Virginia Miller

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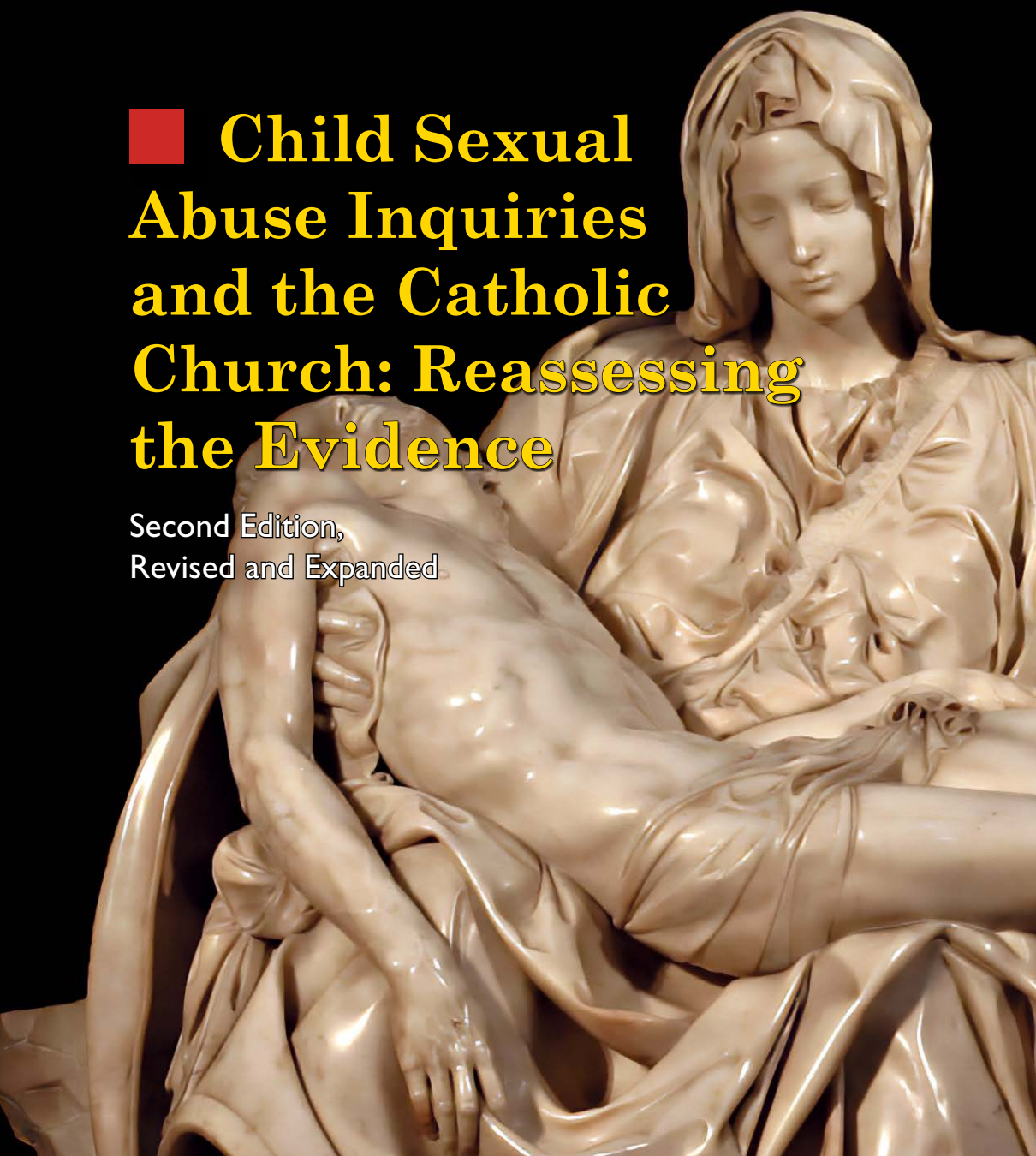
Child Sexual Abuse Inquiries and the Catholic Church: Reassessing the Evidence

Second Edition,
Revised and Expanded



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Material in this book that has been previously published is as follows. Chapter Four, in part, has been published in the *Italian Insider; ABC Religion and Ethics; Life in Abundance*; and *St Mark's Review*. Interviews for the book can be found on the ACBC Media Blog Podcast - Episode #1 Child Sexual Abuse Inquiries w/ Dr Virginia Miller (spotify.com) and the New Books Network. Respectively I thank Mr. Gavin Abraham and Mr. Bede Haines for organising the interviews.

Abbreviations

ACBC	Australian Catholic Bishops Conference
ACP	Association of Catholic Priests
ACT	Australian Capital Territory
ATSA	Association for the Treatment of Sexual Abusers
CBS	Columbia Broadcasting System
CDF	Congregation for the Doctrine of the Faith
CEF	*Conférence des évêques de France*
CEI	*Conferenza episcopale italiana*
CEP	Common Experience Payment
CIASE	French Independent Commission on Sexual Abuse in the Catholic Church
CICSA	Commission to Inquire into Child Sexual Abuse
COPCA	Catholic Office for the Protection of Children and Vulnerable Adults
CORREF	*Conférence des religieux et religieuses de France*
CRA	Catholic Religious Australia
DACI	Dublin Archdiocese Commission of Investigation
DDF	Dicastery for the Doctrine of the Faith
DSM	Diagnostic and Statistical Manual of Mental Disorders
EMDR	Eye Movement Desensitization and Reprocessing
EPHE	*École pratique des hautes études*
FMSH	*Fondation Maison des sciences de l'homme*
GPR	Ground Penetrating Equipment
HSE	Health Services Executive

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IAP	Independent Assessment Process
IFOP	*Institut français d'opinion publique*
IICSA	Independent Inquiry into Child Sexual Abuse
Inserm	French National Institute of Health and Medical Research
IRSSA	Indian Residential School Settlement Agreement
NAMBLA	North American Man/Boy Love Association
NBSCCCI	National Board for Safeguarding Children in the Catholic Church in Ireland
NCCB	National Conference of Catholic Bishops
NCSC	National Catholic Safeguarding Commission
NSPM	National Service for the Protection of Minors
NZ	New Zealand
OYCP	Office of Child and Youth Protection
RCIHAC	Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith- Based Institutions
RCIRCSA	Royal Commission into Institutional Responses to Child Sexual Abuse
REA	Rapid Evidence Assessment
SDTM	*Servizio Diocesano per la tutela dei minori*
SIGJR	Statewide Investigating Grand Jury
SITM	*Servizio Inter-diocesano per la tutela dei minori*
SNAP	Survivors Network of those Abused by Priests
SRTM	*Servizio Regionale per la tutela dei minori*
TRCC	Truth and Reconciliation Commission of Canada
UK	United Kingdom
USCBC	United States Catholic Bishops Conference

Introduction

Child sexual abuse is both morally repellent and a criminal offence. It has ruined the lives of many of its victims and done significant damage to those communities and institutions in which it has been prevalent. Unfortunately, the Catholic Church has been the site of many instances of serious child sexual abuse. Moreover, members of the Catholic Church failed to report many instances of serious child sexual abuse to the police. The case of the convicted, and now defrocked, priest Gerard Ridsdale is particularly damning for the Catholic Church in Australia. Ridsdale was convicted of abusing 65 children, including the charge of rape. These offences are heinous – two of the victims were abused only hours after their father's funeral. There is evidence to suggest some members of the Church knew of Ridsdale's crimes but did not contact the police and ensure that children were protected. The victims suffered tremendously from Ridsdale's abuse at the time and later in life when many suffered from relationship problems, drug and alcohol abuse, lost opportunities because of the disruption to their schooling etc. Furthermore, it has been argued that Ridsdale's crimes contributed to the suicides of ex-altar boys[1]. There are thousands of harrowing cases of

[1] We note that Ridsdale's acts of child sexual abuse and those of most of the other perpetrators of horrific child sexual abuse were not discovered by the investigations of inquiries. The remit of these inquiries was to investigate the responses of the Church and other institutions to allegations of child sexual abuse, or in the case of the John Jay Inquiry to analyse the nature, causes and the extent of the problem.

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child sexual abuse committed by church workers, including priests, in the UK, the USA, Australasia and Europe – the areas dealt with by the commissions of inquiry that this work is primarily concerned with. Accordingly, the fundamental fact that needs to be acknowledged at the outset of this work is that during the second half of the twentieth century, in particular, a not insignificant number of the Catholic Church's priests, church workers, bishops et al. in the UK, USA, Australasia, and Europe were responsible for an unacceptable level of child sexual abuse, either as perpetrators or as, in effect, protectors of perpetrators. What the actual scale of this child sexual abuse was, and over what exact period of time (including in more recent times), is the subject of this present work, as is the actual response of the Catholic Church to child sexual abuse.

In answering these questions, we rely on what we will refer to as (respectively) the Irish Inquiry, IICSA (the Independent Inquiry into Child Sexual Abuse (England and Wales), the John Jay Inquiry, the Pennsylvania Inquiry (United States), the Canadian Inquiry, the Australian Inquiry, the New Zealand Inquiry, the French Inquiry, the Spanish Inquiry and the Italian Inquiry. We acknowledge the importance of these inquiries in shedding light on child sexual abuse in the Catholic Church and rely on these inquiries for their statistical data, in particular. However, we also critically analyse their methodologies and findings, and identify their shortcomings as appropriate. Official inquiries ought not themselves to be exempt from scrutiny. The importance of this point is graphically illustrated by what have turned out to be deeply flawed inquiries. One such inquiry is the Pennsylvania 40th Statewide Investigating Grand Jury. This report was deemed to be in breach of the *Investigating Grand Jury Act* by the Supreme Court of Pennsylvania in 2019. Indeed, some of its findings were ordered to be sealed permanently. Of particular concern, the Supreme Court justices argue that the Pennsylvania Grand Jury Report did not protect people from the harm of unproven allegations. For example, "…it is not "in the public interest," as contemplated by the Act, to utilize an investigating grand jury report to mete out punishment or provide relief for specific victims of unproven, albeit serious, crimes when the traditional means of bringing an individual to justice – e.g. – criminal prosecution – are otherwise unavailable" (Baer 2019, 10).

We have chosen to analyse the aforementioned inquiries for the following reasons. The Irish Inquiry was the most prominent inquiry into child sexual abuse in the Catholic Church and influenced later inquiries. This book analyses three component inquiries of what is referred to as the Irish Inquiry, namely, the Commission to Inquire into Child Abuse (Ryan Report), the Dublin Archdiocese Commission of Investigation (Murphy Report) and, the Report into the Catholic Diocese of Cloyne (Cloyne Report). The Irish Inquiry's influence on later inquiries has been beneficial in a number of respects. However, its influence has been detrimental in other respects. For example, the Irish Inquiry accepted at face value all allegations of child sexual abuse as true.

We discuss the Independent Inquiry into Child Sexual Abuse (England and Wales) because some of its findings call into question the findings of other

inquiries. For example, most inquiries take the view that male-on-male abuse is situational in nature and is not connected to an underlying sexual preference. However, the child sexual predator's self-reports in various inquiries taken together with new knowledge obtained in the IICSA inquiry (knowledge of pornographic websites that predator monks were viewing), adds weight to the alternative, commonsense, view that sexual preference played a significant role. In these IICSA cases the websites that the predator monks accessed reveal a certain sexual preference, e.g, for boys, that is consistent with their choice of victim.

The John Jay Inquiry into the Catholic Church in the USA was chosen because of its significant impact in this area of research and because subsequent inquiries often reference its conclusions. The John Jay Inquiry is comprised of two reports: *The Nature and Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States 1950-2002;* and *the Causes and Context of Sexual Abuse of Minors by Catholic Priests in the United States, 1950-2010*. The investigation of the Pennsylvania 40th Statewide Investigating Grand Jury is included for the reason provided above (it was deemed to be in breach of the *Investigating Grand Jury Act*). We discuss the Canadian Inquiry in less depth as child sexual abuse is not the main focus of this inquiry. However, it is an important inquiry to discuss given the gravity of the claims it is making, including that workers in church-run residential schools were responsible for the deaths of children on a large-scale. Whilst acknowledging that there was an unacceptably high deathrate at the schools (principally due to disease), we also discuss the sensationalistic media reports that claim that workers in the schools committed murder[2]. The ensuing rage by some Canadians has manifested itself in arson attacks causing the destruction of hundreds of churches in Canada. This false media reporting and wanton destruction in the wake of unsubstantiated allegations is entirely unjustified but graphically illustrates aspects of the contemporary setting in which the Catholic Church finds itself that are relevant to this work.

The Australian Inquiry, the Royal Commission into Institutional Responses to Child Sexual Abuse, was selected because of its detailed and relatively comprehensive character (the final report is 17 volumes). Moreover, it was chosen because the UK Inquiry, the Independent Inquiry into Child Sexual Abuse, and the NZ Inquiry, the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions both worked in consultation with the Australian Royal Commission. These two inquiries have imported not only some of the strengths but also some of the weaknesses of the Australian Royal Commission. For example, the NZ Inquiry utilised

[2] Here, we would like to take the opportunity to note that, notwithstanding negative comments about the media throughout this work, there have also been news pieces that have challenged misrepresentations in other media reports. Regarding the Canadian case Raymond de Souza makes this point in his article, "The record corrects on 'unmarked graves' hysteria: Bad journalism is to blame, but good journalism is finally counteracting it" (de Souza, 2024).

speculative estimates from the Australian Royal Commission to justify its own speculative estimates. More specifically, it used a crime multiplier to create an exaggerated estimate of unreported cases of child sexual abuse in the Catholic Church in New Zealand; a multiplier that was, in part, based on the speculative estimates from the Australian Royal Commission.

The European inquiries (excluding Ireland) are the most recent inquiries in the book. For example, the report of the French Inquiry was published in 2021, the report of the Spanish Inquiry was published in 2023, and the Italian Inquiry is ongoing. They were partly chosen because they are recent inquiries. However, the stronger motive for including the French (*Commission indépendante sur les abus sexuels dans l'Eglise*) and the Spanish (*Informe sobre los abusos sexuales en el ámbito de la Iglesia católica y el papel de los poderes públicos*) inquiries is to demonstrate the problems of extrapolated estimates of abuse. Both of these inquiries use general population surveys to estimate the extent of cases of child sexual abuse in the Catholic Church. The French Inquiry estimates that 330,000 people in France were abused by church-workers, including priests and the professed religious. The Spanish Inquiry estimates that 440,000 people in Spain were abused by priests and church-workers. Much of the analysis concerning these inquiries questions the reliability of their methods. The church-run inquiry in Italy is quite unlike the other inquiries, in as much, as it does not focus on historical cases. It has come under fire for this decision, and much of the analysis concerning this inquiry addresses the question of whether the Catholic Church in Italy should commission an independent inquiry into child sexual abuse; an independent inquiry in the sense in which the other inquiries in this book are deemed to be independent, i.e., not conducted by the Catholic Church although in part dependent on data provided by the Catholic Church.

In many of the cases of child sexual abuse, including those perpetrated by the likes of Ridsdale, church leaders failed to protect children and excused the behaviour of offending priests and church workers (Broken Rites n.d.). These cases have been widely publicised in the media and most people are familiar with at least some of them. Indeed, the media has highlighted the problem of child sexual abuse and, thereby, has influenced decision-makers in government and elsewhere. However, notwithstanding this, many media reports, allegedly based on these inquiries, are biased, misleading and contain factual errors. This misleading reporting has resulting in the creation, in the public mind, of a false impression of the extent of child sexual abuse in the Catholic Church; especially of the extent of child sexual abuse in the Catholic Church at the present time. Thus, many media reports fail to make clear that most of the allegations of child sexual abuse (in some inquiries as many as 90%) are allegations concerning events which, if the allegations are correct, took place on average 30 years ago. For example, a prominent article in the Australian media (Ting 2017), while it correctly states the findings of the Australian Inquiry in respect of the number of allegations of child sexual abuse between 1980 and 2015, fails to point out that 94.2% of allegations (regarding the Catholic Church) concern events that

are alleged to have occurred prior to 1990, some 30 years ago (RCIRCSA 2017, Vol. 16, Book 1, 17)[3].

In short, as will emerge in this book, what has been called the "crisis" of child sexual abuse in the Catholic Church, in so far as it relies on the evidence provided by these inquiries, is, in large part, an historical problem at least in the countries dealt with by these inquiries. Furthermore, most media reports also fail to make clear that safeguarding mechanisms and redress schemes introduced in the Catholic Church in the mid-late nineties have evidently been effective since reported incidents of child sexual abuse alleged to have been perpetrated in the Catholic Church in the western world in recent years are very low.

Moreover, many media reports often fail to mention that many of the allegations of child sexual abuse reported in these inquiries are untested and contain instances of false allegations. In addition, many media reports often fail to mention that these inquiries define a child as someone under 18 years of age (under 21 in the case of the French Inquiry), yet do not take into account that the age of consent is often lower. Therefore, many instances of, what is referred to as, child sex abuse in these inquiries are sexual acts between two persons both of whom are above the age of consent. Relatedly, the media frequently refers to such cases, indeed all cases of child sexual abuse, as involving a paedophile. In doing so it collapses the distinction between paedophiles and other sexual predators who abuse children. Paedophilia is a psychiatric disorder. Paedophiles are attracted, exclusively, to prepubescent children. Finally, media reports also often fail to mention that these inquiries contain allegations of child sexual abuse across a wide spectrum of abuse, from less serious non-contact abuse, e.g., looking at a child having a shower, through to violent gang rapes of children. Regarding false allegations, perhaps the most spectacular example is that of the allegations made against Cardinal George Pell in Australia. In 2020 the High Court of Australia rejected as invalid the criminal charges made against Pell - that he had raped two choir boys in the sacristy of the Catholic Cathedral in Melbourne immediately following mass in 1996. These charges were quashed on the grounds that it was highly improbable, if not impossible, that the alleged offences could have taken place (Keifel et al. 2020). For a more detailed discussion see section 3.2.16. The Pell case is now seen as a textbook case of a miscarriage of justice.

This book stands in contrast to the overall media reporting of the problem of child sexual abuse in the Catholic Church. This book strives to be an objective, evidence-based analysis of child sexual abuse in the Catholic Church and of the responses of the Catholic Church to it. Commentary on this subject is often characterised more by emotion and ideology (whether radical or conservative) than by a commitment to the facts and to principles of reasoning. As already

[3] For further reading on the poor treatment of this topic by some media outlets, see David F. Pierre's books, *Double Standard. Abuse Scandals and the Attack on the Catholic Church,* and *The Greatest Fraud Never Told. False Accusations, Phony Grand Jury Reports, and the Assault on the Catholic Church.*

mentioned, the book relies, in large part, on the evidence provided by the key inquiries into child sexual abuse in the Catholic Church conducted in the UK, the USA, Australasia and Europe, i.e. it relies on the best available evidence. Based on this evidence, we outline the extent of child sexual abuse in the Catholic Church in the UK, the USA, Australasia and Europe, during the periods in question. The extent of this child sexual abuse is, unsurprisingly, a damning indictment of the Catholic Church. However, also based on this evidence, we draw two conclusions that many will find surprising, especially in the light of the overall media coverage. Firstly, child sexual abuse in the Catholic Church in the countries surveyed, while widespread during the 1960s and 1970s, in particular, is largely an historical problem. Secondly, a significant array of safeguarding mechanisms and other initiatives, such as training programs, have been introduced into the Catholic Church since the 1990s. Moreover, given the sharp decline in allegations of incidents of child sexual abuse alleged to have occurred since the 1990's, overall, these mechanisms appear to have been effective in curbing child sexual abuse. Furthermore, it is important to stress that, notwithstanding that the high numbers of abuse in the 1960s, 1970s and 1980s have ceased, child sexual abuse still occurs in the Church. We are not claiming there is *no* sexual abuse in the Catholic Church today. Our claim is that abuse cases have reduced significantly and that contemporary cases are low, indeed, they are presumably lower than in other institutions that have not put the same effort into safeguarding.

