in the Towards Healing process. She first reached out to and although promised to follow through, it was several weeks later that AYB contacted her to see what she had done. She had obviously forgotten! When AYB sought compensation on behalf of her parents, children and siblings, the whole experience was degrading and humiliating. Not only was she asked how money would change her life, she also had to endure a harrowing and embarrassing interrogation by a Professor of Psychology. She was asked about the mental status of her siblings and had to go over all the gory details of the abuse. When she didn’t want to do this he threatened to close the meeting down. She became very emotional but he did not even supply a box of tissues. After this horrific meeting she wrote a two-page statement on the experience. Neither she nor her husband could drive after this meeting. Because this meeting was so horrific she wrote to the professor and asked for a copy of the report. He agreed.
It took nearly 10 years to get a copy of the report and this only came about when the Royal Commission was announced.

The compensation was another disastrous situation where she was told to take it or leave it. Negotiations went on all afternoon and in the end she was given an ultimatum of fourteen days to accept the offer or not receive anything. By the time all the Medicare and the solicitor’s fees were deducted there wasn’t much left to share between the ten remaining family secondary victims.

At no stage did the Church’s protocols eventuate. For instance, “The Church makes a firm commitment to strive for things in particular: truth, humility, healing for the victims, assistance for other persons affected, a just response to those who are accused, an effective response to those who are guilty of abuse, and prevention of abuse”. (Towards Healing Principles and Procedures January 2010)

2. Mary Adams states the Towards Healing process was an extremely negative and frustrating response to the number of times she approached Towards Healing in the mid-nineties. She wants it to be known none of the above protocols is implemented unless she personally seeks assistance for herself. Mary has become an advocate for many other victims. There is still secrecy attached to the assistance which may be given. There is no difference to the initial protocols set out in 1997 to the present publication of January 2010.

Even though Mary Adams had four witnesses to the event, which led to her abuse, there was no investigation or follow up by Towards Healing to validate her complaint. Therefore, the balance of probability was dismissed along with her claims. This denial and lack of follow up was beyond disbelief and had a devastating impact on her personal wellbeing for years of her life.

Question 6

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

a. Responding to child and adult victims and survivors, including secondary victims.

We propose an education approach that makes people aware of what can be done to prevent child sexual abuse in the future and ways to respond to victims of child sexual abuse as children or as adults. This would also include ways of supporting secondary victims of child sexual abuse.

This education would build on the current approaches and incorporate the learning and wisdom from this Royal Commission. It would develop best practices in preventing future child sexual abuse and in responding to victims and those directly impacted by sexual abuse within their families and their social support network.

For current approaches, we propose, that a thorough review/study of past outcomes/effects/experiences/academic research be implemented in current/future educational awareness. In ‘best practices’ on these imperative approaches there needs to be an adequate response to child and adult victims. For instance, a review of the literature on priest/clergy abuse reveals that for both genders the typical survivor became disillusioned with the church and
suffered a loss of religious faith as a result of the abuse and the subsequent institutional response to the abuse. One not only endured personal violation but one is also left without a spiritual home.

There too needs to be reflection on the tragic impact on so many victims, which lead them to commit suicide or to consider suicide as their first option in times of crisis. The number of suicide attempts and the number of suicides of victims of child sexual abuse is not known. While the research is inadequate, one estimate in the literature is that 20% of children who were abused by religious authorities considered suicide at some point.

“I have not only endured personal violation, but I have been left without a spiritual home. Sexual abuse by clergy has that spider’s web effect. It is not only between the priest and victim but it also eats into the relationships with the family of origin because they didn’t protect you, the husband or partner who does not understand the impact and then onto one’s children and peers. The feelings of worthlessness, shame, guilt, anger and rage take over one’s life. For me personally I was not only robbed of my innocence but so many years were wasted because of the disgust I felt within. Every day now has to be a ‘choice’ to live in this present moment.” (Evidence of AYB during the Public Hearing in Case Study 26)

Question 7

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

The Authors wish to respond to Case Study 26. The relieving of their horrid lived experiences has left them with feelings of abandonment and isolation, worthlessness, guilt and shame, feelings of despair and emptiness. We cannot help but wonder if this experience of going public at the Royal Commission has been worth the personal cost. There has been no relief and we also question if our personal trauma will have any impact on reforming the procedures in the future.

Mary Adams wishes to state that she has been bitterly disappointed with the lack of follow-up from the Catholic Church and the Queensland Police Service in regards to Case Study 26 since the conclusion of the public hearing, although she acknowledges the recent financial assistance that was given to her by the Rockhampton Diocese.

AYB appreciates the personal contact Bishop Brian Heenan made by telephone on two occasions.

Due to past mishandling of child sexual abuse and the internal investigations of Towards Healing process, the necessary improvements must be implemented: mandatory reporting; zero tolerance; no internal investigation of abuse, only an investigation by an independent body; implementation of necessary legislation; preventable strategies and screening strategies; educational programs on early childhood and on the grooming tactics used by perpetrators; promoting safe and confidential options for reporting; follow up support services.

Barry Coldrey states “Healing processes are affected by language used to describe what happened. Picture a festering wound. Victim blaming language is like rubbing salt in the wound. Denying or minimising the religious professional’s responsibility for maintaining ethical boundaries is comparable to covering gangrene with a band-aid. Healing comes from creating an
environment, both in society and religious communities, where it is possible for survivors to talk about their experiences in their own words.” Page 78 Para 2

Summary:

Our submission asks the Royal Commission to consider organisations, such as the Catholic Church, that have a dominant “Patriarchal” structure, which is held together by Authority, Trust and Obedience. This underlying structure has a “domination of power” that influences the way that others perceive them and conform to what is expected of them. Patriarchal structures have an impact on those within the structure for they are under the control of the structure and also under great pressure to conform.

All of these underlying factors have contributed to the large number of victims of child sexual abuse by Catholic Clergy and Religious and to the inability of the Catholic Church as an institution to respond to the these victims. Patriarchal organisations require clear policies and strategies for intervention that need to be validated by an authority outside the organisation to achieve effective outcomes in protecting children and to minimise the control of those underlying structures.

Submission by AYB and Mary Adams
(We give permission for this submission and our private hearing sessions to be published)

28th June 2016