

Royal Commission into Institutional Responses to Child Sexual Abuse: Case Study 50

24 February 2017

The final day of the Royal Commission's Catholic "wrap up" hearing was held today in Sydney with the conclusion of evidence from Australia's five metropolitan Archbishops, Archbishop Denis Hart of Melbourne, Archbishop Anthony Fisher OP of Sydney, Archbishop Mark Coleridge of Brisbane, Archbishop Timothy Costelloe SDB from Perth and Archbishop Philip Wilson from Adelaide.

Clericalism and ontological change

In discussing whether current seminarians were more 'traditional' than in previous years, Archbishop Fisher told the Commission that there were "all sorts" of men in the seminary, some more traditionally minded and others, but that it was not his experience to return to the "clericalism" of the past. Archbishop Costelloe agreed, saying that many of the young men who were looking "to the past" were doing so because it was part of the Catholic tradition they had not experienced.

The Archbishops were asked if they all believed in the concept of ontological change at Ordination, and whether an improper understanding of this could lead to clericalism.

Archbishop Coleridge told the Commission is that the language of ontology was from another time, and it was more helpful to speak of the change at Ordination as a change in the nature of his relationships with everyone. He described it in terms of the 'totality' of a claim made over a person. Archbishop Wilson described it as a change of a man's relationship with Jesus in a way that makes him totally available to others.

Archbishop Costelloe said a view that there was a "professional class" of Priests and religious who *did* the religious things and "everybody else" who *received* the religious things was not theologically correct, and that an understanding of the importance of lay ministry was rapidly increasing with the decline of religious life.

Celibacy

Archbishops Hart, Wilson, Costelloe and Coleridge broadly agreed that mandatory celibacy could be a contributing factor to abuse, when combined with a lack of psychosexual development and proper human formation, or an improper motivation for choosing celibacy. Archbishop Coleridge also noted that formation in celibacy was made difficult by an increasingly sexualised culture.

Archbishop Fisher said that calling mandatory celibacy a 'contributing factor' to abuse was shorthand for a very complex idea. Acknowledging that the great majority of abuse occurs in family, Archbishop Fisher said that people can hide behind celibacy and the clerical state, as they can hide behind marriage. He said the goal was for a person to be able to integrate sexuality into the rest of their life.

In response to the suggestion that the ministry of the Eastern Churches did not seem to suffer even though they had married clergy, Archbishop Coleridge noted that the missionary and global thrust of the Church was largely due to the commitment of celibate Priests and religious.

Power and powerlessness

Commissioner Milroy made the point that there was a danger in moving from a problem of clericalism of power to the other extreme, encouraging a powerlessness which in itself becomes a pathology.

Support, supervision, ongoing training and performance reviews

All Archbishops outlined for the Commission the different support and ongoing formation opportunities available for clergy within their Archdioceses. Generally speaking, the Archbishops could not see a canonical impediment to requiring Priests to submit to supervision and performance reviews, but noted that there may be cultural impediments because it represented such a shift in current practice.

In response to a suggestion of a licensing system for clergy similar to that for counsellors which would require similar professional development, Archbishop Fisher noted that there was already a system of 'licensing' in the form of granting of faculties, and said that he would prefer to work within this framework rather than give anyone the impression that Priests were qualified in counselling or psychotherapy.

It was noted that a Bishop could decline an appointment or even remove faculties from a Priest not willing to comply with ongoing formation and supervision, particularly in the area of child protection.

Monitoring offenders

All Archbishops were asked about the monitoring of offenders who had either been the subject of a substantiated complaint but had not been convicted, or who had served prison time and then been released. Archbishop Hart spoke of those within his Archdiocese being supervised by a retired police officer experienced in child sexual abuse cases.

Archbishop Fisher told the Commission that, as best he can, offenders are supervised but could not pretend that the level of supervision matched that of a prison. He also noted that there were some who refused to have all contact with the Archdiocese after being released from prison, and there was little that could be done with those. He explained to the Commission that financial support is still provided to them, because to not do so would be placing the responsibility on family or the community.

Reconciliation

The Archbishops were asked about issuing instructions regarding whether confession of school children should be heard in an open space. Archbishops Hart and Wilson have issued letters, Archbishops Fisher, Coleridge and Costelloe said that the practice of the schools is that confession is undertaken in the open. Archbishop Fisher undertook to check whether this had been communicated to parents. He explained that this was only applicable to schools, but might be the subject of a national standard going forward. Archbishop Coleridge said that his policy that confession is always where there is a line of sight. All said that they would be comfortable accepting a standard which would allow the confession of children to be heard out in the open.

Presented with the hypothetical case of Sally confessing to selling lollies and also disclosing abuse, Ms Furness asked whether the abuse could be seen as sitting outside of the seal.

Archbishop Hart said that as a pastor, people expect that everything is covered by the seal. Archbishop Fisher explained that a Catholic understands confession is a conversation with God, and it was a grave matter to disclose, noting that even little children have spiritual rights.

Both said that they would do their best to persuade Sally to allow them to help outside the confessional, but if she refused, they would be bound.

Archbishop Wilson said the seal of confession is a supreme value and nothing would be done to destabilise it. He said that doing some initial research, it was possible to consider the disclosure to not be a sin and not bound by the seal. He said that in practice, he would immediately bring the confession to a close, and then continue the conversation after absolution was given.

Archbishop Costelloe said that he would interrupt the confession to talk about the abuse, and if he formed the view that the child was looking for help, then he could disclose outside but if Sally said she did not want him to tell anyone, he would be bound by the seal.

Archbishop Coleridge said that theologically, the seal only applied to the confession of sins in the context of the sacrament. He said that the disclosure of abuse would be an “entrusted secret” but not have the same gravity of the seal, and so he would feel comfortable in going to the police.

Asked about an offender coming to confession, Archbishop Hart said he would withhold absolution until he was satisfied they would make restitution. Archbishop Wilson said they would be prepared to withhold absolution until a person went to the police. Archbishop Fisher said that he could not make a condition of absolution that a person incriminate themselves; he said he could exhort them to do so, and to get professional help, but could not withhold absolution if they are generally contrite. Archbishops Coleridge and Costelloe spoke of the compulsive nature of child sexual abuse, with Archbishop Costelloe saying that he could not be confident that there was a firm purpose of amendment without a person being willing to turn themselves in to police.

Archbishop Wilson said that the Bishops could prepare a document to pose these questions to the Holy See, and undertook to send a delegation of Bishops to Rome to discuss them with the Pope.

Looking to the future

Archbishop Coleridge said that part of the problem was that the Church’s strengths became its weaknesses, such as the closeness of the clergy to the people and a culture of forgiveness. He said the task ahead was to purify these strengths without throwing them out altogether.

Archbishop Fisher told the Commission that part of the reason people are so disenchanted with the Church is that we should have been a model because of our high ideals in relation to children, family life, the vulnerable and the innocent. His vision for the Church going forward would be once again inspiring the community in the high ideals on all of these issues, in modelling best practice in child protection and inspiring others to do the same. He said that while the Archbishops had a special role to unite to do this, it was a job for Bishops, religious leaders and the growing pool of lay leaders

Archbishop Hart concluded by acknowledging the courage of the victims and their families, repeating the Church's apology for their suffering, and thanking the Commission for its work.

The Commission's proceedings – and all its public hearings into the Catholic Church – then concluded.