Chapter One is an analysis of the Irish Inquiry (comprised of the Ryan, Murphy and Cloyne Reports) and the England and Wales IICSA Inquiry. Most of the complaints detailed in the Irish Inquiry concern instances of child sexual abuse that allegedly occurred decades before the complaints were made. A notable feature of the Ryan Report, in particular, are the large number of complaints of child sexual abuse in industrial and reformatory schools which were publicly funded but largely owned and managed by religious congregations. We note the industrial schools were closed by the mid-70s and many of the allegations relate to events that occurred 40 years prior to the mid-70s.

In the most up to date information we see this trend has continued. For example, in the 2023/2024 *Report of the National Board for Safeguarding Children in the Catholic Church in Ireland* we find the following figures. Of a total of 252 complaints of child abuse: 2 concern events that allegedly occurred in the 1940s; 13 concern alleged events in the 1950s; 47 concern alleged events in the 1960s; 92 concern alleged events in the 1970s; 57 concern alleged events in the 1980s; 10 concern alleged events in the 1990s; 3 concern alleged events in the 2000s; there are 0 events alleged to have occurred in the 2010s: there is 1 event that allegedly took place in the 2020s; and in 27 instances of alleged events the dates are unknown. We have less information regarding the IICSA Inquiry. However, from the figures that we do have we can conclude that child sexual abuse, according to the small sample in the allegations made to the Truth Project, is largely historical in nature. For example, of these complaints 42% of participants allege they were first abused prior to the 1970s. Moreover, the

average age of the person making the allegation was 54. Hence, we can conclude that most of these allegations pertain to abuse that was alleged to have occurred many decades ago. This is not to deny that child sexual abuse still occurs in the Church or that it may well occur in larger numbers than are reported.

Chapter Two is an analysis of the John Jay, Pennsylvania, and Canadian inquiries into child sexual abuse in the Catholic Church in North America. The John Jay Inquiry argues that 1970 was the year that most acts of child sexual abuse began, with incidents of child sexual abuse peaking in the year 1980 and declining after this. Furthermore, according to the inquiry more abuse occurred in the seventies than in any other decade, and, importantly, there are few allegations of incidents of child sexual abuse in the Catholic Church in the USA that are alleged to have happened in the recent years when the study finished (early 2000s). The Pennsylvania Inquiry does not have comprehensive data like the other inquiries. However, it does claim most of the alleged acts of child sexual allegedly occurred before the 2000's. All of the allegations in the report of the Canadian Inquiry into residential schools concern events that allegedly occurred prior to 1969 (the schools closed in 1969). The latest figures, regarding child sexual abuse from the US Catholic Bishop's Conference, show that child sexual abuse allegations pertaining to recent years are very low. For example, in the year 2023 there were 22 allegations that pertained to events that were alleged to have taken place in the period from 2000 to the present day (23 years) (USCBC 2024, 28).

Chapter Three offers an analysis of the findings of the Australian Royal Commission into Institutional Responses to Child Sexual Abuse, as far as they relate to the Catholic Church in Australia and the findings of the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions, as far as they relate to the Catholic Church in New Zealand. As with the other inquiries, the evidence provided by these inquiries points to a significant number of past instances of child sexual abuse in the Catholic Church. However, as with the other inquiries, it also indicates that the "crisis" of child sexual abuse in the Catholic Church is, in large part, an historical problem. Again, this is not to deny that the Catholic Church was the site of many horrific instances of child sexual abuse and that it failed the victims of this abuse on multiple occasions. However, it is to reject the currently dominant media perspective on the issue in Australia, e.g. that a significant number and percentage of currently serving priests are child sex offenders. A notable feature of the Catholic Church in Australia's response to child sexual abuse in its ranks was the design and implementation of one of the world's first redress schemes for victims of child sexual abuse. This redress scheme was put in place in 1996 prior to the establishment of the Australian Inquiry and thus prior to the redress scheme introduced in 2018 as a result of the Australian Inquiry. The NZ Inquiry states at the outset that it is an inquiry into historical abuse.

Chapter Four is an analysis of the French, Spanish and Italian inquiries. Regarding the French Inquiry, data from the *École pratique des hautes études* (EPHE) and the data from church records on sexual abuse in the Catholic Church

suggest child sexual abuse in France is on the decline. This is also the case for the figures from the general population survey. (There are four different, and somewhat independent reports that make up the French Inquiry). That said, and based on the general population survey, the executive summary claims, contrary to the findings of the other inquiries, and contrary to evidence in the CIASE inquiry itself, that there was a resurgence of cases in the early nineties and that the decline noted from 1970 to 1990 has ceased. This claim, which would make the Church in France an outlier, relies in, large part, on the "findings" of a general population survey that we argue is significantly flawed. Notably, actual complaints figures contradict the results of this speculative exercise. Consistent with all inquiries other than the French Inquiry, the Spanish Inquiry found that cases of child sexual abuse have decreased over time. The Italian Inquiry is yet to look at older cases.

In addition to outlining the nature, extent and historical time frames of child sexual abuse in the Catholic Church in the countries mentioned previously, we discuss the key recommendations made by each of these inquiries concerning child safety measures in the Catholic Church, in particular. We also outline the child safety measures introduced by the Catholic Church, both prior to and in response to these recommendations, e.g. changes in reporting procedures. Child safety measures introduced by the Catholic Church since the 1990s in the USA, include new procedural laws and policies, changes to canon law, developments in seminary training that engage with the topic of child sexual abuse, better vetting processes, the creation of committees to respond to the problem, and the creation of redress schemes for victims of child sexual abuse. As mentioned above, we argue the evidence suggests that, by and large, these safeguarding mechanisms have been successful in preventing child sexual abuse in the Church and that, generally, complaints are now handled in an effective manner. It is also argued there is still room for improvement and in some dioceses, considerable improvement.

In closing this overall introduction, we reiterate that the focus of this book is analyses of the most important global inquiries into child sexual abuse and their recommendations. A discussion of the impact of child sexual abuse, especially its harmful effects on victims, is beyond the scope of this work. Moreover, there has already been much written on this subject.[4] However, it is worth stressing once again that the harm of child sexual abuse is very great. For example,

> Child sexual abuse is, according to studies, linked with depression and post-traumatic stress disorder, emotional and behavioural problems, interpersonal relationship difficulties and suicidal behaviour in both childhood and adult life, which places children at further health and emotional risk. It is recognised that where child sexual abuse is perpetrated by a clergyman, its impact on the victim can have additional consequences such as a loss of faith and an alienation from

[4] Please see (Browne and Finkelhor 1986; Briere and Elliott 1994; Spataro et al. 2004).

> religion. Many victims have spoken of the profound sense of loss this has caused. Research on clerical sexual abuse carried out in Ireland indicates that when victims reported their abuse and received an inadequate response from church authorities, they experienced re-traumatisation (The Ferns Inquiry 2005, 19).

However, what needs also to be stressed, if the nature and extent of child sexual abuse is to be ascertained and, therefore, the harms of child sexual abuse prevented, is the importance of evidence-based research unadulterated by ideology, hysteria and media sensationalism.

Due to word constraints, the focus of this work has been on the significant findings and recommendations of these inquiries. That said, the full reports of these inquiries are available to the public and we encourage readers of this book to read the reports of the commissions of inquiry for themselves. References to details in the reports exist throughout this work. We certainly do not view the commentary in this book as the last work on this important subject. On the contrary, it is our hope that this book will stimulate further discussion on child sexual abuse and the Catholic Church.

We also stress this work focuses on countries that have conducted inquiries into child sexual abuse. In these countries the Catholic Church has put in place an array of mechanisms to ensure child-safety and done so before and after the respective commissions of inquiry. Indeed, the implementation of these child safety mechanisms has benefited some countries that have not themselves established commissions of inquiry. However, there is obviously a risk that there are unacceptably high instances of child sexual abuse in the Catholic Church in countries that have not conducted their own inquiries and/or have not put in place safeguarding measures to protect children.

CHAPTER 1

Ireland, England and Wales Inquiries

1.1. Introduction

In the following commentary we discuss the Irish Inquiry at length commenting on the strengths of the inquiry but also calling into question some of its methods and conclusions. The IICSA inquiry (England and Wales) is discussed briefly as its data on child sexual abuse in the Catholic Church is less comprehensive than that provided in the Irish Inquiry. Nevertheless, we have chosen to include the IICSA inquiry because its findings are relevant to debates that have arisen in respect of the other inquiries in this book. Furthermore, it is a recent inquiry. By contrast the Irish Inquiry was undertaken 20 years ago. On this note, it is important to stress that the justified criticisms made of the Church by the Irish Inquiry have been substantially addressed. This is, in large part, because in the intervening years the Church has implemented the recommendations made by the inquiry. We include updates where it is relevant to do so.

1.2. Irish Inquiry

This section is an analysis of three Irish inquiries into child sexual abuse, the Commission to Inquire into Child Abuse commonly called, the Ryan Report, the Dublin Archdiocese Commission of Investigation, commonly called the Murphy Report, and the Report into the Catholic Diocese of Cloyne (the Cloyne Report). We have chosen to analyse these inquiries for the following reasons. The Ryan Report was the initial inquiry into abuse in, mainly, Catholic institutions.

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As such it brought the issue of child sexual abuse in Catholic institutions in Ireland to light. We analyse the Murphy Report and the Cloyne Report since both of these reports concentrate on child sexual abuse in Catholic institutions, the focus of this book. The Murphy Report is comprehensive in its treatment of historical acts of child sexual abuse. The Cloyne Report deals with cases of complaints handling that are more recent than those dealt with in the Murphy Report. We do not analyse the Ferns Report in detail since its foci largely overlap with the Murphy Inquiry. However, we do discuss some of the findings of the Ferns Report where it is appropriate and not redundant to do so.

1.2.1. Historical Context

In the process of determining the nature and causes of historical acts of child sexual abuse, the social and institutional context at the time of the abuse is of great importance. Thus, if the Church's responses to child sexual abuse during the period covered by any given inquiry are found to be inadequate by that inquiry, then these responses ought in all fairness to be inconsistent with the standards and expectations of the general community and relevant experts at the times when the Church responded as it did. More specifically, it cannot reasonably be expected that the Church have knowledge – knowledge upon which standards and expectations are based – that is not available to health professionals or other professionals at the times in question.

We note that in 1976 the Department of Health in Ireland published a major report about non-accidental injury to children which did not even mention child sexual abuse. Furthermore, the 1977 Memorandum on Non -Accidental Injury to Children that was based on the report, did not mention child sexual abuse. In 1983 the guidelines from the Department of Health only mention child sexual abuse in passing (Ferns Inquiry 2005, 11). It is in 1987 that the Department of Health set out procedures for the identification, investigation and management of child sexual abuse. However, these guidelines concerned family members and primary carers of the child. There were no guidelines regarding a child being abused by a person outside of the family. The guidelines also did not address historical allegations of child sexual abuse. It was only in the early 1990s that a general awareness of the pervasiveness of child sexual abuse in Ireland emerged with a number of high-profile cases including: the Kilkenny Incest Investigation in 1993; the West of Ireland Farmer case in 1995; and the case of Fr Brendan Smyth's arrest in 1994 (Ferns Inquiry 2005, 12).

Between 1995 and 1996, and after many other developments in the Church concerning child sexual abuse, the Framework Document (the Church in Ireland's old guidelines for handling complaints of child sexual abuse), was sent to all dioceses. This document advised bishops to report all allegations of child sexual abuse to An Garda Síochána and the Health Board (Ferns Inquiry 2005, 39). It was at this time (1996) that the Child Care Act 1991was fully implemented by the Government of Ireland (DACI 2009, 100). Accordingly, it could reasonably be argued that the Church's response to the problem

of child sexual abuse in its ranks evolved with the broader community's understanding of, and response to, child sexual abuse. This does not necessarily excuse the Catholic Church for its inadequate response to the problem of child sexual abuse any more than it excuses the general community, including the government and its law enforcement, health, social welfare and other agencies, for their inadequate response. However, it does mitigate it. See section 1.2.6 for further details.

1.2.2. Commission to Inquire into Child Abuse (Ryan Report)

The Commission to Inquire into Child Abuse, or the Ryan Report, was established in 2000. It was created in accordance with the Commission to Inquire into Child Abuse Act, 2000 (CICSA 2009, Vol 1, 1.05). The remit of the Commission was to hear evidence about childhood abuse, including child sexual abuse, in Irish institutions (including but not restricted to the Catholic Church). The functions of the Commission were as follows: to hear allegations of child abuse that allegedly occurred in institutions between the years 1914-2000; to inquire into abuse; to determine the causes and extent of child abuse in institutions; and, to investigate the culpability of relevant institutions. There were two independent committees of the Commission: (1) the Confidential Committee; and (2) the Investigative Committee (CICSA 2009, Vol. 3, 1.05).

1.2.2.1. The Committees

The function of the Confidential Committee was: to hear allegations of childhood abuse from people whose allegations were not investigated and who did not want their allegations to be investigated; to receive evidence of abuse; and, to make proposals and to create reports (CICSA 2009, Vol. 1, 1.08). As far as the data from the Confidential Committee is concerned, most of the allegations related to industrial and reformatory schools. In total, 791 people alleged that they were abused in industrial and reformatory schools. These schools were residential schools which were publicly funded but, largely, owned and managed by religious congregations. Here we note that the Catholic Church was responsible for much of the heavy lifting regarding childcare at this time. 90% of the witnesses were first admitted to residential institutions between 1914 and 1965 (CICSA 2009, Vol. 3, 4.05).

As far as the Investigative Committee is concerned, 552 people attended for an interview. The information gleaned from these interviews led to investigations of institutions of interest. The investigation of these institutions proceeded in three phases. In phase one industrial and reformatory schools of interest were subject to a public hearing. In this phase the relevant religious congregations discussed the general running of their schools and provided information regarding abuse that had occurred in these institutions. Phase two of this process involved private hearings into specific allegations of child abuse in specific schools. In phase three public hearings were conducted in which congregations and other bodies,

including the Department of Education among others, were able to respond to allegations (CICSA 2009, Vol. 1, Executive Summary).

The Investigative Committee heard allegations of child sexual abuse and had the power to compel witnesses and evidence. However, it did not have the power to investigate or make a determination in regard to allegations of child sexual abuse. For example, the Principal Act that governed the inquiries contained the following rules regarding the report:

Section 13 of the Principal Act, as amended by section 8 of the 2005 Act, dealt with the report of the Investigation Committee, and provided that the report:

a. may contain findings that abuse of children, or abuse of children during a particular period, occurred in a particular institution and may identify—
    1. the institution where the abuse took place, and
    2. the person or, as the case may be, each person who committed the abuse but only if he or she has been convicted of an offence in respect of abuse,
b. may contain findings in relation to the management, administration, operation, supervision and regulation, direct or indirect, of an institution referred to in paragraph (a), and
c. shall not contain findings in relation to particular instances of alleged abuse of children (CICSA 2009, Vol. 1, 1.16).

Note, this inquiry dealt with claims of all types of childhood abuse whether sexual or otherwise. The focus of this book is child sexual abuse. Therefore, this book does not discuss, at length, other claims of abuse such as claims of physical violence or neglect. Note also, much of the focus of our analysis of the Ryan Report concerns data provided by the Confidential Committee given that this data is universal.

1.2.2.2. Record of Sexual Abuse (Male Victims)

242 males made allegations of sexual abuse in industrial or reformatory schools. The allegations ranged from single instances of sexual abuse to multiple episodes. For example, some of the complainants claimed they were abused for the entire duration of their time at the schools (CICSA 2009, Vol.3, 7.110). In many instances sexual abuse was said to have occurred in conjunction with other forms of abuse, such as physical abuse. The numerical pattern of allegations was not uniform across the schools. Indeed, one of the schools accounted for 29% of the claims. There were 20 schools in total that were the subject of an allegation (CICSA 2009, Vol. 3, 7.111-12). The allegations of child sexual abuse relate mainly to events that allegedly occurred from 1900 until the end of the 1960's (47% of allegations).

The allegations of child sexual abuse were categorized according to the seriousness of the abuse. The categories are as follows: inappropriate fondling and contact (32% – 183 allegations); abuser forcing the child to engage in masturbation of the abuser (16% – 89 allegations); the use of violence (16% – 88 allegations); anal rape (12% – 68 allegations); abuser masturbating the child (9%); oral/genital contact (5%); non-contact abuse (4% – 15 allegations); attempted rape (2%- 14

allegations); kissing (2%); and digital penetration (1%). Note, some allegations concern multiple forms of abuse (CICSA 2009, Vol. 3. 7.117).

In total, there were 246 alleged child sexual abusers. These alleged abusers comprised both lay and religious staff of the schools and others (i.e. visitors, workmen, members of the general public and residents). The largest cohort of alleged abusers were religious care staff (87). The second largest cohort of abusers were co-residents (37). 234 of the alleged abusers were male and 12 were female. 186 of the alleged abusers were identified by their names. It is possible there is double counting as far as the 60 unnamed alleged perpetrators are concerned. Of the alleged abusers 164 were professed religious (e.g. non-ordained monks), 42 were lay staff, and 40 were either ex-residents or co-residents (CICSA 2009, Vol. 3, 7.137-38).

1.2.2.3. Record of Sexual Abuse (Female Victims)

378 females alleged they suffered child abuse in girls' industrial and reformatory schools. 128 of these females alleged sexual abuse (CICSA 2009, Vol. 3, 9.07). Most of the child sexual abuse allegations of these females concern events that are alleged to have occurred in the 1960's (CICSA 2009, Vol. 3, 9.09). 119 of the alleged perpetrators were men and 69 were women. The highest cohort of alleged abusers of women were co-residents (38), weekend or holiday placement carers (23) and work placement providers (17). Or in other words, people who were not priests or church workers. The allegations were categorized in the following way: inappropriate fondling and contact (38% – 102 allegations); voyeurism (19% – 52 allegations); vaginal rape (10% – 27 allegations); masturbation (8% – 22 allegations); attempted rape/violence (5% – 15 allegations); kissing (5% – 14 allegations); vaginal penetration with objects (4% – 10 allegations); digital penetration (3% – 8 allegations); oral/genital contact (3%- 7 allegations); indecent exposure (2% – 6 allegations); anal rape (1% – 3 allegations) and other (3% – 8 allegations). As with the data concerning the boys' schools, some allegations include multiple forms of abuse (CICSA 2009, Vol. 3, 9.77).

