

## **Sexual Abuse and the Catholic Church in Ireland: Lessons Learned**

I would like to begin by setting some context for my presentation. For those of you who have not yet had the opportunity to visit Ireland I would like to share some background information about it with you.

Ireland is a small island on the western extremity of Europe. It has had a very troubled history and particularly so over the past century. The island is divided into two political entities, Northern Ireland or the “North”, and the Republic of Ireland or the “South”. The “North” has a population of 1.6 million whereas the “South” is larger both geographically and numerically with a population of a 4.1 million. In “the North” the protestant denominations are in the majority and in the “South” 86% of the population are catholic. The Irish Catholic Church as recently as 2004 was reported as having the highest rate of mass attendance in the western world. However today this has significantly fallen as can be seen by looking at the figures for the Archdiocese of Dublin which is also the largest diocese. The average attendance at mass there is five per cent and in some parishes it is as low as two per cent.

The signing of the “Good Friday Agreement” or the “Belfast Agreement” in 1998 ended the civil unrest that had divided the communities in the “North” for over thirty years. Today Northern Ireland is peaceful but the communities remain divided both politically and socially. I believe that in the United States it is not uncommon to find someone who does not hold a passport whereas in Ireland it not uncommon to find someone with two passports, one for the Republic and one for Northern Ireland.

In effect, on this small island, sit two separate countries, each with different sets of legislation, statutory policies, services, and also allegiances. Northern Ireland looks to the United Kingdom and uses, as its currency the pound, whereas the Republic looks more to Brussels and the rest of Europe and uses the euro.

The relationship between the Church and the state also differs in each country. In the “South” there was an intimate relationship between the Church and the various arms of the state including the political system, the judiciary and the police force. The Church ran substantial parts of the social care and health services as well as the education system. Of the 3,600 schools in the Republic, approximately 3,200 are under the patronage of the Church. The local bishop in the “South” was much more than a church leader. He was a person of authority for the whole community.

One has to take account of that history if you wish to understand how the crisis in the Catholic Church in Ireland developed to the level it has reached. It also helps to explain the intractable nature of the problem and why it has taken so long for remedial interventions to take place. The analyses presented in media, written and broadcast,

frequently fail to take full account of the influence of these historical antecedents and therefore, in my view, often offer incomplete explanations.

The Irish Catholic Church is in a very different place today than it was two or three decades ago. The revelations of clerical abuse in Ireland and the mistreatment of vulnerable young people placed in residential care have caused immense damage to the Church in every respect. It has been portrayed in the media in the most brutal terms. The Irish Church is seen as lacking moral authority and being almost bereft of strong and principled leadership. It also appears on occasions to give the impression of simply not knowing how to cope, what actions to take, or what to do next.

Amongst the lay faithful in the Church this has caused great sadness. There is a sense of bewilderment and disbelief, but also considerable anger. These are emotions that are common in the Church in Ireland today.

Anyone who has read the three reports of the government inquiries in the Republic that have so far been published cannot fail to be shocked and saddened at what they revealed. Vulnerable children and young people were harmed in settings within which they should have been safe. Facilities run by the Church to keep children protected were in fact doing the exact opposite and placing them at risk. Questions immediately form in your mind with regard to how such abuse could occur without action being taken to stop it. It is when we are seeking to answer these questions that having knowledge of the history of the Church in Ireland becomes critical.

When much of this abuse was taking place it was simply not acceptable in Irish society to speak against the Church or to accuse a priest of wrong doing. I have spoken to survivors who recount how they came home after being abused by a priest and told their parent what had happened to them, only to be chastised for speaking about it and being told to pray for the priest. It was this culture of unquestioning deference to the clergy that made the very difficult task of speaking about abuse even harder for a child or a young person. It also made an effective response from state agencies highly improbable.

When concerns or allegations emerged against a priest they were sometimes passed on to the state authorities. However, this would not always mean that they were properly investigated. When reviewing case files today, I have found examples where dioceses reported allegations to specific police officers in the belief that they would not pursue a proper investigation. Frequently, attempts are made to minimise and trivialise the abuse. Priests would be described as suffering a “moral lapse” with a minor and would be sent off to a Church run treatment facility and then returned to ministry having been cured of this behaviour. Often sexual abuse would be seen as an unfortunate consequence of the greater problem of alcohol abuse.

