

Royal Commission into Institutional Responses to Child Sexual Abuse
GPO Box 5283
Sydney NSW 2001

By email: catholic@childabuseroyalcommission.gov.au

8 July 2016

Dear Commissioners,

RE: Submission to the Royal Commission Issues Paper 11: Catholic Church

The Australian Psychological Society (APS) welcomes the opportunity to respond to Issues Paper 11 that focuses on any factors which may have contributed to the occurrence of child sexual abuse in Catholic institutions, or affected the institutional response to child sexual abuse within the Catholic Church.

In 2013, to inform the APS response to the Royal Commission, the APS commissioned Professor Jill Astbury to write an initial review paper. While we understood the scope of the Royal Commission was to encompass institutional responses to child sexual abuse in a wide range of institutional contexts, and was not confined to churches or clergy in particular, the limited literature that existed was almost entirely concerned with clergy-perpetrated abuse, predominantly within the Catholic Church. Clergy-perpetrated abuse was therefore the focus of the review paper, and informs much of our submission.

In general, Professor Astbury's review confirmed that the available evidence that might assist in understanding and addressing the concerns and issues articulated in the Issues Paper is limited, indicating a need for additional research. In contrast with the large evidence base amassed since the 1980s on the prevalence and health consequences of child sexual abuse occurring in the general community, there is limited evidence on child sexual abuse perpetrated by clergy or others working for institutions or organisations (Astbury, 2013). Minimal research was published on this topic before 2000, and Fogler, Shipherd, Clarke, Jensen and Rowe (2008) described the field of research into clergy-perpetrated child sexual abuse as "still in its infancy" (p.349).

All child sexual abuse is a crime and a violation of the rights and trust of the child, and is typically perpetrated by a significantly older abuser who transgresses their duty of care and abuses their power. In addition, child sexual abuse perpetrated by priests and other members of the clergy has been described as 'a unique

betrayal' (Guido, 2008), the 'ultimate deception' (Cook, 2005), and a 'shame and scandal' (Kochansky & Hermann, 2004), to name but a few of the terms used to describe this kind of abuse. The spiritual, theological, and existential conflicts for the child that would be caused by such a fundamental betrayal of trust would undoubtedly be carried into adulthood.

In the next section we address some but not all of the terms of reference set out by the Royal Commission in Issues Paper 11.

Addressing the Issues Paper's Terms of Reference

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?

The APS is pleased that the Commission to date has acknowledged that the problems of child sexual abuse in institutional contexts are and always have been predominantly systemic, and not just due to individual pathology. While individual factors do play a role, individual propensity to perpetrate abuse is not sufficient for abuse to occur in the absence of an environment that affords it (Gonsiorek, 2013). There is more solid evidence for situational factors, and the role of individual factors may have been magnified because institutions like the Catholic Church have historically paid so little attention to addressing these situational factors.

Occurrence and individual opportunity to abuse

As stated in the APS response to Issues Paper 3, the opportunity to perpetrate child sexual abuse without being caught is a critical factor in its occurrence. In the Anglican Church context, having immediate and convenient access to minors has been identified as one of the defining characteristics that facilitate abuse, and abuse is less likely to occur if there are fewer opportunities for it to occur (Parkinson et al., 2009). In the Catholic Church, Terry and Ackerman (2008) have also argued that even perpetrators who are strongly attracted to children can be prevented from sexually abusing them if certain situational constraints are present. These include, from the offender's perspective, when the opportunity to commit an offence poses too much risk, offers too little reward or requires too much effort.

An illuminating example of the interplay between opportunity and abuse occurring is provided by Parkinson and colleagues (2010) who note that amongst clergy, there was an average 12.7 year time gap between ordination and the incident about which the complaint was made. This delay is also very similar to the onset of abuse reported in another study (John Jay College, 2004; 2006) in the Catholic Church where the first instance of reported abuse took place 11 years after ordination. This time delay makes it unlikely that perpetrators specifically choose

to go into the clergy to gain greater access for abuse, but to our knowledge there is no direct evidence to confirm this. Terry and Ackerman (2008) noted that this time delay correlates with the time when many Catholic priests move into the parish residence, have little supervision, and have increased opportunities to perpetrate abuse without being caught. It is also possible that their perceived authority as an *'alter Christus'* increases with age and experience in the role.