127 complainants from 35 schools alleged that 188 people were responsible for one or more acts of child sexual abuse in these schools. 132 of these alleged abusers were identified by name. There may be some double counting as far as unnamed alleged abusers are concerned. As far as the roles of the alleged abusers are concerned, 31 were professed religious, 108 were lay people (including family members), and 49 were ex-residents or co-residents (CICSA 2009, Vol. 3, 9.94). The commentary in the report about these numbers is as follows:

> The above table shows that 144 (77%) of those identified as sexual abusers were non-staff members, 79 of whom were external to, but associated with, the schools. They included holiday and work placement providers, relatives and friends of people in those placements, external clergy and clerical students, professionals, and ex-residents. Nineteen (19) other individuals were identified as members of the general public and witnesses' family members who abused them while on leave from the school (CICSA 2009, Vol. 3, 9.95).

1.2.2.4. Abuse in Other Church-run Agencies

259 males and females made allegations of acts of child abuse that allegedly occurred at various residential institutions and services, including out-of-home care and hospitals, among others (CICSA 2009, Vol. 3, 12.01) (but excluding the above-mentioned industrial and reformatory schools). Some of these agencies were managed by religious congregations and orders. Other agencies were managed by the Department of Education and Health and other secular institutions (CICSA 2009, Vol. 3, 12.03). Of the 259 complainants in this category (CICSA 2009, Vol. 3, 12.04), 58 alleged they were abused in a special needs school. All 14 of these schools were managed by religious congregations – hence, the heavy lifting by the Catholic Church in the area of caregiving. 36 of these 58 complainants alleged they were sexually abused (CICSA 2009, Vol.3, 13.43). As with other allegations, these allegations vary in respect of their seriousness. At the very serious end of the scale, some complainants alleged they were raped repeatedly (sometimes for up to five years). At the other end of the scale are the less serious (and often ambiguous) allegations. For example, being stared at by religious care staff who were supervising showers and swimming activities (CICSA 2009, Vol. 3, 13.44 and 13.49). The institutional roles of the abusers were as follows: 20 allegations against professed religious; 13 allegations against lay people, including members of the general public; and 27 allegations against co-residents. Note, there is some double counting with these numbers since not all of the alleged abusers could be identified (CICSA 2009, Vol. 3, 13.57). The pattern of child sexual abuse allegations is similar in children's homes, foster care facilities and hospitals etc. run by religious congregations and by secular bodies.

1.2.2.5. Commentary

As we can see from the above information detailed in the Ryan Report, in relation to child sexual abuse in institutions run by the Catholic Church, the problem of child sexual abuse in the Catholic Church and in institutions run by the Catholic Church was extremely serious and, in some instances, horrific. However, it is also, essentially, an historical problem. The period covered by the Ryan Report is 1914-2000. Yet, most of the allegations of child sexual abuse detailed in the Ryan Report relate to events that allegedly occurred decades before 2000. For example, the industrial schools were closed by the mid-70s and many of the allegations pertaining to these schools are of acts of child sexual abuse that allegedly occurred 40 years prior to the mid-70s. Indeed, 90% of the witnesses who appeared before the Confidential Commission were first admitted to residential institutions between 1914 and 1965 (CICSA 2009, Vol. 3, 2.05). Moreover, most of the alleged acts of child sex abuse allegedly took place during the period when large scale institutionalisation was the norm, e.g. in the years between the Cussen Report (1936) and the Kennedy Report (1970) (CICSA 2009, Vol. 1, Executive Summary).

1.2.2.6. Criticism of the Inquiry

The Ryan Report was successful in exposing the abuse children suffered in, mainly, residential and reformatory schools in Ireland prior to the mid-70s. This inquiry provided an important platform for victims of child sexual abuse to tell their stories of abuse. However, the inquiry also suffered from a number of weaknesses which will be described at length below.

1.2.2.6.1. Varied Quality of Accusations of Child Sexual Abuse

The definition of child sexual abuse used in the Ryan Report and, indeed, the Irish Inquiry more generally is very broad. It is as follows: "The use of the child by a person for sexual arousal or sexual gratification of that person or another person" (CICSA 2009, Vol. 3, 7.109). In keeping with this definition, the allegations of child sexual abuse pertain to a wide spectrum of sexual abuse, including with respect to their seriousness. They included violent rape at the serious end of the scale and voyeurism at the less serious end of the spectrum. An example of an allegation at the serious end of the scale is as follows: "One Brother kept watch while the other abused me…(sexually)… then they changed over. Every time it ended with a severe beating. When I told the priest in Confession, he called me a liar. I never spoke about it again" (CICSA 2009, Vol. 7.129). An example of an allegation of a less serious form of child sexual abuse is being stared at while swimming (CICSA 2009, Vol. 3, 13.44. and 13.49). The allegations were also mixed in regard to the amount of detail the complainant gave. Some complainants gave very detailed accounts, others spoke minimally about the alleged abuse (CICSA 2009, Vol. 3, 7.109). Of concern, the allegations made to the Confidential Committee were de-identified and, as such, nobody can challenge the claims, including those who were the subject of an allegation and the institutions which they belonged to and, possibly, still belong to. That said, the de-identification did protect the identities of those who have been accused of child sexual abuse in allegations that have not, and in many cases will not, be verified.

Of further and greater concern, the conclusions in the Ryan Report are based on testimonial evidence provided to the Confidential Committee that was not tested, e.g. by cross-examination and investigation of factual claims made. For the most part witness testimonies were simply accepted as true at face value. This is obviously problematic in the case of inconsistent or otherwise implausible claims, and, unlike the John Jay Inquiry (discussed in the following chapter), the Ryan Report did not identify and discard implausible claims. Furthermore, it is problematic in respect of complaints that are not entirely implausible but unverifiable or merely open to doubt. For instance, 10 witnesses reported that the application of scabies cream by female staff was sexual abuse. 7 witnesses reported that the observation of naked female students waiting for a bath by female staff was child sexual abuse (CICSA 2009, Vol. 3, 9.80). However, there was a problem of scabies and the application of scabies cream to the breasts and

genital area was a necessary health procedure. Therefore, the claim of 10 students that following this procedure was in some cases child sexual abuse should have been tested rather than simply accepted at face value. We note, the breasts and genitals are two areas that are often infested with scabies. Moreover, given the presence of a scabies outbreak it would seem prudent to observe naked children as they bathe. If it is the case that these instances referred to ordinary procedure it is not our claim that the 17 students necessarily engaged in wilful deceit in making their complaints. After all most children, and many adults, do not know much about scabies and the appropriate treatment and may feel uncomfortable with what is a legitimate application of medicinal treatment. On the other hand, it is possible that abusers took advantage of children in what was otherwise a routine and necessary exercise if it was the case that they were deriving sexual gratification from doing so. At any rate, here as elsewhere, there is a need for further scrutiny of complaints.

1.2.2.6.2. Finance

The industrial schools, that were the subject of the Ryan Inquiry, were owned and run by the religious orders who provided the buildings and property and paid for their upkeep. The State provided the funding for the maintenance of many, if not most, of the children (CICSA 2009, Vol. 4, 2.02). The 1908 Children Act stated that the State (i.e. the central government) would provide for the maintenance and reception of offenders in reformatory and industrial schools. However, the State was not obliged to pay for children who were admitted because their parents or guardians were unable to look after them (CICSA 2009, Vol. 4, 2.04). Local authorities paid for children who were in excess of the certification limit and for children who were under the age of six (CICSA 2009, Vol. 4, 2.05). These provisions were altered in changes made in 1944 (CICSA 2009, Vol. 4, 2.06).

There is some debate concerning whether the money paid by the State was adequate to maintain even minimum standards. Religious orders claim the funding they received to care for children was grossly inadequate and consequently children suffered neglect and deprivation because of inadequate funding. On the other hand, the Mazars Report, commissioned by the Ryan Inquiry and generally accepted by the Ryan Inquiry, contradicted these claims. However, the Mazar's Report has been widely criticised, notably in the submissions made by the Christian Brothers (Congregation of Christian Brothers 2006), the Sisters of Mercy (O'Rourke 2006), the Oblates of Mary Immaculate (O'Hoisin and MacGuire 2007), and the Rosminian Institute (2019). All of these submissions found significant errors in the Mazar's inquiry, including calculation errors and misinformation. Moreover, the findings of the Mazar's Report are inconsistent with another official government report. For instance, the Kennedy Report (1970) concluded in 1970 that the funding was, in their words, "totally inadequate" (31). The submission by the Christian Brothers (2006) draws the following conclusion:

> The Mazar's Report is a fundamentally flawed document as it is based on assumptions and assertions which are untrue and uses a comparator which is not valid. To compound matters, it ignores evidence from well-known and reliable sources which contradicts its findings. It follows, therefore, that its findings and conclusions are invalid and untenable (28).

In closing this discussion on the inadequate standard of the schools, it is worth noting that the Department of Education oversaw the running of the reformatory and industrial school system and Marlborough House Detention Centre. It was the responsibility of the Department of Health to ensure that all regulations were observed and that reasonable standards of living were maintained. This was supposedly achieved by routine inspections of the schools (CICSA 2009, Vol. 4, 1.01).

1.2.2.7. Commentary on the Ryan Report Continued

As stated above, the Ryan Report is concerned with child abuse in general (and not merely child sexual abuse) across a wide range of institutions (and not simply those run by the Catholic Church). The Ryan Report found evidence (in the form of complaints) of widespread child sexual abuse, and, in some institutions, the abuse was extremely serious. However, its statistics demonstrate that child sexual abuse in the ranks of the Catholic Church was essentially an historical problem. Moreover, it has been argued that the State did not provide adequate funding to the schools which contributed substantially to the neglect of children. Further, as we will see below in section 1.2.6 the Church's response to child sexual abuse developed in line with the broader community. Indeed, in some cases the Church was ahead of the broader community as far as child-safety measures are concerned. For example, in 2000 the Church contacted the An Garda Síochána in an attempt to introduce police screening for candidates for the priesthood. However, the Church was advised it was not eligible to receive police screening for its clerical candidates (DACI 2009, 154).

Finally, it could be argued that the media coverage of the Ryan Inquiry focused squarely on deficiencies in the Catholic Church without commenting on the roles of state-based institutions. For instance, it is under-reported in the media that the Health Department was ultimately responsible for monitoring the residential schools that were run by religious organisations.

1.2.3. Ferns Inquiry

As mentioned earlier, we do not offer an analysis of the Ferns Inquiry, given the overlap with the Murphy Inquiry and given the Murphy Inquiry is the larger inquiry. However, for the sake of completeness we offer this brief outline of the Ferns Inquiry and address some of the issues not well-covered in the Murphy Inquiry.

The Ferns Inquiry began in 2003. There were four phases to the inquiry. The first phase was an analysis of George Birmingham's Report to establish

the parameters of the inquiry. The second phase was a research phase that concentrated on three research topics: (1) Child sexual abuse; (2) Paedophilia/ Ephebophilia (paedophilia pertains to sexual abuse of prepubescent children (typically defined as aged 11 years old or less), ephebophilia to post-pubescent children (typically defined as 15-19 years of age); and (3) Governance in the Church, the Health Board and An Garda Slochana. The third phase investigated events that occurred in the Diocese of Ferns. The fourth phase consisted of the writing of the report (Ferns Inquiry 2005, 3-5). As mentioned above, we discuss salient findings from the Ferns Inquiry in other sections of this book, as appropriate. Here we make only a few brief points regarding the findings concerning the Diocese of Ferns.

The Ferns Inquiry examined the handling of allegations of historical child sexual abuse in the Diocese of Ferns. Unlike the Ryan Report, the Ferns Inquiry was only interested in child sexual abuse and not child abuse in general. 21 priests were accused of a total of 100 offences. Of these 21 priests, six were dead at the time the allegations against them were made, and a further three died after the allegations had been made. The allegations consist of both substantiated and unsubstantiated ones. Two priests pleaded guilty to some of the allegations made against them. However, most of the priests who were the subject of an allegation strongly denied the allegations. Those priests who were dead at the time the allegations were made were obviously not in a position to contest, let alone refute, the allegations. As was the case with the other inquiries constituting the Irish Inquiry, most of the allegations detailed in the Ferns Inquiry were not reported to the Diocese of Ferns prior to 1990, i.e. the allegations were made many years, indeed often decades, after the act of child sexual abuse was alleged to have occurred (Ferns Inquiry 2005, 70).

Moreover, notwithstanding that legislators, government bodies, and health professionals were seemingly unaware of the pervasiveness and dangers of child sexual abuse (see section 1.2.1) the commissioners undertaking the Ferns Inquiry did not believe this provided the Catholic Church with an excuse for its poor handling of allegations of historical acts of child sexual abuse. They argued the Catholic Church should have been better informed than the broader community regarding the topic. One reason offered was the existence of evidence that the Church in the medieval world considered child sexual abuse to be one of the most serious offences (Ferns Inquiry 2005, 13). This argument is not compelling; presumably the members of the community also believed child sexual abuse to be a serious offence. Therefore, it is one thing to believe it is a serious offence and quite another to know whether it is happening on a significant scale. Note, most of the allegations were made decades after the alleged events occurred. Hence, in many cases the Church had no knowledge the alleged crimes had even occurred at the time of the alleged offences. Moreover, this is still often the case given that it is very difficult to prove the veracity of claims of historical child sexual abuse.

That said, in spite of the Commission's concerns regarding the perceived early failings of the diocese, the inquiry said it was satisfied that the diocese

operated at a "very high level" of child protection at the time the report was written. The inquiry acknowledged the Church had already addressed, in the years before the inquiry and whilst the inquiry was underway, many failings that were identified in historical cases of child sexual abuse. For example, the inquiry stated that processes relating to the selection and training of priests had undergone considerable positive change (Ferns Inquiry 2005, 35). In the nearly 20 years since the report was written the Church in Ireland has considerably improved its safeguarding, as is outlined in section 1.2.6 Indeed, it is not a stretch of the imagination to say that the contemporary Church has the most stringent safeguarding of children and vulnerable adults than any other institution.

1.2.3.1. The Framework Document

The most salient feature of the Ferns Inquiry concerns the inquiry's endorsement of the Framework Document. We note the Framework Document has now been superseded by *A Safe and Welcoming Church. Safeguarding Children Policy and Standards for the Catholic Church in Ireland* (2024). However, the Framework Document was the national Church document which set out guidelines regarding allegations or suspicions of child sexual abuse. We discuss it here, because it is relevant to later important criticisms of the inquiry. It was created in 1994 by an Advisory Committee of the Irish Catholic Bishop's Conference in response to complaints by bishops that: (1) the processes of canon law regarding child sexual abuse were confusing and; (2) that some bishops found it difficult to create diocesan level responses to child sexual abuse complaints (Ferns Inquiry 2005, 40).

The Ferns Inquiry believed the processes of canon law were problematic. This was especially the case given, at that time, each bishop had to create his own approach to the handling of child sexual abuse cases, on the basis of his interpretation of canon law. Moreover, the inquiry claimed that canon law was particularly deficient in relation to priests who were the subject of an allegation of abuse but who denied the allegation and against whom no criminal conviction was secured. The Ferns Inquiry was more favourably disposed to the processes outlined in the Framework Document. For example, "The Commission acknowledges that the standards which were adopted by the Church are high standards which, if fully implemented, would afford proper protection to children. The standards set by the State are less precise and more difficult to implement" (DACI 2011, 4).

The Ferns Inquiry claimed the Framework Document (1996) provided the bishops in Ireland with a workable and uniform system for handling allegations of child sexual abuse. However, the Commission argued there was still room for improvement in respect of the application of the guidelines set forth in the Framework Document. It was argued that the success of the implementation of the processes set forth in the guidelines in the Framework Document was still a matter for individual bishops, and as such, the application of the guidelines

was very different from diocese to diocese. (We note, this problem has now been resolved by the Church in Ireland).

To combat the problem the Ferns Inquiry commissioners recommended that bishops consult the Inter-agency Review Committee, if one existed in their diocese, when making future decisions (Ferns Inquiry 2005, 36). The Inter-agency Review was created and instigated by Bishop Eamonn Walsh to address deficiencies in the Framework Document. The primary purpose of this committee was to assist bishops and diocesan leaders in communicating with and informing State authorities regarding the status of clerics who were the subject of an allegation of child sexual abuse or who were otherwise suspected of child sexual abuse. The Committee included representatives of the Garda Síochana and the Health Services Executive and held regular meetings with the bishop and/or the Diocesan delegate to review these cases (Ferns Inquiry 2005, 44). The Framework Document is discussed at length in section 1.2.5.1. in the commentary on the Cloyne Report.

1.2.4. Dublin Archdiocese Commission of Investigation (Murphy Report)

The Dublin Archdiocese Commission of Investigation report (commonly called the Murphy Report or the Dublin Report) inquired into, what it presented as, a representative sample of cases concerning the handling of allegations and suspicions of child sexual abuse against priests working in the Archdiocese of Dublin from 1975-2004. Some of the allegations came to the attention of the Diocese of Dublin after the implementation of the Framework Document and the Ferns Inquiry. Therefore, the Commission was interested in determining whether the diocese was handling complaints in accordance with the processes outlined in the Framework Document and in accordance with the recommendations of the Ferns Inquiry.

As was the case with the Ferns Inquiry, the Murphy Inquiry differed from the Ryan Inquiry. The Ryan Inquiry concerned child abuse in general (including but not restricted to child sexual abuse) in residential institutions, including industrial schools, run by various religious orders and congregations. Furthermore, the Ryan Inquiry received thousands of allegations of abuse and, among these, hundreds of allegations of sexual abuse. By contrast, the Murphy Inquiry focused solely on child sexual abuse and chose to examine only a representative sample of the available allegations of child sexual abuse and allegations of suspicions of child sexual abuse (DACI 2009, 1-2). An example of a suspicion of child sexual abuse is as follows: parishioners complained that a priest was alone with an altar boy in the sacristy, but, when asked, the altar boy said that he had not been abused. In total there were allegations of child sexual abuse against 172 named priests and 11 unnamed priests. 102 priests were within the remit of the investigation of the Murphy Inquiry (DACI 2009, 2). 46 priests were chosen for the representative sample. Most of the complaints related to boys – the ratio is 2.3 boys to 1 girl (DACI 2009, 3).

1.2.4.1. A Representative Sample of Allegations?

As stated above, the Commission received allegations or reports of suspicions of child sexual abuse concerning 172 identified priests, and 11 un-identified priests who may or may not have already been included in the 172 number. It was decided that the actions of 102 of these priests fell within the remit of the Commission. However, the Commission decided that it could not examine all of these cases in the allotted timeframe and thereby set about choosing a representative sample of cases selected from the 102 priests. A so-called representative sample was created that covered the timeframe (1975-2004). It included a sample of single and multiple abusers, and cases that involved interaction between the Church and State authorities as well as those that did not, e.g. the order that dealt with complaints against Fr Boland organised treatment for the priest, co-operated with the Gardaí, but did not inform the archdiocese of the complaints against Fr Boland or of the fact that he was convicted of child sexual abuse (section 1.5.4.3).

