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## Commentary

## The Australian Royal Commission into Institutional Responses to Child Sexual Abuse and the Roman Catholic Church

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## ABSTRACT

The Australian Royal Commission into Institutional Responses to Child Sexual Abuse received more reports of sexual abuse of minors from victims of personnel from the Catholic Church than from any other source. It looked beyond the circumstances of the individual reports, to the response of Church leaders. It then took the inquiry to the more fundamental issue of the elements of the Church's structure and its unique culture that enabled sexual abuse and supported the hierarchy's counter-productive responses. This commentary looks at the structural and cultural aspects of the institutional Church most directly connected to sexual abuse by clerics and the ensuing cover-up and it examines their theological and historical foundations. The reality that sexual abuse by clerics was not only known but condoned and covered up cannot be justified but it can be explained in great part by the Church's justification for its own structure and the role of its clerics.

The Roman Catholic Church is the oldest Christian denomination, tracing its origins to the first century of the common era. It is also the largest Christian denomination with 1.2 billion members worldwide and in Australia the largest single denomination claiming 25.8% of the total population (Australian Bureau of Statistics Census 2011)

Sexual violation of minors has existed in the Catholic Church since the first century. The *Didache*, which dates from approximately 98 C.E. contains a regulation or norm that explicitly forbids adult males from engaging in sex with young boys (Milavec, 2003). The first laws forbidding the sexual violation of minors are from the Synod of Elvira, 309 C.E. (Laeuchli, 1972). Through the centuries legislation was enacted by popes, bishops and Church councils in response to the problem of sexual abuse by clerics. All was punitive in nature, threatening punishment for offending clerics that varied in its severity.

Throughout this period, which spanned 1500 years, there are only three examples of laws passed that punished Church superiors for negligence or complicity (Doyle, Sipe, & Wall, 2006). The Catholic Church has had its own legal system since the early middle ages, yet it was first codified in 1917. This first Code of Canon Law contained a canon or law that specifically named sexual abuse of a minor by a cleric to be a Church crime. The recommended penalties included suspension, deprivation from ecclesiastical office or dignity and in more serious cases, deposition (Canon 2359, Peters, 2001.)

Until the current era there is no evidence that victims ever raised their voices to call Church leaders to account. Likewise there is no evidence that any secular entity, especially a governmental body, ever challenged Church leaders or conducted an official investigation or inquiry into the sexual violation of children and minors by clerics of all ranks, prior to the 1980's.

There is documentary evidence that in the medieval and renaissance periods sexual abuse of minors by clergy was known to the general public and even more important, evidence that secular authorities and Church authorities collaborated in prosecuting and punishing clergy offenders (Sheer, 1991).

Yet the problem was buried in deep secrecy from the 19th century to the middle of the twentieth century. Some date the present era of concern from the late 1980s when cases in the American states of Louisiana and Rhode Island and the Canadian province of Newfoundland received widespread publicity (Daly, 2014). The primary focus was not the individual acts of sexual violation but the role played by the institution in the historic protection of the abusive clerics and resistance to assertions that the institution itself was part of the problem. This underscores Katie Wright's statement that *institutional abuse* was discovered in the 1980s (Wright, 2017, this

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issue). The events in the U.S. and Canada marked a radical change in the way secular society, especially the judiciary and law enforcement, responded to both individual incidents of sexual abuse and the to the response of Church officials.

Public awareness of the sexual abuse of children, an outcome of the rise of the feminist movement in the early 1970's (Gordon, 1988; Whittier, 2009), rapidly grew in intensity. The Catholic Church in the U.S., Canada, Ireland, several European nations, Australia and New Zealand, has been the primary focus of attention and concern, and justifiably so. The secular media in the U.S. and other English speaking countries shook off their deference toward the institutional Church and its bishops and provided prominent coverage of cases, highlighting the widespread cover-ups by Church officials. By the year 2000 it was clear that in several countries the thick blanket of secrecy had been ripped off and the Church's hierarchy, from local bishops to the popes, were being called to account.

The causality of child sexual abuse has roots deep in the Church's theology, its political and governmental structure and its culture. Although lay persons and non-ordained members of religious institutes hold a variety of positions in Church governing structures, the overall government of the Church is dominated by clerics and influenced by the clerical culture. Official Church teaching holds that there are two classes of members: lay persons who make up the vast majority, and clergy, all of whom are ordained to one of the ranks of "sacred" orders which are deacon, priest and bishop. Catholic theology and law state that clerics are instituted "by divine law." (Green, Heintschel, & Coriden, 1985, canon 207, 1). This distinction is the basis for the socio-political structure of the Church as a stratified society.