Preventing opportunities to abuse

The above evidence calls for increased organisational awareness of situational indicators and patterns of institutional child abuse so that the opportunities they afford to perpetrators can be more effectively addressed in prevention strategies. For example, the knowledge that perpetrators are opportunistic should inform relevant risk management strategies. Thus, strategies that promote the recruitment and presence of 'experienced and qualified staff' (e.g. WA Department of Child Protection) are not in themselves sufficient to prevent an occurrence of child sexual abuse, because seniority and years of experience do not appear to mitigate risk.

To stop institutional abuse from happening, it is therefore critical to understand the situational indicators of such abuse so that the opportunities they afford to perpetrators to commit the crime of child sexual abuse can be identified. Raising awareness of grooming strategies, increasing the index of suspicion and facilitating and legitimating disclosure are all potentially effective strategies to reduce the risk of abuse (Astbury, 2013).

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?

The available evidence from Australia and abroad suggests that systemic institutional factors have been largely responsible for the kinds of responses to allegations and complaints of child sexual abuse that have predominated at institutional level within the Catholic Church (and most other institutions). Gonsiorek (2013) has highlighted that, unlike other helping professions and religious denominations, the Catholic Church has been an "unchanging outlier" in its response to being publicly exploited, displaying stubbornness and an "aggressive" cover up.

Like many others who have researched or been affected by clergy sexual abuse in Ireland, the United States (US) and Australia, McMackin and colleagues (2008) concluded that the testimonies of survivors of this abuse "strongly suggest that church leaders invested far greater resources and concern in protecting the institution of the Catholic Church from scandal than in providing meaningful support and care for victims and their families" (p. 198).

The Catholic hierarchy in Australia has generally maintained that they did not know anything and that the failure to, for example, report criminal assaults to the police was entirely attributable to those further down the hierarchy. However at high levels of governance, 'not knowing' is not considered an excuse. On the contrary, individual responsibility should escalate with seniority, as is the case in school settings where principals are held responsible for what happens under their leadership, even where individual teachers (or students) have perpetrated abuse or become aware of its occurrence. Furthermore, in contrast to defences of 'fallible memory' of events long past, many victims and their parents have no difficulty recalling and providing first-hand accounts of how they were treated, yet their testimony is often challenged by Church representatives.

The extent and adequacy of records on which rates of abuse are based can be especially difficult to gauge when the existence of a record or a complaint depends entirely on the decision and discretion of an Archbishop acting alone. An example of this difficulty was revealed on May 20, 2013, when the current Catholic Archbishop of Melbourne, Denis Hart, giving evidence to the Victorian Inquiry, admitted that the crimes of paedophile priests had been covered up by his predecessor, the long-time Archbishop Frank Little. Archbishop Little had dealt with complaints confidentially, kept no records and moved offending priests to new parishes.

The Royal Commission findings appear to confirm that a history of denial, cover-up and delays in response to disclosures of child sexual abuse by churches has been the norm rather than the exception. Official responses to clergy-perpetrated child sexual abuse, such as the Catholic Church's Melbourne Response (Catholic Archdiocese of Melbourne, 2013), have been created to assist people who have been sexually, physically or emotionally abused. While deemed satisfactory by the Church, such responses have been criticised by victims and their families as inadequate.

Legal response

In the US, the research by John Jay College (2004, 2006) divided the responses of dioceses and religious communities into two groups according to whether the allegations against priests had or had not been substantiated (John Jay College, 2004, 2006). Of the 10,519 substantiated allegations, only 3.6% (156/10519) had resulted in priests being removed from the clergy. The five most common responses, in order, were the priest being sent for treatment (33.7%), referred for evaluation (33.1%), suspended (28.7%), given administrative leave (24.3%) and 'other action' (22.5%). It is noteworthy, that in almost 1 in 10 cases (9.9%) no action of any kind was taken.