A further consideration in determining the representative sample was the amount of information that was available to the Commission about particular cases. On the basis of this consideration the Commission decided to include all of the cases which led to a priest being convicted in a criminal court (DACI 2009, 171-72). Teresa Brannick, a statistician from the University College of Dublin, was commissioned to create a representative sample from the 102 priests. She compiled a list of 47 priests. The Commission reduced this number to 46 as one of the priests was later found not to be within the Commission's terms of reference (DACI 2009, 172). However, a selection of nearly half the total number of allegations, including all the cases of priests who were charged in the criminal courts – or in other words all the cases at the very serious end of the scale – self-evidently does not constitute a representative sample, at least if one is seeking to represent the ratio of serious to less serious offences. In this respect the process was flawed and its conclusions with respect to the likely incidence of serious forms of child sexual abuse open to doubt.

Of the 46 priests in the representative sample, 15 were dead, a further 20 were out of ministry – of whom nine had been laicised (DACI 2009, 173). 11 of the 46 priests pleaded guilty to child sexual abuse or were convicted of child sexual abuse in the criminal courts. One priest was the victim of a verified false claim, another priest is highly likely to be the victim of a false allegation, and two priests were victims of mistaken identity, i.e. four of the 46 were either known to be or, were highly likely to have been, falsely accused. Moreover, in addition to these four cases there were other cases in which the testimony of witnesses was compromised or otherwise unreliable. For example, in the case of Fr Phineas one of the complainants was found to have pressured another complainant to lie that she witnessed the first complainant's alleged sexual abuse (DACI 2009, 213). An additional two priests, among the 46, were suspected of child sexual abuse but no allegation of child sexual abuse was made. For example, as mentioned above, an adult complained that she witnessed a child come out of

a vestry with a priest and the child looked distressed, but the child rejected the allegation that he was abused when asked. In percentage terms 21.74% of the allegations in the representative sample concern likely false allegations (10 out of 46). According to the Commission's assessment approximately half of these allegations of child sexual abuse were handled well by the relevant religious organization.[1] Furthermore, as mentioned above, this so-called representative sample contained 11 cases at the more serious end of the scale, i.e. cases involving criminal trials. There are two cases missing, presumably for legal reasons.

1.2.4.2. Church Performance Regarding Allegations of Child Sexual Abuse

As stated above, half of the representative samples were handled well by the Church according to the Commission's assessment. In the other half of the cases the Commission found that the Church performed poorly or there was a mixed response, i.e. some members of the Church dealt well with a case whilst others did not. Please see the example cases in section 1.2.4.4. "Sample Assessments". As a consequence of these poor performances children were sexually abused and they and their families harmed.

However, in some cases the criticism of bishops, in particular, is too forceful, and to that extent, unreasonable and unfair. For example, according to the summary of the inquiry all four archbishops and many auxiliary bishops (covering the period of the inquiry, 1975-2004) performed poorly. The main criticism the commission had of the archbishops was that none of them reported their, what the commission is calling, "knowledge of child sexual abuse" to the police in the 1970s and 1980s (DACI 2009, 10). However, the "knowledge" in all but one case concerned unsubstantiated allegations of child sexual abuse. As far as the case-studies in this inquiry are concerned, it is not the case that bishops knew that certain priests were sex-offenders and yet failed to report these priests to the police. Rather the priests in question were the subjects of unsubstantiated allegations of child sexual abuse and were moved to different dioceses. It must also be kept in mind that in the 1970s and 1980s clerics were not mandatory reporters of child sexual abuse. That said, the bishops and archbishops in this report did have a moral responsibility to ensure that children were protected, and that justice was served. Therefore, they should have reported allegations of child sexual abuse to the police other than, for instance, demonstrably false, one-off allegations pertaining to less serious forms of abuse, especially if such allegations were made years after the instance of child sexual abuse being alleged. Here, as elsewhere matters are not necessarily always straightforward and clear-cut.

[1] Please see the following assessments: Fr Phineas (211); Fr Clemens (481); Fr Kinsella (546); Fr Francis McCarthy; (574); Fr Dante (589); Fr Cassius (591); Fr Giraldus (case of mistaken identity) (596-597); Fr Aquila (600); Fr Jacobus (probable false allegation) (616); Fr Guido (620); Fr Rufus (625); Fr Ignatio (probable case of mistaken identity) (628); Fr Cornelius (630); Fr Ricardus (proven case of false accusation) (634); and Fr Enzio (637).

Arguably, therefore, discretionary judgments are called for, albeit judgements heavily weighted in favour of protecting children.

Accordingly determining instances of negligence/incompetence on the part of bishops and other church leaders can be complex. For example, in some cases alleged offenders denied allegations against them and there was insufficient evidence to settle the matter one way or the other. In still other cases, there was confusion regarding the correct procedure in relation to allegations of child sexual abuse, e.g. should the Church inform the schools if there is an allegation of child sexual abuse or should the Health Department do so. Moreover, there was also confusion concerning restricted ministry – that is, banning priests from practicing in certain settings such as parishes where they are likely to come into contact with children. For example, and regarding the confusion, the Church undoubtedly, albeit often unknowingly, exposed many elderly patients in residential homes to risk when child sexual abusers were placed on restricted ministry in aged-care facilities. In these instances, it was generally believed that a priest who had sexually abused a child would not sexually abuse an adult. However, this is not necessarily the case. Indeed, there is evidence to suggest that some sexual offenders do not have an age preference and will abuse both children and the elderly (Lea et al. 2010, 13).

Another significant area of confusion concerns the practice of monitoring priests who are the subject of an allegation of child sexual abuse and priests who are known to be sexual offenders. Such priests are monitored by the Church. These priests often end up living in monasteries or in residential homes where they are put on restricted ministry and can be watched closely. For example, a priest may not be allowed to leave a monastery. In many cases this practice was supported by the police and the Health Department. However, in reality the Church was often unable to perform this monitoring task adequately. That said, many of these suspected sex-offenders, including ones who could not be convicted in a court of law due to a lack of evidence, and who, therefore, could not be imprisoned, were monitored more closely than sex-offenders who were not clerics and, therefore, were living outside Church institutions in the wider community. In short, a policy of de-frocking suspected sex-offenders and casting them out of the Church might well have worse consequences than retaining and monitoring them. The Commission acknowledged the difficulties of monitoring priests on a full-time basis. Thus: "The Commission has already noted in its report into the Catholic Archdiocese of Dublin that monitoring of sex abusers is very difficult and that there is greater monitoring of clerical child sex abusers than any other child sex abusers" (DACI 2009, 17).

The Church in Ireland generally performed better after the implementation of the Framework Document in 1996.

1.2.4.3. The Framework Document

As stated previously, the Framework Document was the national document which set out guidelines to follow in response to allegations or suspicion of child sexual abuse. Problems with the Framework Document were discussed in the Ferns, Murphy and Cloyne reports (The Ferns Inquiry 2005, 40).

The Commission claimed that the implementation of the Framework Document did improve the way that allegations of child sexual abuse and, more generally, cases of suspected child sexual abuse were handled. Yet, it also criticized the significant delay in the implementation of the guidelines. For example, in the case of Marie Collin's complaint it was not until 11 months after the implementation of the Framework Document that she received her entitlements (DACI 2009, 207). Notwithstanding this, the Commission reported it was confident that allegations of child sexual abuse cases or suspected child sexual abuse, more generally, were currently being handled well by the Diocese of Dublin. (We note the Commission argued the diocese handled cases of child sexual abuse well 15 years ago when the report was published. It is generally agreed the Church in Ireland is doing a better job at the present time in 2025). Consider the following quote from the Commission (15 years ago).

> The Commission is satisfied that there are effective structures and procedures currently in operation. In particular, the Commission is satisfied that all complaints of clerical child sexual abuse made to the Archdiocese and other Church authorities are now reported to the Gardaí. There is no legal requirement for such reporting but the Commission considers that the Gardaí are the appropriate people to deal with complaints (DACI 2009, 4).

Since the implementation of the Framework Document the Catholic Church in Ireland has, for the most part, recorded allegations of child sexual abuse and other instances of suspected child sexual abuse. Moreover, it has, for the most part, taken the appropriate steps by way of response to these allegations and suspicions (DACI 2009, 21). (The Diocese of Cloyne was evidently an exception to this). To put this in historical context, the Framework Document was implemented in 1996 and state implemented child–care legislation was also implemented in 1996 (DACI 2009, 25). The Commission endorsed the Framework Document and remarked, "Since the implementation of the Framework Document, the Archdiocese and other church authorities report complaints of clerical child sexual abuse to the Gardaí –this is appropriate communication" (DACI 2009, 26). In 2006 the Health Department created a questionnaire which was sent to 23 bishops and 140 provincials of religious congregations. The purpose of this questionnaire was to assess Church compliance with the recommendations of the Ferns Inquiry (DACI 2011, 102). This investigation showed that, but for the Diocese of Cloyne, there were no cases of serious non-compliance with the recommendations of the Ferns Report (DACI 2011, 99).

1.2.4.4. Sample Assessments

The following are a sample of assessments from the representative group that illustrate poorly handled cases, but also well-handled ones and ones that were neither poorly nor well-handled. The priests in these samples were given pseudonyms by the inquiry.

1.2.4.4.1. Cases that were Handled Well after the Framework Document was Implemented

Fr Dante was the subject of four allegations of child sexual abuse. Three of the allegations concern a trip to France where it is alleged that Fr Dante sat children on his knee, instructed the children not to wear underwear, to sleep naked and to leave the bathroom door open when showering so that he could check on them. Fr Dante told the boys that they would be smacked on the bare bottom if they did not do as he instructed. The fourth allegation concerns an allegation that Fr Dante placed a boy on his knee after the trip. Fr Dante retired from the priesthood due to poor health.

> The Commission's assessment:
> The complaints were dealt with by the Archdiocese appropriately and in accordance with the Framework Document. The Gardaí also dealt with them appropriately. There was good communications between the Archdiocese, the Gardaí and the health board. There was also good communication between the Archdiocese and the UK diocese. The advisory panel was particularly effective in ensuring that this communication occurred and was clearly very aware of the need not to rely on Fr Dante himself to communicate with relevant people. This case again raises the difficulty as to how the activities of priests accused of child sexual abuse are to be monitored. In this particular case, it appears that everything possible that could be done was done but the end result is that a priest about whom there are concerns is now living in an unsupervised regime (DACI 2009, 581-89).

Fr Francis McCarthy admitted to the police that he had sexually abused a boy in the 1970s. The complainant alleged that the abuse lasted for four years and included inappropriate touching, kissing, oral sex and attempted penal penetration Fr Francis McCarthy denied some aspects of the abuse. However, he did petition the Pope to allow him to be laicised and this was granted in November 2005.

> The Commission's assessment:
> This case provides a good example of a case which the Archdiocese, the health board, the Granada Institute, the Gardaí and the Department of Education handled the various complaints well. It must be acknowledged that the Dunlavin complainant went to the Gardaí rather than to the Church authorities in the first instance. The first complaint was made towards the end of 1995. This was the time when the Archdiocese had decided to refer all allegations to the Gardaí and the health board and the Framework Document procedures were being introduced (DACI 2009, 565-74).

1.2.4.4.2. A Case that was Handled Poorly

Fr Patrick Maguire was a member of the Missionary Society of St Columban. He was convicted of indecent assault in the UK and in Ireland

and served prison sentences in both entities. He admitted to having abused over 100 victims. His pattern of abuse suggests that there may be hundreds of victims in Ireland the UK and Japan. Fr Maguire was suspended from the clerical state in 2000.

The Commission's assessment:

Complaints about Fr Maguire were handled very badly by his Society over a period of about 20 years. Specific complaints to the bishop of Raphoe in 1975, to a priest in the Archdiocese of Dublin in 1979 and to the Archbishop of Dublin in 1984 were also very badly handled. A number of complaints seem to have been largely ignored or avoided; in other cases, the response was to move him somewhere else. The Society knew at a relatively early stage – at least by 1974 – that there was a problem. The Society paid for extensive and expensive assessment and treatment for Fr Maguire between 1974 and 1996. However, for about 20 years, it did absolutely nothing to prevent his access to children. In a particularly disastrous move by the Society, he was assigned to go around Ireland promoting the Columbans. He did this by visiting schools and preaching at masses. This gave him access to every Catholic Church congregation and to every Catholic school in the country, in effect, to virtually every child in the country. He duly took advantage of that access. Several Church authorities in Ireland and the UK including the superiors of the Columbans and a number of bishops knew that he was an abuser, but it was more than 20 years after the first complaint that appropriate action was taken to prevent his access to children. In recent years the Society has taken steps to ensure that he does not have access to children and is to be commended for supervising him and not expelling him from the Society. The Society told the Commission that it "fully accepts that very serious mistakes were made" in its dealings with Fr Maguire. The Commission accepts that the structure of the Society militated against or, at least, did not facilitate co-ordinated handling of the problem. However, it appears that the culture of confidentiality, the over-arching concern for the welfare of the priest and the avoidance of scandal were the major contributory factors to the quite disastrous way in which this case was handled.

Archbishop Ryan was negligent in his dealings with Fr Maguire. It is not clear who precisely was at fault for the failure to deal with the first complaint to the archdiocese in 1979 but it was someone from the Archdiocese. Archbishop Ryan's stated reason, as contemporaneously reported to the Society by his secretary, for not following up complaints received in 1984, that is, Fr Maguire's delicate position as secretary to the Superior-General, is quite shocking. It appears that Archbishop Ryan got different people within his administration to deal with child sexual abuse complaints as they arose and, as a result, no one person knew the extent of the problem. Bishop McFeely of Raphoe did report the problem accurately but dealt with it by having Fr Maguire removed as quickly as possible. It is the Commission's view that the Society acted properly in seeking to laicise Fr Maguire while, at the same time, making it very clear that it intended

to retain, maintain and supervise him as a member of the Society. The decision of the Roman Rota tribunal to change the decision of the Dublin Metropolitan Tribunal from dismissal from the clerical state to nine years suspension was, to put it at its mildest, unhelpful. It left the Society in a position where his precise status was unclear. Prior to 1997, there was inadequate communication between the different parts of the Society. There was inadequate communication between the Society and the Archdiocese. The bishop of Raphoe, while he immediately removed the problem from his diocese, did clearly and unambiguously tell the Society what the problem was. However, through no fault of his, his letter was not made available to the relevant people in the Society who were supposed to be Fr Maguire's superiors (DACI 2009, 217-38).

1.2.4.4.3. A Case with a Mixed Assessment

Fr John Boland was a member of the Capuchin Franciscan Order. He worked in the Archdiocese of Dublin as a teacher, school chaplain and hospital chaplain. Fr Boland was convicted of nine counts of indecent assault in 2001 against one victim and he received a 12-month suspended sentence. He admitted to abusing about 20 children.

The Commission's assessment:
The order's handling of the first complaint in 1989 was relatively good for its time. The priest was sent to a psychiatrist and counselling was provided to the complainant. This is one of the few cases of which the Commission is aware that counselling was provided for a complainant before the mid-1990s. This complainant was, of course, part of the order as well. After the second complaint was made, the order did its best to try to ensure that Fr Boland did not have access to children. It organised treatment for him and then supervised him well in spite of the difficulties he presented. It co-operated with the Gardaí when they became involved. The communication between the order and the Archdiocese was very poor in this case – in fact, it was virtually non-existent on the part of the order. The order did not inform the Archdiocese of the complaints against Fr Boland or of the fact that he was convicted. The order has told the Commission that it accepts that this "represents an unacceptable lapse and wishes to express its regret and concern that such a lapse was allowed to occur". Its current reporting policy, if maintained, means that such lapses should not occur in the future. The Commission considers that the order's current arrangements for dealing with alleged child sexual abusers are robust and are being implemented (DACI 2009, 482-93).

While the Church's record with respect to the handling of true allegations of child sexual abuse has received a great deal of attention it is important not to forget that there are cases of false allegations of child sexual abuse made against priests in addition to cases of presumed mistaken identity and suspicions of child sexual abuse where no allegation of child sexual abuse is made.

1.2.4.4.4. False Claim

Fr Ricardus was falsely accused of sexual assault, buggery and attempted oral rape. The complainant admitted to making a false statement in the High Court of Ireland and was subsequently charged and received a custodial sentence. The complainant's parents also admitted to lying to the police in order to provide corroborating evidence for their son, so that he might receive a large compensation payment. Fr Ricardus was stood down from ministry for 8 months. He is currently serving as a priest in Ireland and assists other priests who have been the subject of allegations of child sexual abuse.

> The Commission's assessment.
> The management of the complaint by the Archdiocese in this case, although understandably viewed by Fr Ricardus as harsh, was in compliance with the Church guidelines in place at the time. While recognising and appreciating the enormous hurt, anger and stress suffered by Fr Ricardus, the Commission considers that the Archdiocese was obliged to ask him to step aside from active ministry as soon as it became aware of the complaint. A hasty preliminary investigation by the Archdiocese into the complaint made prior to asking the priest to stand aside may well have led to further injustice being suffered by the priest concerned. Although Fr Ricardus did suffer considerably from the consequences of the false accusations, the Commission considers that the Archdiocese did act appropriately. The Archdiocese co-operated fully with the Gardaí in their investigation. The Gardaí managed their investigation in a professional, timely and efficient manner (DACI 2009, 643).

1.2.4.5. Areas of Concern

The following commentary focuses on areas of concern in the complaints handling process in the Diocese of Dublin. However, these concerns are also, generally, relevant for the Church in the other countries surveyed.

1.2.4.5.1. Treatment

The Church was criticised in the Irish Inquiry, as it was in the John Jay and Australian inquiries for viewing child sexual abuse as a moral problem that can be addressed by the provision of moral guidance and advice to offenders by bishops and fellow priests (DACI 2009, 70). Child sexual abuse is indeed a very serious moral problem but not, of course, a problem that can be successfully addressed in all, or even most instances, merely by the provision of guidance and advice, moral or otherwise. Paedophiles, for instance, are engaged in immoral, indeed egregious, sexual behaviour, but in many cases it is compulsive and, therefore, not able to be corrected merely by the provision of advice and guidance.

That said, it is often overlooked that the Church in the 1960's-1980's relied heavily on the advice of psychiatrists and psychologists regarding the potential for rehabilitation of priests who were known to be child sexual offenders. Of the

representative sample of offending priests in the Murphy Report (46 alleged offenders), 25 were assessed and/or treated by the Granada Institute treatment facility, and a further 8 attended the Stroud treatment facility. A smaller number of priests attended various other treatment centres. Only 7 of the 46 priests did not receive treatment (DACI 2009, 19).[2] The Granada Institute maintained there was no treatment that could be given to an offender that would guarantee that a particular offender would not re-offend. However, the Granada Institute did claim that the recidivism rate for offenders who received treatment at their institution was between 1% and 8% for low-risk offenders and up to 25% for high-risk offenders. This is in contrast to the risk of re-offending for offenders who were not treated. The Granada Institute put that number at between 15%-50%. The Granada Institute maintained the priests who they deemed to be suitable for restricted ministry were at a low risk of re-offending. It was also their view that it was helpful in terms of the rehabilitation of the priest if he was to remain a priest (DACI 2009, 20).

The Commission did not challenge these figures on the grounds that it lacked expertise in the area (DACI 2009, 19). However, the Commission was critical of the Granada Institute's general recommendations. The Commission argued that most priests come into contact with children in pastoral work and it is very difficult to supervise priests at all times. This is certainly a valid concern. Moreover, there is some evidence that child sexual abuse perpetrated by a priest can have a more damaging impact on a victim than child sexual abuse perpetrated by a lay person. Yet, as the Commission recognised, there is no simple solution here. For the alternative may well be that the priest is defrocked and is no longer monitored at all by the Church. This could potentially be more dangerous for children (DACI 2009, 19-20).