Donald Palmer and Valerie Feldman explain the essential role of an institution's culture in understanding child abuse by members within the institution. Their analysis is especially relevant the to understanding of institutional causality in the Roman Catholic Church (Palmer, 2017, this issue). The systemic belief in the divine origin of the Church's unequal stratified society, its built-in power imbalances and the exalted place of the clergy are a broad framework for the Church's response to the reality of widespread sexual violation of children and other vulnerable persons.

Most of the answers to the "why" questions that constantly surround the Church's confounding response to both victims and perpetrators are found in the historic theological and scriptural supports for the aspects of the clerical culture and elements of the organizational structure that have fostered sexual abuse and have supported the legacy of the Church's powerful resistance to accountability demanded by outside organizations whether these are official governmental entities or groups of victim-survivors.

The governmental system of the Catholic Church is officially described as a "hierarchy." In effect it functions as an absolute monarchy since power is vested in individuals (the pope for the universal church and the bishop for geographic divisions called dioceses). The three main governmental functions, *executive*, *legislative* and *judicial* are joined in the papal office for the entire Church and in the office of bishop for individual dioceses. This arrangement makes checks and balances in certain crucial areas, difficult if not ineffective.

The various advisory bodies are almost entirely consultative and have had little meaningful impact in the area of sexual abuse by clerics. The Church teaches that this arrangement, vesting all real power in bishops and the pope, is essential and immutable because it is intended as such by divine institution. Furthermore, the bishops claim their authority is derived from their apostolic succession from the original apostles. They are the pillars or foundation of the institutional Church and as such are essential to the Church's existence and its functioning.

Throughout the contemporary era of clergy sexual abuse, a common conclusion of official investigations, civil court findings and critical observations of experts and non-experts alike has been that the bishops' primary concern was not the welfare of victims but the defense of their own image, power and security which they identified with that of the institutional Church (John Jay College of Criminal Justice, 2004; National Review Board for the Protection of Children and Young People, 2004; Royal Commission into Institutional Responses to Child Sexual Abuse, 2017). This justified the secrecy, the cover-ups, the manipulation of victims and the resistance to outside demands for explanations and for changes that would appear to weaken the power of the hierarchy.

The theological understanding of the offices of priest and bishop are directly related to the belief in the divinely mandated hierarchical structure and to their essential place in the sacramental dimension of the Church's life. A sacrament is a religious ritual that signifies the real presence and action of Jesus Christ toward the recipient. The Church believes that participation in the sacraments is essential to salvation. This is especially true of the sacraments of baptism, penance and the Eucharist. Clerics are the official ministers or custodians of the sacraments. Access to them is through the clerics. The power and exalted role of priests and bishops is grounded in their relationship to the sacraments, with access dependent on them. This powerful clerical culture is in turn based on the beliefs about the power and stature of the clerics who embody this culture. These beliefs are both official, that is, directly grounded in Church dogma, and unofficial or "popular", the result of myth and magical thinking. One related example of a belief that has enabled and protected perpetrators is that a victim or even a victim's family would be severely punished by God if that victim disclosed the abuse. This belief was somewhat common, especially in certain geographic areas (Harris, 1990, p. 19). An especially toxic extension of this is the belief that since priests do not sin nor engage in any form of sex, the sexual encounter is the victim's fault and possibly God's punishment for some unknown reason.

Participation in religious ceremonies and rituals is an essential dimension of life in the Catholic community. Numerous studies have reported victims' discomfort with Catholic rituals and religious practices and the role they play in abusive practices (Blakemore, Herbert, Arney, & Parkinson, 2017, this issue). Since the sacramental rituals are essential to the victims' participation, they are often used by perpetrators in the grooming process and as a protective shield against detection and disclosure. Blakemore et al. (2017, this issue) point to "the complicity of institutions in creating situations and settings where abuse can occur". The Catholic perpetrators do not have to create such situations. They are built in as essential to Catholic life and therefore unavoidable to the unsuspecting victim.

The Chair of the Royal Commission into Institutional Responses to Child Sexual Abuse, the Honorable Peter McClellan, citing an analysis of 6302 private sessions with victim-survivors, reported that 32% of child sexual abuse reported to the Royal Commission

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