Today we realise that those involved who behaved in this way were seriously misguided and were clearly not acting in the best interests of children or of the Church. When you examine the motivation behind these actions, however, for many of the players you find a misplaced deference to the clergy and to authority in the Church and a naïve belief that in some way they were protecting the Church.

From these experiences I would like to draw out my first lesson which is that you can not allow deference to those in authority to become unquestioning. Power and authority can be misused and when that is happening in the Church everyone has a responsibility to stand against it. There are limits and if those limits are exceeded then action must be taken. We should expect that leadership and the exercise of authority in the Church should be principled. It should be value based and there should be checks to ensure that this is the case and that power is not being misused. Where it is believed that it is being abused we all have a responsibility to say that this is the case. Determining where those limits should be set is not as difficult a task as some may claim and I would like to offer a simple reference point to use with regard to the issue of sexual abuse in the Church.

What it requires is clarity as to what the foundational values of the Church are. For the National Board for Safeguarding Children in the Catholic Church (NBSCCC) we constantly refer to one simple principle which we see as underpinning all of our work. It is the belief that if you safeguard children within the Church, you will safeguard the Church itself. If you protect and value children in the Church, you will protect and value the Church. However, if you reverse the order you will ultimately end up harming the Church.

This simple truth has been evidenced many times over for us in cases in Ireland. When people have tried to protect the Church and lost sight of the risk to vulnerable children, they have ended up causing great harm to the Church.

Let me illustrate this by a brief examination of two cases. In the first case the priest is now dead. Before he died he was convicted of several serious assaults against children stretching back many years, and given a lengthy custodial sentence. This priest was known to have had a problem for some time by those responsible for his management within the Church. Attempts had been made to contain it but they failed. Eventually the volume of allegations against him became so great that he had to be taken out of ministry. Importantly the civil authorities were not told of his wrong doing even though criminality was clearly involved. Attempts were made to compensate his victims and to provide them with counselling. After treatment at a church run facility and a period of leave, the priest was returned to ministry on a temporary basis with annual reviews. Before very long he had harmed other children and these allegations were reported to the civil authorities by those victims. He was successfully prosecuted and given a lengthy custodial sentence.

When I read this man's case file, I was struck by the amount of evidence that he had been an offender from early on in his ministry. However, those in authority failed to take account of that evidence and showed no understanding of the immense damage he was doing to the lives of his victims. They consistently viewed him as a priest first who had a problem, rather than a sex offender who happened to be a priest.

My second example involved a religious community. They contacted my office as the present abbot had recently discovered that one of his community had previously admitted to committing sexual abuse on a young man who was a minor at the time. The priest was in his late thirties. This information had been known to the previous abbot but it had not been shared with his successor or with the rest of the community. Concerns were recorded in the file that would suggest that at least one other case of abuse had happened. The brother who had admitted to the abuse had worked in a boy's school and had been given unhindered access to pupils for years.

When I questioned the previous abbot as to why he had not told the rest of the community about the knowledge of this man's offences or tried to limit his access to young people in the school, he told me that he had reached the conclusion that the brother had turned over a new leaf and that those incidents took place during a rebellious time in his life. They were behind him now. He also said to me that there was some doubt as to who had seduced who in the incident recorded in the file.

These cases demonstrate a second lesson drawn from my experience that I wish to highlight. It is simply this. Those who hold positions of authority in the Church have to have a thorough working knowledge of sex offending behaviour and of the serious consequences that often follow for those who experience being harmed. It simply is not good enough to say that we did not realise that people could be so damaged by this behaviour. If you are in a position where you will be making decisions about these issues and how they are responded to in the Church then you need to understand what you are dealing with. If you do not have that knowledge then seek training, read the growing literature that exists on abuse within church settings, and develop an appreciation of what is involved. When called upon to respond to these situations you must have access to expert knowledge.

In new proposed guidance for the Church in Ireland we have included a new standard to add to the seven that we launched in February of 2009. It is entitled "Education for Leadership". It embodies our thinking in relation to this deficit which I believe is still widespread in the Church. Bishops, Provincial Superiors, heads of seminaries and anyone else in authority need to have a basic working knowledge and competence in regard to the tasks associated with safeguarding children. We should all be well past reference to being on "learning curves".

It is not uncommon in my experience to meet a situation where someone in authority has made a judgement that known offending behaviour can be extinguished through

the expression of remorse and a commitment to not reoffend. When a bishop has confronted an accused priest who has been remorseful and promised not to offend again, he has been believed with no reference to any third party. This may seem to be excessively trusting but bishops have placed an emphasis on being a pastor to their priests and have not seen reporting wrongdoing as being in the priest's best interests.