In the 1,881 cases of unsubstantiated allegations, the proportion of priests removed from the clergy was 1.7% (14/1,881). The five most common responses and actions taken against priests were: referred for evaluation (34.7%), sent for treatment (27.8%), 'other action' (27.4%), administrative leave (23.7%), suspension (20.8%). No action taken was even more common in this group

(15.8% of cases) than in the substantiated allegations group. According to information in the Church's files, approximately 14% of priests accused of abuse were reported to the police. A tiny fraction (5.4%) was charged with a crime and an even smaller fraction, 3.1%, was convicted. Moreover, while the majority of priests charged (69.5%) were charged with one incident, the number of incidents per priest ranged from 1 to 131 and 15.9% of priests committed three or more acts of sexual abuse.

The likelihood of a priest being charged or convicted was not related to whether the act involved contact forms of sexual abuse. In the former category, 94.9% (1303/1373) were not charged and of those charged, 96.8% (1329/1373) were not convicted. A very similar pattern was found for acts not involving contact sex. The most common criminal penalty for those convicted was probation (88%).

Prevention of re-offending

Parkinson and colleagues' study (2009) revealed the actions taken by the Anglican Church regarding both clergy and non-clergy about whom complaints of CSA had been made. Most complaints (79.1%) were made by complainants themselves. Alleged perpetrators had a variety of jobs within the church with 58.6% being clergy, 6.1% a candidate for the clergy, 21.8% a pastoral employee and 13.5% a volunteer. Of the 186 complaints on which information was available, no action was taken in 48.3% (90/186) cases. Of the 44 cases known to have gone to court, 53% (23/44) of accused persons were convicted, 1 was acquitted and another 3 were prosecuted but not convicted. Of the other 9 accused persons, 4 committed suicide and 1 died of natural causes before the court case was completed; 3 outcomes were unknown and 1 court case ended with the charges being dropped.

Disciplinary action by the Anglican Church was taken in 70 cases. Of these, 53% of those accused (37/70) were dismissed, had their license removed, or deposition from Holy Orders. Three per cent of accused persons resigned (2/70) and another 3% (2/70) had their licence suspended while 30% (21/70) were categorised as 'other'. Transfer to a different location was uncommon, in contrast with the pattern of response taken by the Catholic church, and affected 13% (9/70), but 53% (43/70) were offered counselling, the same percentage as those who were dismissed.

Lack of action to stop the perpetrator from being able to continue to sexually abuse children is apparent in the very low rate of effective action being taken by both the Catholic Church and the judicial system. It is impossible to avoid the impression that a culture of impunity for perpetrators operated in both institutions. The actions taken by both the Catholic Church and the Anglican Church in Australia were insufficient to address properly the unacceptable level of the sexual abuse of children perpetrated by priests and non-clergy.

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?

The APS draws the Commission's attention to a number of issues where little research has been done but that may be worthy of consideration and further exploration:

- The pattern in which religious orders have and have not been implicated. For example, the Christian Brothers have been the subject of a large number of abuse complaints, most likely because they are predominantly a teaching order and have had more access to young boys. In contrast, contemplative orders such as the Carmelites have had very few issues. Likewise, as evidenced by the findings of the Royal Commission, some geographic areas appear to have been affected more than others (e.g. Ballarat, Armidale). This raises questions about what vulnerabilities (or what systemic enablers) were exploited in those historically more Catholic, more closed communities.
- Patterns of perpetration, i.e. individual perpetrators who abused large numbers of children, numerous perpetrators in the one diocese, or single perpetrators within a parish, bearing in mind that some overlap has occurred. It would be useful to know whether the response of the Church hierarchy varied or did not vary according to the perceived magnitude of the problem and its potential to be disclosed beyond the bounds and reach of the Catholic Church.

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?

From a social science perspective, there are some distinctive features of the Catholic Church which are likely to contribute not so much to the number of priests and other religious who abuse children, but which enable those clergy who are child abuse perpetrators to continue to abuse. According to Gonsiorek (2013), these features include boundary challenges inherent in the clergy role, as well as celibacy, exclusion and denigration of women, and intense homophobia. Celibacy is not so much a cause of abuse in itself, but the lack of women in positions of power, or indeed as a formal presence, is likely to be more of an issue. This is in comparison with religions that encompass married clergy – let alone female clergy. With celibacy revered and sexual activity regarded as illegitimate except for the purpose of procreation, Gonsiorek (2013) argues that it is unsurprising that the notion of sexual abuse is resisted particularly when sexuality itself is not valued or acknowledged.