The Commission's concerns regarding the processes of canon law are outlined below.

1.2.4.5.2. Canon Law

For much of the period covered in this inquiry, the procedure for handling complaints of child sexual abuse in the Catholic Church in accordance with canon law was as follows. A preliminary investigation was conducted by the diocese whenever a complaint of child sexual abuse was received. Given that there was a "semblance of truth" to the allegation, the bishop sent a report to the Congregation for the Doctrine of the Faith (CDF) (now the Dicastery for the Doctrine of the Faith (DDF)) in Rome and requested advice as to how a case should be handled consistent with canon law. Importantly, only a judgement by a canonical process can have a priest defrocked (DACI 2009, 57). According to the Murphy Report the procedure of sending a report to the CDF has been a mandatory requirement in canon law since 1917. However, this requirement was

[2] Note this figure does not include the 5 priests who had died before allegations were made.

often ignored by bishops who received allegations of child sexual abuse. These bishops remarked that prior to 2001 they were unaware of the requirement (DACI 2009, 53). Certainly, this requirement was clearly stated in 2001 in the letter, *Sacramentorum Sanctitatis Tutela* (The Ferns Inquiry, 45). However, the chancellor, Monsignor Dolan, gave evidence that the 2001 policy was subsequently modified as Rome was unable to deal with the vast numbers of referrals. The position in 2001, he said, was that all cases brought to the attention of the archdiocese before April 2001, and which were outside the statute of limitations, were not required by canon law to be assessed by the CDF, and therefore, were not going to be dealt with by the CDF (DACI 2009, 67).

This criticism of the CDF requires a brief comment. The administrative difficulties that have arisen for the Catholic Church as a result of delayed reports are not widely known. Moreover, it is worth noting that the central unit that was responsible for investigating allegations of child sexual abuse in the Vatican, the CDF, was overwhelmed by the large number of allegations that came within a short period of time. This has otherwise been described as, a "tsunami of allegations." The CDF maintained they had a small staff assigned to handle complaints of child sexual abuse as they did not receive many allegations of child sexual abuse prior to inquiries into child sexual abuse. Therefore, when the "tsunami" of allegations was forwarded onto the CDF they were overwhelmed and unable to handle them all appropriately. That said, 15 years on things are different. Importantly, the Vatican issued a lengthy document (*Vademecum. On Certain Points of Procedure in Treating Cases of Sexual Abuse of Minors Committed by Clerics.*) in 2019, which was last updated in 2022, which gives clear instructions concerning what to do when a complaint of child sexual abuse is received.

1.2.4.5.2.1. Imputability

An additional concern for the Murphy Inquiry was the area of "imputability". Canon 1321 states that a person cannot be punished for an offence unless it is imputed or driven by malice or culpability. A difficulty arises here from the fact that paedophilia may be interpreted as a condition involving diminished responsibility, given that paedophiles are often subject to urges beyond their control (DACI 2009, 19). As the Murphy Report stresses, there is a considerable difference between state law and canon law on this matter. According to the above interpretation of canon law paedophilia may be considered a disorder. Therefore, paedophiles may be considered to have diminished responsibility for their offences, diminished responsibility being a mitigating feature (DACI 2009, 71-2). If so, potentially, paedophiles might not be able to be punished effectively under canon law. In contrast, paedophiles are ascribed full responsibility for their actions in the criminal justice system.

However, it is also worth noting that church law works in concert, or is designed to work in concert, with state law. Therefore, it must be stressed that the Church's stance on imputability in cases of paedophilia does not mean that the priest should not be subject to criminal law if the priest has broken the law, as

would be the case with paedophile offences. Indeed, this is stated in canon 1321. Nor does it follow from this that a paedophile priest should have unrestricted ministry. However, it is to say that the Church has a responsibility to ensure that priests are not laicized lightly.

Yet, this is a double-edged sword for the Church. If the Church retains priests who have been the subjects of allegations of child sexual abuse there is a good chance these same priests will need to be monitored. Indeed, the Commission has praised the Church on this front. However, the Church is open to criticism here also. For instance, as the Commission has argued, offenders can use their status as a priest to gain confidence with parents and get close to children (DACI 2009, 79). On the other hand, it would seem that child sexual abusers, and paedophiles in particular, find ways to get close to children, be they priests or otherwise. Moreover, if the priest is defrocked, he will not be monitored by the Church, likely making him a greater risk to society than a priest whose activity is being monitored. Of course, it is also true that the Church failed many times to monitor priest abusers adequately.

1.2.4.5.2.2. Bias in the Practice of Canon Law

It has often been argued that there was a bias in the practice of canon law in favour of priests. For example, it has been argued that lay offenders in the Church were more likely to be reported to the police than clerical offenders. Moreover, it has been argued that priests were more likely to be protected than victims were to receive justice. A further area of concern regards the lack of disciplinary action against bishops. For instance,

> Canon 1389 provides for a penalty, including deprivation of office, for an official who abuses ecclesiastical power or who omits through "culpable negligence" to perform an act of ecclesiastical governance. A bishop who fails to impose the provisions available to him in canon law in a case of sexual abuse of a child is liable to penal sanctions imposed by Rome. The Commission is not aware of any bishop who was subjected to such penalty in the period covered by its remit (DACI 2009, 76).

Certainly, things have changed since the Irish Inquiry. At this time, it is unlikely anybody would argue that priests are less likely to be reported to the police than lay people. Moreover, the tables have been turned concerning the protection of priests and the disciplining of bishops who fail to report allegations of child sexual abuse in their dioceses. Indeed, this book argues that priests are not being adequately protected from the very serious harms caused by false allegations of paedophilia that are now routinely being widely disseminated in the media. Concerning victims of child sexual abuse receiving justice, the multiple inquiries, the mandatory processes for facilitating the investigation of allegations and the ongoing monetary payouts on a large scale suggest that the tide has turned in the favour of victims of child sexual abuse, at least in the Catholic Church.

1.2.4.5.2.3. Lack of Clarity in Procedures

The Commission claimed that the procedures in canon law for dealing with allegations of child sexual abuse were unclear and burdensome to bishops, or that the appropriate measures for handling allegations of child sexual abuse were not made clear to bishops. For instance,

> The Commission was surprised to discover that the 1962 instrument referred to above and its predecessor in 1922 were circulated under terms of secrecy, were kept in a secret archive and, in the case of the latter, apparently never translated from the original Latin. Even more astonishing, Monsignor Stenson, a former chancellor and long-term advisor to successive Archbishops did not see the 1922 document until the end of his time in Archbishop's House. There was no evidence that Archbishops Ryan or McNamara ever applied that document or even read it and the most recent former Archbishop, Cardinal Connell, told the Commission that he did not become aware of the 1922 instruction for some time after becoming Archbishop and that he had never read or seen the 1962 document or met anyone who had seen it (DACI 2009, 79).

This complaint is also dated. Importantly, *Vademecum. On Certain Points of Procedure in Treating Cases of Sexual Abuse of Minors Committed by Clerics* is available to everybody online in seven languages, none of which are Latin. The instructions are clear and not burdensome.

1.2.4.6. Commissions of Investigation & Procedural Fairness

In response to concerns about the processes of the Murphy Report the Association of Catholic Priests requested that retired judge Fergal Sweeney write a review of the processes of the Commission from a legal perspective. In 2013 *Commissions of Investigation & Procedural Fairness. A legal review of the 2004 Act and the Murphy Report* was published. It sought to address certain concerns pertaining to statutory investigations under the Commissions of Investigation Act 2004 (Sweeney 2013, 7). The review criticised the Commission for the following failings:

1. It went beyond its mandate. Its mandate was only concerned with the institutional response to complaints, suspicions or knowledge of child sexual abuse. However, the inquiry went beyond its mandate (like the Pennsylvania Inquiry (see 2.3.6)) and built (often procedurally and evidentially flawed) cases against priests who were accused of child sexual abuse.
2. In going beyond its mandate, it did not observe minimum rights of natural and constitutional justice. Importantly, the accused priests were not accorded the protection of their good name in the absence of a finding of guilty after a due process of investigation and adjudication. That is, their constitutional right was violated.
3. Standards of proof were not always respected by the Commission. For example, if there was a different recollection in relation to evidence, the Commission resolved the dispute without stating how it had resolved the difference.

4. The Commission dismissed any defence of the accused clerics it wished without an adequate investigation and hearing.
5. The Commission selectively put forth arguments from accused clerics in order to dismantle them (Sweeney, 2013, 14).
6. Notwithstanding that the mandate of the Commission was to inquire into the Church and the State, there was a discrepancy in the treatment of the Church compared to the treatment of the State. For example, when the inquiry was critical of an individual from the Church, the individual was always named. By contrast, individuals who were State employees were rarely named.
7. In its *Final Report* the Commission did not include letters from clerics who disputed the allegations against them.
8. Imprecise wording in the report unfairly damaged not only the reputation of innocent priests as individuals but also of the priesthood as a collective. For example, the inquiry claimed in relation to a small number of priests who failed to report child sexual abuse when they were aware of it that, "the vast majority simply chose to turn a blind eye." This gave the misleading impression that the vast majority of the entire cohort of priests had turned a blind eye when in fact it was only a small minority of priests who could reasonably be accused of turning a blind eye.
9. The report did not recognise the "learning curve" that the Church claimed it was on in response to an awareness of child sexual abuse.
10. The inquiry did not respect the mission of the Church in terms of forgiveness and sin. Hence, it was expected that priests who had been accused of child sexual abuse would be instantly removed from the priesthood (Sweeney 2013, 15).

1.2.4.7. Commentary on the Murphy Report

The Commission rejected the Archdiocese of Dublin's claim, regarding the handling of allegations of child sexual abuse, that it was "on a learning curve" prior to the late 90's. Indeed, in the report the Commission argues that the archdiocese wilfully mishandled allegations of child sexual abuse and that the reason for this was the diocese was preoccupied with the good reputation of the Church and the preservation of its assets. The Commission claimed the archdiocese did not act according to canon law and that it failed to report instances of child sexual abuse to state authorities (DACI 2009, 3-4). However, this criticism is open to the objection that most of the complaints were made to the Church after 1995 (and the alleged acts of child sexual abuse allegedly took place, for the most part, decades earlier) and that the Commission accepted this was the case (DACI 2009, 4). Moreover, the main criticism of church authorities with respect to failure to report instances of child sexual abuse was that the archdiocese was not sufficiently responsive to what were in fact, in many cases, rumours and anonymous complaints (DACI 2009, 8). Certainly, the Church did not report such complaints to the police, and did not adequately investigate many such complaints and, more generally, was insufficiently proactive in conducting investigations into priests with respect to

whom suspicions of child sexual abuse had been raised. However, even in these latter cases there was typically no hard evidence of this abuse and, in most, hard evidence would have been very difficult to come by given their historical nature.

1.2.5. Cloyne Report

At the end of the commission of inquiry into the Dublin Archdiocese in 2009 the government asked the inquiry to extend the remit of the inquiry to investigate the Diocese of Cloyne. This report differed from the other inquiries in that it solely assessed complaint handling post 1996 i.e. 1996-2009 – after policies for addressing child sexual abuse were put in place. It was the Church's own safeguarding watchdog that first raised concerns regarding complaints handling in the Diocese of Cloyne.

Unlike the Dublin Inquiry, the Commission examined all allegations and suspicions of child sexual abuse regarding clerics of the Cloyne Diocese that were within the general remit of the inquiry and not merely a representative sample of them. In total there were 19 clerics within the remit of the inquiry who were the subject of allegations of child sexual abuse or who were otherwise suspected of child sexual abuse. This number includes one unnamed cleric. It is claimed that 12 clerics listed in the Diocese of Cloyne Diocesan Directory for 1996 were the subject of allegations of child sexual abuse or were otherwise suspected of child sexual abuse (DACI 2011, 2).

The inquiry was concerned with allegations of historical acts of child sexual abuse. The oldest allegation concerned an alleged event that occurred in the 1930s. Regarding the clerics, four were dead when the first complaint against them was made. Six clerics were retired or about to retire when complaints were first made against them (DACI 2011, 3). At the time the report was written eight of the clerics were dead, three were retired, two were not in ministry, and two were in ministry in the diocese (DACI 2011, 4). It is claimed the Diocese of Cloyne failed to respond to these allegations adequately on the grounds that only some of these allegations were passed on to the Gardai and civil authorities and only some of the allegations were investigated adequately by the Church (DACI 2011, 3). It is important to note the objective of the inquiry was to assess how the Diocese of Cloyne handled complaints of child sexual abuse according to the standards set out in the Framework Document.

1.2.5.1. The Framework Document and the Diocese of Cloyne

Regarding the Cloyne Inquiry, the Commission claimed that the Bishops' Conference agreed in 1996 that policies outlined in the document, which is generally known as, the Framework Document (*Child Sexual Abuse: Framework for a Church Response*), would be implemented in Ireland. However, the Commission argued that the guidelines set out in the Framework Document were not fully or consistently implemented in the Diocese of Cloyne in the period 1996 to 2009 (DACI 2011, 5). For instance, the Commission argued that the

Diocese of Cloyne did not do the following in accordance with the Framework Document: report all complaints to the Gardai; report all complaints to the health authorities; appoint support people for victims of child sexual abuse; and operate an independent advisory panel (DACI 2011, 6). These concerns are discussed below. However, before doing so, it is important to note the Framework Document was considered by the Vatican to be a "study document" given that the document was, in some respects, incompatible with canon law. Furthermore, the document was, in some respects, unmanageable. For example, the document required that *all* cases of child sexual abuse be reported to the Health Department. However, the primary role of the Health Department, in this regard, was to create a risk assessment. Therefore, reporting dead priests to the Health Department was and is unnecessary, as a dead person is obviously not a risk to children (or anyone else for that matter).

1.2.5.2. Police

The Commission was most concerned with the archdiocese's failure to report all allegations to the Gardai (the police). By the estimation of the Commission there were 15 allegations that should have been reported to the Gardai. However, the archdiocese only reported 6. Regarding reporting dead priests to the police, the Commission had the following to say:

> Prior to 2009 the diocese did not report complaints against deceased priests to the Gardaí or the HSE. Monsignor O'Callaghan told the Commission that the practice of notifying the Gardaí of complaints involving deceased priests did not exist until May 2003. The Framework Document requires that all complaints be reported to the Gardaí – it does not specify different arrangements for deceased priests. In any event, Monsignor O'Callaghan, having been informed about best practice, still did not report to the Gardaí or the HSE in cases involving deceased priests after 2003. The Commission considers that reporting in relation to deceased priests is important for a number of reasons but mainly because it may help to validate other complainants (DACI 2011, 7).

We note there was some confusion concerning whether to report dead priests to the police and the Health Department. 4 of the 9 cases the Commission claimed should have been reported to the police involved dead priests. Diocesan leaders, generally, did not believe it was necessary to report dead priests, who were the subject of allegations of child sexual abuse, to the police. However, and as is evident in the quote above, the Commission argued that allegations against dead priests should be reported to the police for evidential reasons. This would seem to be the right course of action as it provides some evidence for victims of child sexual abuse who are seeking compensation. However, it can also be understood why the diocese did not feel the need to report dead priests to the police. Importantly, nobody is at risk of being molested by a dead priest. Of the remaining 5 cases, 2 cases involved alleged victims who were minors at the time the allegations were made (DACI 2011, 6-7).

It is worth noting there were diverse views in the Church regarding mandatory reporting of claims of child sexual abuse, be they historical or contemporary claims. In some cases, the alleged victim did not want to report the abuse to the police, in historical cases it was often the case that the priest concerned was dead or infirm, and in contemporary cases some clerics viewed reporting the abuse to the police to be the responsibility of the person making the complaint. Take for example this comment from Monsignor O'Callaghan's in a letter addressed to a canon lawyer in 2002:

> On the issue of reporting to civil authorities I have always been of your mind and endorse everything you say. I am convinced that reporting should have been left to the complainants. Our role in the whole process has been compromised by taking on direct reporting as part of our remit. Why should we take it on ourselves to report when the complainant does not want it done? This commitment on our part also seriously compromises our relationship with the priest against whom allegations have been made (DACI 2011, 7).

The Commission is right to remark that Monsignor O'Callaghan "missed the point" that reporting cases of child sexual abuse protects children from future harm. It is certainly negligent not to report to the police a contemporary serious allegation of child sexual abuse. However, what of an allegation against a retired priest who kissed a youth on the cheek 30 years ago for sexual gratification, and where the alleged victim does not want to report the case to the police? This example raises the important point of whether to report less serious historical cases of child sexual abuse to the police. Surely, it would overburden the police if everybody reported *all* cases of less serious forms of sexual abuse (including the sexual abuse of adults and non-clerical abuse) to the police. For example, every unwanted touch at a nightclub from 30 years ago etc.

A related point concerned the, what was at the time, cumbersome process for making allegations about child sexual abuse, which was not the fault of the Church. For example, if the Church or the Health Department referred an allegation to the Gardai, the Gardai would not contact the complainant directly but would contact the referring party and tell the referring party that it could contact the complainant and inform the complainant that the Gardai would carry out an investigation if the complainant wanted them to. A further complication arose because, at the time of this inquiry, and in cases of historical allegations, the complainant had to provide a reason why there was a delay in reporting the crime. In some instances, the Gardai then had to inform the complainant that, because of the delay, there would potentially be an appeal for a judicial review. In cases of delayed reporting, the accused was permitted to appeal for a judicial review if the delay in reporting significantly compromised the ability of the accused to gather exculpatory evidence (DACI 2011, 79).

1.2.5.3. Health Department

The Commission argued that the Church failed to follow the Framework Document because it did not report all allegations to the Health Department

and the Gardai. The Commission argued that there were clear guidelines in the Framework Document regarding this (DACI 2011, 45). Notably, the Framework Document includes the following guideline: "2.2.1 In all instances where it is known or suspected that a child has been, or is being, sexually abused by a priest or religious the matter should be reported to the civil authorities. Where the suspicion or knowledge results from the complaint of an adult of abuse during his or her childhood, this should also be reported to the civil authorities" (DACI 2011, 48).

Regarding reporting to the Health Department, the Commission had the following to say:

> In 1996, Monsignor O'Callaghan did report complaints against one priest to the health board. After that, no complaint was reported to the health authorities until 2008. The requirement to report to the health authorities was one which the Church imposed on itself and which the Diocese of Cloyne ought to have implemented in respect of all complaints whether historical or not and whether or not the Church had any confidence that the health authorities would do anything about these complaints (DACI 2011, 8).

However, according to the Health Department it was not necessary for the diocese to report allegations against dead priests to the Health Department. On this point, it is important to note that most of these allegations were historical in nature. The Health Department considered its role as far as historical allegations were concerned to be minimal. The reason for this is that the primary role of state-run child protection services is to perform a risk assessment. As I have mentioned previously, no child is at risk of a dead priest. Therefore, there is no need for a risk assessment in these cases. In terms of retired priests there may be minimal need for risk assessment, especially if the priest is infirm (DACI 2011, 91).