To some degree, the Irish hierarchy felt that this was the expectation that senior figures in the Vatican had of them. Evidence to support this emerged recently into the public domain through the release of a letter that had been sent to every Irish bishop in 1997 and signed by Archbishop Luciano Storero. The letter originated within the Congregation for the Clergy which at that time was led by Cardinal Hoyos. This letter stated that the new sexual abuse guidance issued in the Irish Church in the preceding year was seen as being contrary to canon law in some respects. The Guidance referred to effectively introduced mandatory reporting for clerical sexual abuse cases in Ireland. If a priest was to challenge its application to their situation the letter indicated that they were likely to win their appeal. This letter appeared to encourage bishops to not report alleged clerical abuse to the civil authorities. Not surprisingly, the emergence of the letter is concerning and indicative of the existence of conflicting messages that appeared to issue from the various dicasteries within the Vatican. This lack of clarity is always deeply unhelpful.

Let me state what may appear obvious but must, nonetheless be emphasised. The Church and all those within it have a responsibility to safeguard children and to place their wellbeing above other considerations such as the reputation of the Church or the feelings of an accused priest. Canon law or the assumed expectations of those in authority within the Church should not dent that fundamental principle. I believe that Pope Benedict XVI understands this and has communicated it through his actions as well as through the many speeches and addresses that he has given when he has made reference to these issues. The protection of the vulnerable child comes first. However, the Church in Ireland has sometimes acted as if this is not the case, and when it has done so it has always ended up causing further confusion.

Legal opinion is highly prized in the Irish Catholic Church. When a bishop first comes to hear of concerns about the behaviour of one of his priests his first action is to call his legal advisor. More often than not, the next action that he takes will be determined by what his lawyer says to him as opposed to what should emerge from his understanding of the responsibilities he carries in his post. Of the twenty six dioceses and one hundred and sixty two religious order/congregations, and missionary societies all but a handful are supported by three law firms. This places a great deal of power and influence in the hands of these bodies. In my view this is not a healthy position for the Church to be in. Because of the influence and power these law firms hold there does not appear to me to be a sufficient critical scrutiny of the advice provided by them on occasions.

Another point I wish to emphasise in this situation is the tension that exists between legal advice aimed at defending the Church or those within it, and safeguarding advice aimed at protecting the child. This tension was not sufficiently well understood until quite recently in the history of the Irish Church. No one spoke for the vulnerable child when decisions were being taken. The emergence of the National Board and the emphasis now placed on developing specific resources for safeguarding children has forced people to focus on the vulnerable child to a much greater extent than was previously the case.

Appreciating the limitations of a legalistic approach to these issues is another major lesson drawn from the Irish experience. In my opinion lawyers are not professionally geared to adequately consider the situation of the vulnerable child, and are therefore not the best people to advise on safeguarding actions. Where they occupy a position of dominance this can make it very difficult for safeguarding policies and practices to be fully complied with. If lawyers alone were capable of providing a solution to the problem of clerical sex abuse they would have done so by now.

The involvement of lawyers often creates an adversarial approach to complainants or victims. There have been many examples of this resulting in much stronger feelings of anger for complainants and victims who feel that they have not been valued and heard. Those who receive allegations should ensure that a pastoral response is made rather than one that is driven by legal concerns.

From these experiences, we draw another lesson. It is that there must be competence in the Church in the provision of pastoral care for victims, their families, and for communities of faith. Where this is lacking, the hurt that has been suffered will be further compounded by contact with the Church authorities. This will make it even harder to try to bring healing to those who have been hurt and to give them a sense that what happened to them matters to the Church.

In March of last year the Holy Father took the unprecedented step of writing a letter to the Irish Church. In it he made reference to his address to the Bishops of Ireland during their Ad Limina visit to Rome in October 2006. He asked at that time that the Bishops establish the truth of what had happened in the past, take whatever steps were necessary to prevent it occurring again, ensure that the principles of justice were fully respected, and above all bring healing to the victims and to all those affected by these egregious crimes. Following the issue of the pastoral letter a visitation was sent comprising senior and eminent clergy drawn from the United States, Canada, and also the United Kingdom.

The Apostolic Visitation have not yet completed their task but I have had the opportunity to meet with each of them and share with them what the NBSCCC has learnt from its experiences in trying to take forward a strategic approach to safeguarding children in Ireland. We are deeply appreciative of their support and of

their work. They have listened to a large number of people and they have successfully engaged with individuals, groups, and whole communities. For this they deserve the highest praise.