However, Gonsiorek states that while these factors all play a role in the manifestation of abuse, it is the idiosyncrasies of the church structure and organisational culture, particularly dysfunctional leadership, which sets Catholic institutions apart from the rest. He argues that, while the prevalence of abusers within the Catholic Church might not be very different to abuse by other helping professionals, the church's cultural/systemic approaches "enable those priests who are child abuse perpetrators to continue perpetration even after their behavior is revealed" (Gonsiorek, 2013).

Guido (2008), a Roman Catholic priest from the Dominican Order as well as a psychologist, describes the culture of Catholicism as a sacramental culture where the ordination of a man to the priesthood makes him an *alter Christus*, another Christ. A priest's betrayal of that trust and dishonouring of that role through the sexual abuse of children cannot be separated from this sacramental character and meaning. Catholicism is also a hierarchical culture and Guido argues that the intersection of sacrament and hierarchy define the current crisis engulfing the Catholic Church, particularly in doing 'too little for too long' and allowing the abuse to continue. A bishop's failure to care for his flock or to place their wellbeing ahead of his own interests constitutes a betrayal of the sacramental meaning of his authority and leaves his flock 'spiritual orphans' (Guido). Guido quotes 'Danny' (a pseudonym), a young man he knew who hoped his story might help other survivors:

Tell them what he took away from me. Not just my innocence but my faith. I'm like a spiritual orphan, betrayed by what I loved, and I feel lost and alone. (p. 257)

In their introduction to the special issue of the Journal of Child Sexual Abuse on clergy-perpetrated child sexual abuse, McMackin, Keane and Kline (2008) draw out some of the implications of clergy-perpetrated abuse for victims:

The sexual exploitation of a child by one who has been privileged, even anointed, as a representative of God is a sinister assault on that person's psychosocial and spiritual well-being. The impact of such a violent betrayal is amplified when the perpetrator is sheltered and supported by a larger religious community. (p. 198)

In a paper entitled *In Their Own Voices: A Qualitative Study of Men Abused as Children by Catholic Clergy*, Isely and colleagues (2008) reported on the findings of an in-depth interview study with nine men who were abused as children by Catholic clergy, and examined the impact of this abuse on their psychological and psychosocial functioning. Significant psychological impacts emerged which included intense fear, low self-esteem and low self-worth, isolation from others, personal shame leading to destructive anger and rage and other long term effects.

Nearly all of the victims (8/9) had parents who were practising Catholics and had reverence for the sanctity and trustworthiness of the clerical state. This view was

transmitted to their sons, most of whom had served as altar boys in their local churches, and made the betrayal of their trust even harder to bear. Not only was this connection likely to increase their accessibility for abuse, it may also have made it impossible to disclose or be believed if disclosure was made, or potentially even punished upon disclosing. In a way, such silencing in the context of an elevated level of trust could be seen to represent a reversal of the sacredness of the confessional, where the child is pressured to keep the sins of the priest confidential, instead of vice-versa.

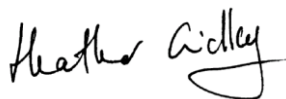
As to be expected given their developmental stage, nearly all victims were sexually naïve at the time of the abuse. After the abuse, which Isely calls a 'developmental insult' (1996, p.209), difficulties with trust pervaded victims' childhoods and beyond. One man who was abused for two years from the age of ten described this violation of trust:

I mean, if you and I couldn't trust our parish priest; excuse me. Point out someone to me that I can. This is the one guy who came with all the credentials that was certified as trustworthy and we couldn't trust him.
(Isely, 1996, p. 359)

The APS has made a commitment to support the work of the Commission, and as such we would be happy to provide further comment about the matters raised in this letter.

For further information please contact me on 03 8662 3327.

Yours sincerely,

A handwritten signature in black ink, reading "Heather Gridley". The signature is written in a cursive, flowing style.

Ms Heather Gridley FAPS
Manager, Public Interest
Australian Psychological Society

References

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