Furthermore, the Health Department was unsure of its own role regarding the handling of child sexual abuse complaints and, thereby, was not entirely helpful to the Church. For example, the Commission had otherwise stated in the Dublin Report that the Health Department had a limited role as far as extra-familial abuse is concerned (DACI 2011, 88). "It is clear from this statement that the HSE considered that the onus of risk management of priests against whom allegations were made rests on the diocese and not on the health services. It is to the credit of the diocese that it did engage in risk assessment in 2009. The diocese could not have been compelled by the State to do this" (DACI 2011, 92).

Regardless of all of this, the Commission argued that the Church had procedures in place that required all complaints of child sexual abuse to be reported to the Health Department and it should have followed through with this regardless of whether the priest in question was dead or if the Health Department deemed it to be unnecessary to do so.

> Monsignor O'Callaghan said that he had been told by this health board official that it was pointless reporting to the health board in cases where the alleged perpetrator was dead or in situations where a risk to children was not a current concern: "Outside of that their writ did not run. When it came to providing counselling for

> adult complainants, they had very limited resources". Whatever the role of the HSE and its power or capacity to deal effectively with notifications of alleged child sexual abuse, the fact remains that the Church guidelines which the Diocese of Cloyne had adopted required that notification of complaints be made (DACI 2011, 92-3).

However, this is an unreasonable criticism. Certainly, the Church made an error in including the requirement,in the Framework Document, to report all allegations to the Health Department. The correct cause of action would have been to correct this error in the guidelines and not overburden the Health Department with cases that were not within its remit. The inquiry's comment that the Church should ignore the Health Department's remit and continue with this course of action purely because they indicated that they would in the guidelines is unreasonably punitive.

In summation the Commission had the following to say regarding the Church's inability to follow the Framework Document to the letter:

> Unlike the State guidelines, reporting of complaints made by adults to the health authorities as well as the Gardaí was required in all cases involving priests working in dioceses as they would have had unsupervised access to children at some stage of their careers. The circumstances in which a child protection issue in cases of complaints by adults is considered to arise are clear in the Church guidelines whereas this is, unfortunately, not always the case in the State guidelines (DACI 2011, 49).

Clearly, the Framework Document was deficient, in some regards, which leads into the commentary in the next section.

1.2.5.4. Study Document?

As noted earlier the Framework Document was considered by the Vatican to be a study document. We have previously mentioned the concern that the Framework Document was, at least in some respects, inconsistent with canon law. A further concern with the Framework Document was that it did not offer the complainant the option of confidentiality. It is noted that some people want to make confidential complaints regarding child sexual abuse. The Commission argued that this was irrelevant and remarked that regardless of the complainant's wishes the policy did not allow for the possibility of confidential complaints. Hence the Commission stated:

> It was recognised that some people come forward, not primarily to report their own abuse, but to warn Church authorities of a priest or religious who is a risk to children. Nevertheless, the policy is clear that undertakings of absolute confidentiality should not be given and the information should be received on the basis that only those who need to know would be told (DACI 2011, 49).

That said, the overarching question in this section concerns whether Bishop John Magee, the bishop of Cloyne 1987-2010, and hence bishop for the entire

remit of the inquiry, viewed the document as a study document or not. The Commission argued that Bishop Magee did not view the document as a study document. Indeed, the Commission claimed that Bishop Magee wrote to all of the priests in the Diocese of Cloyne (5 in total) to advise them of this. However, it is worth noting that the actual quote from Bishop Magee which the Commission uses to support this premise does not state that all of the procedures needed to be adhered to strictly. The quote is as follows: "It is hoped that the enclosed report will serve the purpose of assisting Diocesan and Religious authorities in dealing appropriately with allegations of child sexual abuse which involve Priests or Religious" (DACI 2011, 4-5). Indeed, the wording "purpose of assisting" would suggest that Bishop Magee viewed this document as a flexible document or a study document, in keeping with the Vatican. In 1996 Bishop Magee told the Commission that he sent a copy of the Framework Document to all priests in the Diocese of Cloyne with a covering letter claiming the Framework Document was intended as a guide for the handling of complaints of child sexual abuse, this is consistent with the Vatican's understanding of this document as a draft document (DACI 2011, 50).

As already stated, the Congregation for the Clergy informed the bishops of Ireland that the document was a study document and not an official document of the Episcopal Conference (DACI 2011, 5). However, notwithstanding this, some of the bishops understood that the guidelines in the Framework Document should be fully implemented, regardless of Vatican concerns (DACI 2011, 6-7). This contradicts Vatican regulations. For instance, in 2001 the Vatican released a letter titled, *Sacramentorum Sanctitatis Tutela*. In this letter it is stated that any allegation of child sexual abuse that has a semblance of truth should be referred to the CDF in Rome. The CDF could choose to handle the complaint itself or advise the bishop on the appropriate action to take in canon law. At this time no cases were reported to Rome (DACI 2011, 53).

1.2.5.5. Commentary on the Cloyne Report

In concluding this discussion of the Cloyne Inquiry, we note the following general criticisms of the processes of the diocese as far as they relate to the handling of allegations of child sexual abuse: a support system should have been put in place for victims of child sexual abuse (in addition to paying for the cost of counselling and pastoral care that was already offered to victims of child sexual abuse); the independent advisory panel that the Diocese of Cloyne established was, in fact, not independent. (However, the Commission is satisfied that there is now an independent advisory panel for the diocese (DACI 2011, 10)); poor documentation of complaints (DACI 2011, 14); canonical investigations were not carried out in four of the examined cases (DACI 2011,15); and priests who heard about complaints did not report them to the diocese.

On a positive note, the Commission reported that in no case did the Diocese of Cloyne move alleged child sex offenders to another parish or out of the diocese altogether (DACI 2011, 16). Furthermore, the Commission

commended the diocese for its efforts to train church members about child safety. The Commission also commended Bishop Magee and Archbishop Clifford for recruiting risk assessment specialists in 2009 to review diocesan files and to arrange risk assessments for a number of priests. Furthermore, the Commission was satisfied that Archbishop Clifford had put in place an effective monitoring system for priests who were thought to be a risk to children. The Commission remarked, "In its report into the Catholic Archdiocese of Dublin, the Commission stated that it accepted that the current archdiocesan structures and procedures for dealing with clerical child sexual abuse were working well" (DACI 2011, 20).

Moreover, the Commission reported that the bishop of Cloyne did encourage a training scheme (regarding child-safety) and by 2010, 100 of the 104 priests in the diocese, who were still in active ministry, had been accredited and fully trained and only one priest required further training (DACI 2011, 127).

1.2.5.6. Bishop Magee

As an addendum to the commentary on the Diocese of Cloyne we provide a case-study on Bishop John Magee, the Bishop of Cloyne, who found himself to be the subject of a complaint of historical child sexual abuse at the time of the Cloyne Inquiry. We note, despite the accuser's assessment of the event, this accusation was generally considered to be a case of a boundary violation that did not constitute child sexual abuse.

The accuser is a man called Joseph. As a young man, Joseph, who was either just under 18 or just over 18, and who had intended to become a seminarian, visited Magee alone to notify him that due to difficult personal circumstances he would not take up the offer to become a seminarian. It is agreed by both Magee and Joseph that at this meeting Bishop Magee hugged Joseph and told him he had dreamed of him and that he loved him. At the time Joseph interpreted the words and gesture as "paternal" and he was not in any way uncomfortable. However, at a much later date, and in the light of media coverage of child sexual abuse and the Catholic Church, Joseph re-interpreted the events to be child sexual abuse and then complained to the Church, the Health Department and the Garda (DACI 2011, 320). All of these organizations investigated the claims and found the words and actions to be inappropriate but not constitutive of child sexual abuse, and certainly not criminal behaviour (DACI 2011, 321, 326, 333). For instance, Bishop Magee claimed that he hugged Joseph in the same way that he had seen the Pope hug people when Magee worked in Rome for many years. Regarding the words spoken, Magee claimed that he said that he dreamed of Joseph becoming a lovely priest and he told him that he loved him because he was going through a difficult time, which had led him to decline the offer to become a seminarian (DACI 2011, 332). If Magee's account is honest, this is definitely not a case of child sexual abuse and rather a combination of well-intended words and actions that were overly demonstrative and inappropriate in the setting. If Magee's account

is dishonest, it is still not an act of child sexual abuse but merely a so-called boundary violation.

1.2.6. Measures that were Put in Place by the Church in Ireland

The following timeline indicates important dates and periods in relation to (alleged) incidents of child sexual abuse and the responses of the Catholic Church in Ireland in respect of the introduction of child safety measures, as far as they are reported in the inquiry.

1962 – Pope John XXIII issued a special procedural law for processing cases of priests who had been engaged in soliciting sex in the sacrament of Confessional. The document required secrecy from all church officials involved. Priests, witnesses and complainants who breached the secrecy clause in this document were automatically excommunicated (Brundage 1987, 71).

Mid 1970s – This was the peak time as far as alleged acts of child sexual abuse in the Church were concerned. However, in the Church and in the broader community there was little knowledge of the extent of the problem. For instance, "there was no public, professional or Government perception either in Ireland or internationally that child sexual abuse constituted a societal problem or was a major risk to children" (DACI 2009, 111).

1975-2004 – Under canon law the period of prescription (statute of limitations) for complaints of child sexual abuse was five years (Ferns Inquiry 2005, 72).

Late 1970s – Bishop Donald Herlihy (Bishop of Ferns) began to use psychological experts to assess priests accused of child sexual abuse.

Early 1980s – Awareness and knowledge of child sexual abuse in Ireland emerged.

Early 1980s – In the early 1980s seminary training began to address the personal development of seminarians in St Peters, thus creating more resilient clerics who were less susceptible to the external factors that are a high-risk for regressed offenders (Ferns Inquiry 2005, 33). Prior to this, child sexual abuse was not discussed in seminaries (Ferns Inquiry 2005, 25).

Mid 1980s – The Ferns Diocese utilised a treatment centre in Stroud, England (formed in 1959) to treat priests who were accused of child sexual abuse. The Diocese also used treatment centres in the USA. (Ferns Inquiry 2005, 14-15).

– The number of allegations of child sexual abuse began to decrease.

1982 – A few social workers from the Health Department visited California to learn how to work with victims of child sexual abuse.

1983 – The Irish Association of Social Workers held a conference on child sexual abuse in Dublin (DACI 2009, 112).

1983 – The Canon Law Society of Great Britain and Ireland in association with the Canadian Canon Law Society created *The Canon Law: Letter & Spirit.* Canon 1395:2 of the 1983 code states "A cleric who has offended … against the sixth commandment of the Decalogue, if the crime was committed… with a minor under the age of sixteen years, is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants." (The age limit was raised to 18 in 1996) (DACI 2009, 65).

1988 – Child sexual abuse assessment units were established in Our Lady's Hospital for Sick Children, Crumlin and in Children's University Hospital, Temple Street (the St Claire's Unit) (DACI 2009, 112).

1988 – The Ferns Diocese introduced improved screening processes for candidates wishing to enter the priesthood.

1989 – A course on the personal development of seminarians was developed and taught by psychologists (Ferns Inquiry 2005, 33).

1991 – The Child Care Act 1991 came into being. Prior to this time the residential homes in the Irish Inquiry were not subject to statutory regulation (DACI 2009, 103-4).

Mid 1990s – From the mid-1990s it was argued that many people with a sexual orientation towards children cannot have their orientation changed. However, it was also widely believed that an attraction to children could be treated by psychologists and psychiatrists with therapy and drugs (Ferns Inquiry 2005, 21).

1994 – The Irish Catholic Bishop's Conference established an Advisory Committee to create guidelines for handling allegations of child sexual abuse.

1995-96 – The Framework Document was sent to all dioceses. This document advised bishops to report all allegations of child sexual abuse to An Garda Síochána (the police) and the Health Board. Before this time there was no standard in Ireland for responding to allegations of child sexual abuse. Prior to this time Diocesan bishops formulated their own responses, albeit responses consistent with canon law. Bishops were authorized to restrict a priest's activities for the duration of an investigation (The Ferns Inquiry 2005, 39). However, in reality many bishops struggled with this process (Ferns Inquiry 2005, 41).

1996 – The Child Care Act 1991was fully implemented (DACI 2009, 100).

1996-2008 – The Conference of Religious of Ireland and a number of Catholic dioceses including the Archdiocese of Dublin spent €700,000 on treatment initiatives for victims of child sexual abuse (DACI 2009, 137).

1999 – Bishop Eamonn Walsh established the Laffoy Commission, later called the Ryan Commission to liaise with the government's Commission to Inquire into Child Abuse (DACI 2009, 130).

2000 – Keven Doran (previous director of vocations, Archdiocese of Dublin) contacted the An Garda Síochána in an attempt to introduce police screening for candidates for the priesthood. Doran was advised that the Catholic Church was not eligible to receive police screening for its clerical candidates (DACI 2009, 156).

2001 – Pope John Paul II (2001) issued the document, *Sacramentorum Sanctitatis Tutela*. This document outlined new guidelines for handling grave offences including child sexual abuse.

2001 – The period of prescription (statute of limitations) was extended to ten years from the complainant's 18th birthday (DACI 2009, 72).

2001 – The CDF was authorised to have oversight in cases of child sexual abuse (Ferns Inquiry 2005, 13-14).

2002 – Bishop Walsh was appointed as Apostolic Administrator of the Diocese. He ensured that all outstanding allegations of child sexual abuse were reviewed with the newly created Advisory Panel. Walsh asked members of the public to report new allegations of child sexual abuse to the Gardai and the Health Board, and also to report allegations of child sexual abuse that were previously not handled adequately to these agencies (DACI 2009, 131).

2002 – The National Child Protection Office of the Irish Bishops' Conference successfully lobbied the then Minister for Justice, Equality and Law Reform, to have the Church designated as a body that could seek vetting of prospective priests (DACI 2009, 156).

2002 – Pope Francis granted the CDF discretionary power to investigate complaints dating back longer than ten years (DACI 2009, 73).

2000-2003 – The Bishops' Committee on Child Protection (formally the Irish Bishops' Committee on Child Abuse) released *Time to Listen*. This report is an independent report that was Commissioned by the Irish bishops and undertaken by The Health Services Research Centre at the Department of Psychology, Royal College of Surgeons Ireland (The Ferns Inquiry 2005, 16).

2003 – The Archdiocese of Dublin established a Child Protection Service. Its role was to assist the archdiocese in the implementation of child protection policies and procedures, and to provide pastoral care to victims of child abuse.

2005 – The bishops' child protection office created a national training scheme. This course was taught at St Patrick's College, Maynooth (DACI 2009, 132). The Ferns Inquiry endorsed the formation training of the Maynooth College. It was claimed that there were more resources available to train students by comparison with the situation 40 years earlier, and that the college-maintained training throughout an ordinand's discernment, including offering conferences, lectures, advice, spiritual direction, and professional counselling. It was claimed this resulted in students acquiring psycho-sexual-socio maturity (Ferns Inquiry, 2005).

2005 – The Framework Document was reviewed and replaced by *Our Children Our Church* (DACI 2009, 132).

2006 – Garda vetting became available to the Church in Ireland through the Garda central vetting unit (DACI 2011, 129).

2009 – New guidelines were introduced by the National Board for Safeguarding Children. This board was set up in 2006 and replaced the bishops' Child Protection Office (DACI 2009, 133).

As mentioned at the outset of this discussion, the events that are listed here are sourced from the inquiry. Therefore, the listed events finish in 2009 because the inquiry ceased at this time. Since 2009 there have been further, considerable, developments in safeguarding in the Catholic Church in Ireland. For example, safeguarding policies have been refined over the years. A major revision of the policy *Safeguarding Children: Policy and Standards for the Catholic Church in Ireland* was completed in 2023. Induction of new experts to work according to the systems outlined in the document and staff training commenced in 2024. By 2024 all dioceses in Ireland had been reviewed in relation to safeguarding practices, etc. (NBSCCCI, 2024, 10). However, the point of this timeline is to assess whether the Catholic Church's claim that it was on a "learning curve" in relation to child sexual abuse was reasonable. The Irish Inquiry did not accept this claim.

1.2.6.1. Commentary on the Timeline

As mentioned earlier, the inquiry into the Diocese of Dublin rejected the diocese's claim that it was "on a learning curve" prior to the late 1990's regarding the handling of allegations of child sexual abuse. However, as we can see from the proceeding timeline, the Church in Ireland's developments regarding preventing and otherwise combatting child sexual abuse were consonant with those in the broader community. For example, prior to the mid-1970s there was little public knowledge regarding the scope or the extent of damage of child

sexual abuse. It was only in the early 1980s that this knowledge emerged in Ireland. At this time, the Church began to implement training and screening in seminaries to try to combat the problem. The Church was, at times, proactive in finding solutions to the problem. For example, canon laws were amended in ways that were more favourable to people making complaints of child sexual abuse and demonstrated a growing awareness of the problem. Moreover, priests who were identified as sexual predators were sent to specialized treatment centres. Albeit this was not always successful. Overall, cases of child sexual abuse (relying on the numbers of allegations of child sexual abuse made to the inquiry) did begin to decrease in line with growing awareness and the implementation of strategies in the Church.

In 1996 the Child Care Act 1991 was fully implemented and the Church created further structural responses to child sexual abuse. However, they were not always entirely successful, e.g., the Framework Document was only a guide, and as such, it did not have definitive procedures. That said, some initiatives the Church put forward to combat child sexual abuse were impeded by other agencies, notwithstanding the Church's efforts to make improvements, i.e. in 2000 the Archdiocese of Dublin was informed that it was not eligible to police screen candidates for the priesthood. For a more detailed discussion on the Church's "learning curve" please read Pádraig McCarthy's book, *Unheard Stories.* Among other points McCarthy stresses that if the Murphy Report had given equal attention to how the Church and the State responded to allegations of child sexual abuse, as might have been suggested in its remit, there would have been a greater context for the Church's handling of allegations. McCarthy argues that it is evident that other professions such as psychiatry, the Garda, social workers, educators and others were also on a learning curve (McCarthy, 2013, 91-92).

1.2.7. Redress

The Irish government had always envisioned a redress scheme would follow-on from the Ryan Inquiry and set about creating the Redress Board before the completion of that inquiry. In 2002 the *Residential Institutions Redress Act* was passed into law and the *Residential Institutions Redress Board* came into begin. In keeping with the regulations in the Act the board made all provisions, including advertising in the media, to inform former residents of residential institutions of the purpose of the scheme, namely, to pay compensation to all victims of abuse (Republic of Ireland 2002, 6).

The standard of proof required to make a claim for redress was the "balance of probabilities" test used in the civil court. There was no requirement that the applicant prove legal fault. Moreover, the redress scheme had a very broad definition of abuse including the catch-all words "any other act or omission towards the child" (Republic of Ireland 2002, 3). Furthermore, given that, all of the claims were historical in nature, the collection of evidence was difficult. However, notwithstanding this, the board did have a rigorous process for assessing claims. For example, there was the provision for cross-examination.

This is in contrast with the redress scheme in Australia where there is a lower standard of proof and no provision for cross-examination (see section 3:11.). Relevant details concerning the Irish redress scheme are as follows.