Sadly, I have to record that the task given to the Irish bishops by the Holy Father in 2006 remains incomplete. It has not been established comprehensively as to what happened in the past and how it was dealt with. To illustrate this, in 2009 the NBSCCC was asked to undertake a review of safeguarding practice across all of the Church authorities in Ireland. This request was made publicly by Cardinal Sean Brady following the holding of an extraordinary meeting of the Episcopal Conference in January following the crisis in the diocese of Cloyne. This request has been repeated and referred to on a number of occasions since then and the public expectation is that we are taking that review forward and that we will make available our findings at least to the lay faithful in the Church.

The reality is quite different. We have met with persistent legal challenge for months. Last month after almost a year and a half of intense negotiation we reached an agreement that allowed us to access documentation held in dioceses on cases. It is difficult to reconcile the disparity between the public utterances and the private actions when trying to address this problem. As the Holy Father said, there needs to be an examination of what has happened so that all can be reassured that it has been adequately dealt with now.

The scriptural cycle of confession, repentance, and forgiveness is relevant here. The Irish Church can not be healed until it has worked its way through each of these stages. There needs to be resolve and some courage displayed to allow this to happen. In my view, it has not occurred yet. Surely we must have learnt by now that the hardest way for the past to be examined is by public intervention. We have already experienced this on three occasions to date and are waiting for the publication of a fourth report in the near future. The government in Northern Ireland have recently announced their intention to hold a fifth public inquiry into institutional abuse in Church and state run units. Once again the Church will be embroiled in a statutory inquiry.

Given all that has happened in Ireland it is surprising to have to state that the NBSCCC regularly meets with opposition, challenge, and sometimes hostility in seeking to fulfil its remit. This is admittedly from a small minority but the fact that it happens at all is an indication of how far we still have to travel before we can be confident that we have turned the corner.

A large and growing number of committed lay people regularly give of their time to serve the interests of children in the Church. They are supported and encouraged by a number of bishops and others in authority who are equally committed to solving the problem. These people are in the majority but the Church is not a democracy and I

have often been disappointed at the fact that decisions are most likely to reflect the will of a vocal and powerful minority rather than that of the majority.

Despite these setbacks and the obstacles that are sometimes placed in our way I want to present an optimistic view of where the Irish Catholic Church is compared to where it has been. There is a pressure for change and I do not believe that the situation that existed twenty or thirty years ago will be re-established. The Church going forward may well be smaller and it may be humbler but it will also be one where children will be safer and those that seek to harm them will be less secure than they once were. I believe that the Apostolic Visitation will provide recommendations that will add to the momentum for change.

The Irish Catholic Church has experienced a major crisis through what has been revealed to date regarding clerical abuse within its ranks. When faced with a hostile media, it has been ineffective in communicating the positive developments that have taken place. As a consequence, it has suffered some excessively harsh treatment in the media. A lesson that has to be learnt is that the media have vital role to play in communicating positive messages as well as forcing attention on what needs to be addressed. These positive messages have to be provided and openly shared which means seeking to engage with journalists and not to consider them as the enemy.

It is my belief that the significance of what we have learnt in Ireland lies in the fact that these lessons are applicable across the catholic world. If these crises are to be avoided in the future then a number of steps need to be taken. You must adopt policies and procedures that reflect best practice in the field of safeguarding children. Their adoption should not be viewed as an end in itself but as representing only the first step. They should be followed by the creation and empowering of an independent body, such as the NBSCCC, and a remit which tasks them to audit, monitor, and review safeguarding practice across all of the Church. Finally, you should give them permission to publish their findings regularly in the public domain so that trust can be built up between those in authority, the lay faithful, and the rest of society. It is only when this happens that you have a framework in place that can be relied upon. What I am advocating for is greater transparency and accountability within in the Church when responding to the issue of clerical abuse.

We have not yet reached this position in Ireland. I do not underestimate the anxiety that such an approach engenders. There is a fear that being transparent will result in massive criticism. I can appreciate this view but in response I would simply refer us to the words of the Holy Father in 2006 and repeated in his Pastoral letter to the Irish Church. I do not believe that there is a viable alternative other than this that can lead to true healing for the church in Ireland. The courage has to be found to follow the path that has been set out for the Irish Church by Pope Benedict XVI. The alternative is too shocking to contemplate.