The board would make an award to an applicant if the board was satisfied that the applicant had: "(a) proof of his or her identity (b) that he or she was resident in an institution during his or her childhood, and (c) that he or she was injured while so resident and that injury is consistent with any abuse that is alleged to have occurred while so resident…" (Republic of Ireland 2002, 7). Notwithstanding a low standard of proof the board was granted the powers to write to people or institutions of interest and request information, request advisors prepare a report on the alleged injuries of the applicant (Republic of Ireland 2002, 9), assess the applicant including interviewing the applicant and medical advisors (Republic of Ireland 2002, 10), notify relevant people who were named in the claims and invite relevant people to provide evidence, and allow cross-examination of the applicant to protect the alleged abuser from potentially false allegations (Republic of Ireland 2002, 11). This is in stark contrast to the Australian redress scheme that does not investigate allegations. Of note, when an applicant accepted an award, the applicant was requested to sign a waiver stating that the applicant would not commence or would discontinue any other proceedings against the alleged offender and any relevant public bodies (Republic of Ireland 2002, 12). Lastly, the decision to award a payment did not constitute a finding of fact that the alleged offender in a claim carried out the acts alleged in the application (Republic of Ireland 2002, 13).

As we can see there are many positive attributes of the redress scheme. However, it has been the subject of much controversy. It has been claimed the board was insensitive to applicants, the scheme did not run for long enough, the confidentiality clause in the award was unfair, and that most of the funding from the scheme came from taxpayers (BBC News 2009). To the topic of funding we now turn and the controversial request from the government that the religious orders pay for half of the costs of redress (the other half to be paid by the government). Notably, this request was challenged by religious orders in a document called, *The moral challenge posed to religious about the cost of redress* (2017).

This document reports that the government set up the redress scheme without an agreement to halve the costs with religious institutions but that religious institutions offered to contribute "€128 million in 'cash, counselling costs and real property'". At that time there were 1000 pending cases in the High Court against both the State and various religions congregations. Moreover, the redress scheme was created in 2007 before the impact of the global economic crisis and when, it is argued, the government was flush with money (An oblate of Mary Immaculate 2017, 2-3). Religious institutions were reluctant to make more of a commitment given the redress scheme was, in their words, overly generous. For example, it is argued that it was easy to get an award, and applicants did not have to prove that their injury was because of any fault or negligence on the institution's part (An oblate of Mary Immaculate 2017, 3).

Amidst mounting backlash, the Taoiseach Brian Cowen, T. D. and the Minister of Education Mr. Batt O'Keeffe, T.D, declared that the agreement with religious congregations could not be reopened. Notwithstanding this, the Government exerted, what has been called, "moral pressure" on religious congregations to reimburse the Government on a "fifty-fifty" basis for its expenditure under the redress scheme including: half of the costs of the awards to applicants under the Residential Institutions Redress Act, 2002; half of the administration costs; and half of the costs of the work of the Ryan Commission of Inquiry itself. This occurred in the context of a significant economic downturn. Therefore, it has been argued the government was looking for a bailout of what was a poorly conceived scheme.

The religious congregations argued there was nothing immoral in their original offer of a fixed amount of money given that they warned the government about potential spiralling costs of the poorly conceived scheme. Moreover, religious congregations questioned the abrogation of moral responsibility on the part of others who were criticised in the report including, school authorities, the Dáil, the judiciary, and the Garda, who were not subject to moral pressure to finance the redress scheme or the inquiry (An oblate of Mary Immaculate 2017, 6-7).

1.2.8. Conclusion

Regarding the Ryan Report, it is evident that there was significant historical child abuse, including child sexual abuse, in industrial and reformatory schools that were largely run by religious congregations. However, it is important to stress that the significant problem of child sexual abuse in the Catholic Church in Ireland is historical. For example, in the figures from the Confidential Committee in the Ryan Report 90% of the witnesses were first admitted to residential institutions between 1914 and 1965 (CICSA 2009, Vol. 3, 4.05). Most of the allegations of abuse concern events alleged to have occurred in the 1960s (CICSA 2009, Vol. 3, 9.09). The allegations in the Investigative Committee also relate to abuse that, if it occurred, then it occurred in the distant past. Indeed, the industrial schools which were a focus of this inquiry closed by the mid-1970s. A substantial number of the allegations concern alleged abuse that occurred 40 years prior to the closure of the industrial schools (CICSA 2009, Vol. 1, 5.38). The Murphy, Ferns, and Cloyne inquiries also report the historical nature of the allegations.

Moreover, it is evident the Church in Ireland did implement child-safety mechanisms which were consistent with those in place in the broader community and did so within the same timeframe. For example, the State implemented child–care legislation in 1996, which was the same year the Church began to implement child-safety mechanisms. On the other hand, our overview of the Cloyne Report showed that the Diocese of Cloyne failed on many fronts to fully implement, or adequately comply with, processes which were put in place to handle allegations of child sexual abuse. Notably, diocesan leaders failed to report allegations of child sexual abuse to the police and to the CDF, in accordance with canon law. Furthermore, the Diocese did not appoint support people to victims of child sexual

abuse and did not operate an independent advisory panel, as they said they would. However, we have also drawn attention to the understandable confusion regarding reporting allegations made against dead priests. We note the diocese failed to report claims made against dead priests to the police and the Health Department. We have argued that the Diocese should have reported these claims to the police for the reason that doing so would help the police to compile evidence. However, we also argued that it was unnecessary to report dead priests to the Health Department, given that the Health Department is concerned with risk assessments.

In closing it is important to note that the Irish Inquiry was a source of healing for many victims of child sexual abuse. Many told their stories for the first time to the various inquiries. Others found a more compassionate ear from the inquiries than they had otherwise found in church leaders. Moreover, this inquiry made a concerted effort to ensure that victims of child sexual abuse were compensated (at least in part) for cases of child sexual abuse that would have been difficult, if not impossible, to prove in the court system. It is worth noting here that the effects of child sexual abuse are far-reaching and given the ages of the victims often reorientate the trajectories of the victim's lives. For example, disruptions in schooling at an early age can have a lifelong impact. Moreover, problems with trust that develop at an early age have far-reaching effects beyond the difficulties often cited regarding personal romantic relationships. Furthermore, and most shameful for the Church, the violation of a child by a person associated with the Church disrupts the flow of grace from the Church. Indeed, victims of child sexual abuse often say that as a result of the abuse they endured they have an uneasy relationship to the Church, and to faith more generally speaking. Thereby, child sexual abuse in the Church impedes the healing and salvific function of the Church, which is a great tragedy, and certainly puts the need for compensation in a wider perspective. The Irish Inquiry spotlighted the deficiencies in church processes concerning the handling of complaints of child sexual abuse and initiated church reforms on this front.

For a comprehensive understanding of the work of safeguarding in the Catholic Church in Ireland today, please visit the website of *The National Board for Safeguarding Children in the Catholic Church in Ireland*. National Board Publications

In reference to the latest report (concerning April 2023-March 2024) there were no accusations of child sexual abuse pertaining to an event alleged to have happened in the period 2010-2019 and only 1 allegation of child sexual abuse pertaining to an event alleged to have happened in the period 2020 -2023 (NBSCCCI 2024, 14).

1.3. Independent Inquiry into Child Sexual Abuse (England and Wales)

1.3.1. Introduction

As mentioned in the introduction, we discuss the Independent Inquiry into Child Sexual Abuse (England and Wales) because some of its findings call into

question the findings of other inquiries. However, we do not discuss this inquiry at length because its data of child sexual abuse in the Catholic Church is not as extensive as it is in some of the other inquiries in this book.

1.3.2. General Comments

The Independent Inquiry into Child Sexual Abuse (IICSA) was established as a statutory inquiry in 2015 (IICSA n.d.a.). IICSA worked in much the same way as the Irish Inquiry. For example, it divided its work into three main components: (1) The Truth Project – where complainants told the commission stories of alleged sexual abuse; (2) The Research Project, and; (3) The Public Hearings Project (IICSA n.d.b.). IICSA was interested in child sexual abuse in a range of different institutions, i.e. not only Catholic institutions.

Some criticisms of the IICSA inquiry which are familiar from earlier inquiries, including the Irish and Australian inquiries, are as follows: IICSA defined a child as someone under the age of 18 (but did not take into account that the age of consent in the UK is 16) and it did not investigate or substantiate allegations of child sexual abuse. Yet, IICSA also diverged from some of its predecessors. For example, IICSA investigated the sexual abuse of adults if the abuse commenced when the adult was a child. Thus: "For the purposes of this inquiry "child" means anyone under the age of 18. However, the panel will consider abuse of individuals over the age of 18, if that abuse started when the individual was a minor" (IICSA n.d.c.). We note, IICSA consider acts of grooming to be child sexual abuse which is relevant here, as grooming is notoriously difficult to define and to discern (IICSA Research Team 2020, 68). Indeed, it is often difficult to distinguish grooming actions from other actions, such as merely befriending a minor, which might be entirely innocent at the time the act took place. Included in this category may be cases where an attraction developed on the part of an adult (i.e. a person over 18) to a person under the age of 18 but over the age of consent, e.g. a 17-year-old, and where the adult decided to wait to have sex with the 17-year-old until he or she reached the age of 18. Included in this category would be the case of Bridgette Macron, who was a teacher at a Catholic school and who developed an attraction to Emmanuel Macron, who is now the President of France, when he was under the age of 18, but who waited until he was 18 in order to begin a relationship with him.

Moreover, the inquiry worked in consultation with the Australian Royal Commission (IICSA n.d.d.) and in doing so likely imported errors from this inquiry. For instance, IICSA accepts the claim of the Australian Inquiry that 7% of all priests in Australia engaged in child sexual abuse; a claim argued in section 3.2.6. of this book to be incorrect. IICSA was also heavily influenced by the findings of other previous inquiries including the claim in the John Jay Inquiry that in the Catholic Church in the United States male-on-male child sexual abuse is to be understood as situational rather than the result of a homosexual orientation; a claim for which, as we show in section 2.2.6, the John Jay Inquiry does not provide credible evidence.

Some welcome differences between IICSA, on the one hand, and the Irish and other inquiries, on the other hand, concern the use of precise language regarding complainants/victims of child sexual abuse. For example, if a complaint was not substantiated by the Church or by a court trial the person making the allegation was called a "complainant" if an allegation was substantiated the person making the allegation was called a "victim" or "survivor" (IICSA 2020, 7). Moreover, this inquiry is truthful about the limits of the inquiry. For example,

> This report describes the experiences of participants who told us they were sexually abused in religious contexts between the 1940s and 2010s. Given that the most recent case of abuse included in this analysis occurred almost a decade ago and most of the experiences shared relate to experiences occurring in the 1970s and earlier, it is not possible to make any comparisons with current-day experiences in religious contexts on the basis of Truth Project data (IICSA Research Team 2019, 1).

Finally, IICSA referred all allegations of child sexual abuse to the police (IICSA n.d.d.), unlike, for instance, the French Inquiry (see section 4.2.9)

1.3.3. The Truth Project

The findings of the Truth Project concern the accounts of victims of child sexual abuse who came to the Truth Project between June 2016 and November 2018. The data in this section concerns the report, *Truth Project Thematic Report. Child Sexual Abuse in the Context of Religious Institutions*, which focuses on different religious communities (i.e., not only the Catholic Church) (IICSA Research Team 2019, 1). 25% of participants alleged they were abused in the Catholic Church (IICSA Research Team 2019, 26). The alleged abuse occurred in either a place of worship or at an activity that was run by a religious group. The abusers in question were considered to be anybody who worked in a religious setting but also, children who abused other children. This latter group is described in the following odd terms: "other children or young people displaying harmful sexual behaviours in the context of an organisational culture of abuse (such as in close-knit religious communities…)" (IICSA Research Team 2019, 10). In total 183 people alleged to the Truth Project they were abused in a religious setting between 1940 and 2010. 133 people claimed to have been abused in a religious institution and 153 claimed to have been abused by a priest or a church-worker. (IICSA Research Team 2019,1,15).

A feature of the Truth Project is that it compared the statistics of religious institutions with the statistics of non-religious institutions. However, it remarks that these comparative figures are not representative nor statistically significant (IICSA Research Team 2019, 2). Given this we will only discuss the figures that relate to religious institutions. They are as follows: 42% of participants alleged they were first abused prior to the 1970s; 73% of participants alleged they were 8 or older when first abused; 61% of the participants were men; the average age of the participants was 54 (IICSA Research Team 2019, 19). Concerning the

alleged perpetrators, 81% were clerics or church-workers and 96% were males (IICSA Research Team 2019, 24). Concerning the type of abuse, 62% of the participants alleged they were fondled while 32% alleged they were sexually penetrated (IICSA Research Team 2019, 25). Some participants spoke of multiple forms of abuse and abuse that persisted for years (IICSA Research Team 2019, 28). 34% of participants alleged they told somebody of the abuse (IICSA Research Team 2019, 34). 68% of the participants say they did not tell anybody at the time of the abuse (IICSA Research Team 2019, 38). 85% of participants disclosed the alleged abuse when it had stopped and 60% reported the alleged abuse to the police (IICSA Research Team 2019, 41). The latter figure casts doubt on subsequent inquiries into child sexual abuse that rely on general population surveys to determine the extent of child sexual abuse in the Catholic Church, such as the French and Spanish inquiries. In these inquiries only a tiny fraction of those who alleged in the surveys that they were abused as children, reported the abuse to the police (see sections 4.2.7; 4.3.2)

1.3.4. Investigation into the Roman Catholic Church

This section discusses the findings of the IICSA (2020) report concerning the Roman Catholic Church. It's investigation report concerns the nature and extent of child sexual abuse in the Roman Catholic Church in England and Wales and the Church's institutional response to allegations of child sexual abuse. This report is based on the statistics from the Catholic Church regarding allegations of child sexual abuse and the findings of three sample case-studies: Ampleforth and Downside Abbeys and their schools (2018): Ealing Abbey and St Benedict's School (2019c); and the Archdiocese of Birmingham (2019b).

1.3.4.1. Mistakes and Misreporting

At first blush, there are numerous mistakes in the investigation report and the language in the IICSA investigation report is, at times, imprecise and inconsistent. For example, in the Executive Summary it states that, "Between 1970 and 2015, the Roman Catholic Church received more than 900 complaints involving over 3,000 instances of child sexual abuse" (IICSA 2020, v). Yet, in the Introduction it states, "Between 1970 and 2015, the Church received more than 3,000 complaints of child sexual abuse" (IICSA 2020, 2). These figures are presumably taken from the Bullivant Review (2018). However, we do not have a reference in the Executive Summary or in the Introduction for these figures. That said, the figures from the Bullivant Review are reprinted in the body of the IICSA investigation report. The Bullivant Review is a report that contains data and analysis regarding child sexual abuse in the Catholic Church. It was commissioned by the Catholic Church and undertaken by Professor Stephen Bullivant. The figures in the Bullivant Review indicate that between 1970 and 2015 there were 931 complaints received, 1753 individuals came forward, there were 3072 instances of alleged abuse, and 936 subjects of complaints (IICSA

2020, 16). This gives clarity on the matter. The Introduction is presumably mistaken in claiming there are 3,000 complaints; there were 936 complaints (and 3,072 instances of alleged sexual abuse).

Moreover, the reporting in IICSA is unclear in respect of some important issues. However, clarification is provided in the Bullivant Review. For example, IICSA does not mention that a single complaint accounts for 750 instances of alleged abuse. Importantly, this alleged abusive activity (comprised of 750 instances of abuse) occurred over a period of four years. Crucially IICSA omits to mention that this single complaint accounts for a third of all alleged instances of abuse in the diocesan data (a third of the 2049 total instances of alleged abuse) (Bullivant 2018, 7-8).

A further problem with the report concerns inconsistencies between claims made in the main body of the text of the report and the evidence provided for these claims in the references supplied. For example, let us take the case of RC-F95. In the Ampleforth Downside case-study report, which precedes the investigation report, it is stated that:

> In November 2001, RC-F95 was referred to Dr Elizabeth Mann by Abbot Wright for his addiction to pornography, which he viewed online. It appears that his preference was for sites depicting 'fresh-faced' young men aged 18–24…On 5 May 2006, NYP were contacted by the school. They reported that an audit of their computer systems had revealed that RC-F95 had attempted to access sites restricted by Ampleforth's firewall. A strategy meeting was held that same day and RC-F95 was suspended from his teaching post. His computer was seized by NYP. Forensic examinations were conducted which showed that RC-F95 had 'attempted to access adult homosexual sites, but not those involving children'. There was no evidence that RC-F95 had committed a criminal offence. The investigation was therefore closed by police (IICSA 2018,61-2).

Yet, the IICSA investigation report, when referring to this case, states that, "a number of the accessed sites contained the word 'boy' in the title and showed "young adolescent males". However, the reference supplied does not corroborate this. Instead, it states that the Abbot in charge of RC-F95 recalled, "When I pointed out that some of the sites to which he had sought access looked as if they were of adolescent males, he denied looking at anything illegal…" (Ampleforth Abbey n.d.). However, the IICSA investigation reports that the (pornographic) websites showed "young adolescent boys". This is a crime. By contrast, the reference states that the males looked like "adolescent males". Indeed, it does not even state "young" adolescent boys. Given the police deemed there to be no evidence of criminal activity we might reasonably conclude that IICSA has seriously misreported this. For if the websites did indeed show images of "young adolescent boys" RC-F95 then would have been charged with a criminal offence; but he was not (IICSA 2020, 39).

Another more important case of misreporting is this one. The Executive Summary of the IICSA report claims that it is an error to consider child sexual abuse in the Roman Catholic Church to be an historical problem because there

have been 100 "reported allegations" since 2016 (IICSA 2020, v). Here we need to distinguish between allegations made since 2016 and allegations made since 2016 of instances of child sexual abuse that have allegedly taken place since 2016. IICSA's claim that child sexual abuse is not an historical problem depends on the truth of the latter claim, i.e. that the (alleged) child sexual abuse has taken place since 2016 and not merely the allegations of it. Yet, crucially this claim in respect of recent instances of child sexual abuse is unevidenced; it does not even have a reference purporting to provide the evidence to back it up. Moreover, it is inconsistent with information in the main body of the text which clearly states the following:

> The annual reports do not consistently identify the years in which the abuse is alleged to have occurred. For example, the 2016–17 report includes information about the date when the abuse was first said to have occurred. This information was not included in the 2018 annual report. It is unclear whether the increase in the number of complaints is indicative of an increase in offending or an increase in the reporting of such matters or both (IICSA 2020, 18).

So, the Executive Summary holds it to be a grave error to believe that child sexual abuse in the Catholic Church is an historical problem and offers the 100 reported allegations as the evidence for this. But it offers no evidence for this very important claim; a claim that is inconsistent with the findings of the Irish Inquiry, the John Jay Inquiry, the NZ Inquiry, the Spanish Inquiry and our analysis of the findings of the Australian Inquiry and the French Inquiry. Moreover, in the body of the very same report it is stated that it is unclear if the allegations in the recent annual reports of the Catholic Church are allegations of acts of child sexual abuse that (allegedly) occurred in the distant past or in the very recent past; that is, it is unclear whether the allegations pertain to historical acts or contemporary acts. And there is this further point. IICSA does have the figures for 2016, and they clearly demonstrate that most of the allegations in the 2016 annual report pertain to alleged acts of child sexual abuse that, if they occurred, they occurred in the distant past, i.e. they are allegations of historical child sexual abuse. Let us pursue this matter further.

It is known, according to the references given in the IICSA report, and regarding the 2016 report, that there were 112 allegations of child sexual abuse (Table 4 n.d.). Moreover, in the 2016 report we have an indication of when the alleged acts of abuse occurred. For example, this report contains the following table: "Table 5 [n.d.]. Date when abuse first occurred by type and total number of victims/ survivors". This table states that in 2016 there were in total 30 victim/survivors. Furthermore, the table has the following categories, sexual abuse (16), physical abuse (1), emotional abuse (5), neglect (1), child sexual abuse images (7), and not known (1). The table states that a person may have suffered abuse in more than one category.[3]

Certainly, some of the annual reports of the National Catholic Safeguarding Commission (particularly 2018) are lacking relevant dates. However, the

[3] Please see (IICSA 2020, 18).

Bullivant Review, which is otherwise referenced by IICSA, demonstrates there is a clear trajectory of significantly diminishing cases of child sexual abuse. To be clear; this is not a point about when the allegations were made but rather when the alleged acts of child sexual abuse allegedly occurred. The Bullivant Review (2018) covers the years from 1970 to 2015 (14). So not only is IICSA's claim that child sexual abuse is not an historical problem unevidenced; the contrary claim that it is historical is well-evidenced by the data they have and use.

Furthermore, the data and conclusions in the Irish, John Jay, NZ and Spanish (and our analysis of the hard data, as opposed to speculations in the Australian and French inquiries) indicate that child sexual abuse in the Catholic Church, in the western world, is largely an historical problem. Indeed, the John Jay Inquiry strongly endorses this argument (Terry et al. 2011, 2-3)). IICSA is familiar with most of these reports and makes use of their findings regarding other considerations. At this point it is beginning to look as though IICSA is not only making the highly significant but false claim that child sexual abuse is not an historical problem but is disingenuous in doing so. Regarding the figures in the Bullivant Review (2018) it is worth keeping in mind the delay in reporting, which is also consistent with other inquiries, i.e. most of the complaints that were made to the Catholic Church in the past twenty years were historical in nature (17). The problems with the delays in reporting are discussed extensively in this book (see sections: 2.2.12.2; 3.2.12; 4.2.7).

Regarding another falsehood, the Church did not neglect to notify statutory bodies about complaints of child sexual abuse, as IICSA allege. Instead, the Church did not report most complaints of child sexual abuse to statutory authorities at the times of the alleged offenses, because most complaints were not made to the Church and, presumably therefore, not known to the Church until decades after the alleged offenses were committed. Regarding the data in the Bullivant Review (2018), 81% of allegations of child sexual abuse were reported to the statutory bodies when the Church received the complaints (18). Regarding the complaints that were not made to the statutory bodies at the time the complaints were made: the reason is unknown in 50 cases (32%); the alleged perpetrator was deceased at the time the complaint was made in 36 case (23%); victims were unwilling to proceed in 26 cases (16%); in 15 cases (9%) the Church was informed by a third party; in 11 cases (7%) there was insufficient evidence to identify the alleged perpetrator; in 13 cases (8%) it was believed that it was not necessary to involve statutory authorities; in 3 cases (2%) the perpetrator was in gaol; in 4 cases (3%) the case was referred to a different diocese (20). In short, the evidence indicates that the Church, in most cases, did report allegations of child sexual abuse to the statutory authorities in a timely manner.

1.3.5. Desk Research

There are further significant errors in the desk research that informed the investigation report just discussed, particularly in the rapid evidence assessment (REA). The REA report is titled *Child sexual abuse within the Catholic and Anglican Churches: a rapid evidence assessment*. This report is a fast and targeted review and

analysis of the literature regarding child sexual abuse and religious institutions (IICSA 2020, 6).

This report has clearly suffered from undertaking its *fast* assessment, instead of a careful, rigorous and full systematic review, and, not unlike the investigation report, it is full of errors. Some of the errors were corrected after its original publication in 2017. For instance, in 2018 multiple corrections were made in relation to multiple roles, functions and activities of the Church, including the following ones: the involvement of the Anglican Church in services and programs for children; the role of the Archbishop of Canterbury; the description of a research study; the role of independent audits of diocesan safeguarding practices; the role of the Church of England and the Anglican Communion; the relationship of the Church of England and church schools and youth groups; the Archbishop's Council and the safeguarding policy of the Church of England. The research team also used the incorrect Church of England safeguarding policy in the original version of the document (IICSA Research Team 2017, 2), among others.

The REA report is significant because IICSA relied on 'information' and arguments in the REA report which are recycled misinformation and invalid (or contentious) arguments. For example, the John Jay argument to the conclusion that male-on-male child sexual abuse in the Catholic Church in the US is situational rather than driven by homosexual orientation has been uncritically accepted by the Australian Inquiry and IICSA (2020, 15). This is both surprising and problematic given that there is academic research (Sullins 2018) that challenges this claim and new evidence unearthed by IICSA, especially in the case-study into Ampleforth and Downside, that undermines the John Jay conclusion and, therefore, the view propounded by IICSA. For example, the case of Fr Bernard is relevant here (IICSA 2018, 59). Fr Bernard initially abused boys and later sexually harassed adult males when he attended the University of Oxford and had opportunities to interact with, indeed harass, adult females. Evidently, therefore he demonstrated a sexual orientation to males (whether adult males or boys). Furthermore, IICSA provides details of the pornographic content that predator monks, who were charged with child sexual abuse, were accessing on the internet, i.e.

> …RC-F18…was arrested in February 2004 for several offences including buggery, indecent assault and incitement to commit gross indecency offences. His computer was also seized and searched as part of the police enquiry; pornographic material was found, as well as evidence that he had posed as a 19-year-old girl in order to engage in sexually explicit online chats with males. DSU Honeysett told us that while this material 'clearly indicated an interest in adolescent boys, there was no evidence to show that those boys were [in fact] underage' (IICSA 2018, 55).

As with Fr Bernard, RC-F18 (and other predator monks), sexually abused boys and displayed a homosexual orientation in manifesting a clear desire for male-to-male sexual activity when given the choice between this and male-to- female sexual activity. Hence, IICSA's own evidence is contrary to the thesis of situational male-to-male sexual behaviour put forward in the John Jay Report – a thesis that IICSA

uncritically endorses. Here it is worth noting the John Jay argument of situational male-to-male sexual behaviour is now 14 years old and its claims worthy of revision regarding the new evidence in this report and also the Vatican report into ex-Cardinal Theodore McCarrick, who is alleged to have abused boys and men. Saliently, McCarrick was not lacking in opportunities to abuse girls, but he chose to abuse males exclusively (Secretariat of State of the Holy See 2020). Furthermore, in the EPHE report in the French Inquiry nearly half of the predators who were interviewed self-identified as homosexual (80% for those who only assaulted male children), and one third of the predators identified as bisexual. All of the predators who only abused female children identified as heterosexual (CIASE 2021, 149).

1.3.6. Conclusion

The findings of IICSA are not dissimilar to the findings of the other inquiries, analysed in this book. For example, and notwithstanding the contrary claim made in the Executive Summary, the allegations of child sexual abuse documented in IICSA are largely historical, there was a significant delay of decades in the reporting of most of the allegations, and most of the cases concern male-on-male sexual abuse. Moreover, evidence presented in IICSA demonstrates that the Church has introduced safeguarding measures over time that have, largely, been effective, but have been flawed in some respects. Some of the safeguarding measures that were put in place include the following. In 1994 *Child abuse: pastoral and procedural guidelines: a report from a working party to the Catholic Bishops* was produced (IICSA 2018, 2). In 2001 the Nolan Report was published. It contains 83 recommendations and encourages the "One Church" approach, which concerns a universal set of principles, policies and practices that prioritizes the welfare of children. As a result of the Nolan Report, the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) was established (IICSA 2020, vi-ii). The Nolan Report suggested that its recommendations should be reviewed after five years (IICSA 2020, 40). In 2007 the Cumberlege Report, *Safeguarding with Confidence*, was published. This report claims that 79 of the 83 Nolan recommendations had been addressed in full or in part. In 2008 the National Catholic Safeguarding Commission (NCSC) was formed to set the strategic direction of child protection policy and to monitor compliance. Each diocese now has a safeguarding commission supported by safeguarding coordinators and safeguarding representatives in parishes and religious institutes (IICSA 2020, vii). In 2011 Lord Carlile of Berriew, CBE, QC, was commissioned to produce a report into matters relating to Ealing Abbey and St Benedict's School, Ealing (IICSA 2018, 3). The report was generally positive but also flagged some areas for improvement,

> The changes brought about by Nolan and Cumberlege resulted in improvements over the years. These included more formal handling of reports of child sexual abuse, better training for the clergy, religious and those involved in safeguarding, and greater cooperation with the statutory authorities. This is in contrast, however, with slower progress in other areas (IICSA 2020, vii).

CHAPTER 2

North American Inquiries

2.1. Introduction

In this chapter we analyse three different inquiries. The first inquiry we analyse is the John Jay Inquiry, which considers the causes, context, nature and scope of child sexual abuse in the Catholic Church in the USA. This seminal work has influenced many of the other inquiries into child sexual abuse, who utilise its findings. Given its prominence in this field, we analyse it in depth. The next inquiry we discuss is the Pennsylvania 40th Statewide Investigating Grand Jury. This inquiry is included because of the controversy surrounding it – sections were permanently redacted in line with a Supreme Court ruling. Lastly, we discuss the Canadian Inquiry in less depth as child sexual abuse is not its focus. However, it deals with allegations of missing children and allegations of mass graves at church-run residential schools. The hysteria that ensued from these unproven accusations of missing children and mass graves in this inquiry has implications for our understanding of the reception of allegations of child sexual abuse in Catholic institutions.

2.2. John Jay Inquiry

2.2.1. Introduction

The analysis in this section focuses on the John Jay Inquiry into child sexual abuse in the USA. The John Jay Inquiry was commissioned by the Catholic Church – specifically, the Catholic Church in the USA. This is in contrast to

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some of the other inquiries analysed in this work, i.e. the Irish Inquiry and the Australian Inquiry. The latter were not commissioned by the Catholic Church but rather by governments. In 2002 the United States Conference of Catholic Bishops approved the Charter for the Protection of Children and Young People. The National Review Board, which was established under this charter, in turn, commissioned the John Jay College of Criminal Justice to research into the nature and the scope of child sexual abuse by Catholic clergy in the United States of America. In 2003 and 2004 John Jay researchers sent an extensive survey to 195 dioceses which represented 98% of diocesan priests and 80% of religious priests. In this context a diocesan priest is to be understood as a priest who is in the service of the diocese to which he has been appointed and a religious priest is a priest who belongs to a monastic order or other consecrated order (Terry et al. 2004, 3). The survey contained a diocesan profile, a religious institute profile, a cleric survey of all members of the clergy who had an allegation of child sexual abuse made against them, and a victim survey to be filled out for each alleged victim of child sexual abuse. The John Jay Inquiry produced two reports. The first, *the Nature and Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States 1950-2002,* which was published in 2004, described the nature of child sexual abuse in the Catholic Church in the USA. For example, it included information regarding where the alleged offences took place, the seriousness of the offences etc. The second report, *the Causes and Context of Sexual Abuse of Minors by Catholic Priests in the United States, 1950-2010,* was released in 2011. This report is explanatory in nature; specifically, it offers explanations for incidents of child sexual abuse in the Catholic Church in the US increasing in the 1960s, peaking in 1970s and sharply declining in the 1980s (Terry et al. 2011, 2). The following information is sourced from these reports.

We have chosen to focus on the John Jay Inquiry since it represents child sexual abuse across the USA and is not restricted to a single or a small number of individual states. Moreover, the John Jay Inquiry has much to recommend it, both in respect of its methodology as well as its findings. Further, this inquiry has had a significant impact on the research into child sexual abuse undertaken by other inquiries. Thus, other inquiries, e.g. the Australian Inquiry (see Chapter 3) which occurred after the John Jay Inquiry, frequently reference it, accept some of its findings and utilize, to some extent, its methodology. However, this influence on other inquiries is not entirely a blessing. For some of John Jay's findings should have been subjected to scrutiny and yet have not been. Rather their theories have been accepted uncritically by other inquiries, e.g. John Jay's claim that the male-on-male acts of child sexual abuse in the Catholic Church in the USA were situational rather than the result of sexual orientation, even if correct, is in need of further justification. Indeed, the argument offered to justify its claim in this regard is not well made.

That said, the John Jay Inquiry generated some important statistics of allegations of child sexual abuse in the Catholic Church in the USA over many decades. We note the John Jay Inquiry does not include allegations which were deemed by the John Jay researchers to be implausible. In this important respect it

differs from many of the other inquiries, e.g. the Irish Inquiry and the Australian Inquiry. The John Jay Inquiry rightly distinguishes between paedophile offenders and other child sex offenders and concluded that only a small percentage of the offenders in their study were paedophiles. This is in stark contrast to many media reports on child sexual abuse in the Catholic Church. For example, this misleading headline by Barry James (2002) appeared in the New York Times, "Priests and pedophilia: a scandal not only in America". Yet, in the Nature and Scope study it is claimed that only 2 % of the allegations related to paedophilic behaviour (Terry et al. 54). Paedophilia being at the most serious end of the scale of child sexual abuse.

As with the other inquiries, the evidence provided by the John Jay Inquiry demonstrates that while child sexual abuse was a significant problem in the Catholic Church in the 1960s through to the early 1980s, there was no large-scale problem of child sexual abuse in the Catholic Church from at least the early 1990s until 2010 (the last year covered by the John Jay Report). Indeed, the allegations of child sexual abuse in the Catholic Church pertaining to incidents alleged to have happened post 2010 have continued to decline. For instance,

> In late June, the United States Conference of Catholic Bishops' Secretariat of Child and Youth Protection released its audit on clergy sexual abuse that covers the period July 1, 2018 – June 30, 2019. During this time, there were 37 allegations made by current minors. Eight were substantiated, 7 were unsubstantiated, 6 were unable to be proven, 12 are still being investigated, 3 were referred to religious orders, and 1 was referred to another diocese. Of the 49, 972 members of the clergy (33,628 priests and 16,344 deacons),.07% (37) had an accusation made against them for abusing a minor. However, since only.016% (8) could be substantiated, that means 99.98% of priests did not have a substantiated accusation made against them. In other words, clergy sexual abuse is near 0% (Donohue 2020). [We note here that these numbers relate to reported cases and there are most likely more unreported cases. However, given the stringent safeguarding measures that the Catholic Church have put in place, and the greater awareness in the broader community regarding child sexual abuse, it is reasonable to expect that the unreported cases of serious sexual abuse are also low.]

So contrary to many media reports child sexual abuse in the Catholic Church in the US is, in large part, an historical problem. Indeed, according to the John Jay Inquiry and the other inquiries in the USA and worldwide, the Catholic Church responded to this problem in the 1990's in a manner that appears to have been effective, e.g. the introduction of a raft of child safety mechanisms.

2.2.2. Statistics of Child Sexual Abuse in the Catholic Church in the USA

The data from the survey instruments that were sent to Catholic bodies showed there were 4,392 priests who had been the subject of an allegation of child sexual abuse in the period 1950-2002. These allegations do not include allegations that were withdrawn or known to be false. While this is a small

percentage of priests, and this number includes unproven allegations of offences, nevertheless, this number is large in absolute terms. Indeed, alarmingly so, and indicates that there was a significant problem of child sexual abuse within the Catholic Church in the USA. The significance of the problem is magnified in the light of the fact that the Catholic Church, as a Christian institution, professes to be a protector of the innocent.

There are in fact two percentage numbers of priests with allegations of child sexual abuse provided in the John Jay Report. This discrepancy occurred because there is no definite number of all priests who were active between the years of 1950-2002. The data supplied by the Catholic Church states that there were 109, 694 priests who served during the period 1950-2002. If these figures are accurate then the percentage number of priests who served from 1950-2002 and who have been the subject of allegations of child sexual abuse is 4%. However, the Center for Applied Research in the Apostolate claims that there were 94,607 priests who served in the period from 1960-2002. Moreover, they claim that the number of priests with allegations of child sexual abuse over this period was 4,127. If this second set of figures are accurate then, 4.3% of priests were the subject of allegations of child sexual abuse. The percentage of serving priests in any given year who were alleged to have abused children, in that year or any other year, changed over the period from 1960-2002. For instance, in 1970 the figure is 10%, in 1990 the figure is less than 4%. This downward trend has continued over the past two decades, i.e..07% over 2018-19.

75% of these allegations (the 4392 figure) pertained to events that were alleged to have taken place between 1960 and 1984 (Terry et al. 2004, 27). The total number of complaints against priests in relation to events that were alleged to have taken place over this period is 10,667 (Terry et al. 2004, 4). The duration of the alleged abuse of any given complainant is as follows: 38.4% – within a year; 21.8% – more than a year but less than two years; 28% – between two and four years; 10.2% – between 5 and 9 years; and in less than 1% – ten years or more (Terry et al. 2004, 5). 56% of accused priests were alleged to have committed abuse against one alleged victim, 27% were alleged to have committed abuse against two or three alleged victims, 145 were alleged to have committed abuse against four to nine alleged victims and 3.4% were alleged to have committed abuse against more than ten alleged victims. The 149 priests in the latter category (more than ten alleged victims) are allegedly responsible for abusing 2,960 alleged victims which is 26% of the total of alleged victims (Terry et al. 2004, 8). 55% of the priests were the subject of one allegation of child sexual abuse, 26.9% were the subject of 2-3 allegations, 13.9% were the subject of 4-9 allegations, and 3.5% were the subject of more than 10 allegations (Terry et al. 2004, 51).

1,021 priests who were the subject of an allegation of child sexual abuse, or 24% of the total, were reported to the police. In most cases these reports led to investigations. Criminal charges were laid in 384 instances. It is not stated whether an individual charge relates to an individual priest or whether multiple charges were laid against a single priest. 252 of these priests were convicted and at

least 100 of these priests served time in prison. In percentage terms, 6% of priests who were subject to an allegation of child sexual abuse were convicted and 2% of those received prison sentences, up until 2004 when the Nature and Scope report was written (Terry et al. 2004, 10). Accordingly, 252 priests out of a total of 94,607 priests (roughly 0.27 %) who served during the period 1960-2004 were proven in a criminal court to have committed child sexual abuse. However, the number of offending priests is, most likely, far higher for the following reasons: (1) it is difficult to prove child sexual abuse in a criminal court; and (2) only 24% of allegations were reported to the police.

It is generally agreed by researchers that offenders who are convicted of child sexual abuse represent a minority of cases. Indeed, it is claimed that sexual offences are the crimes that are least likely to be reported, at least as far as serious crimes are concerned (Terry et al. 2004, 23). However, we argue, it is unlikely that this is the case with allegations of child sexual abuse that are made against the Catholic Church in recent years in the context of commissions of inquiry, extensive media reporting, and the possibility of large compensation payments that are based on minimal evidence.

2.2.3. Nature of Complaints

The John Jay Inquiry anonymised the details of the priests and the complainants (Terry et al. 2004, 17). The allegations in the study include unsubstantiated allegations. However, they do not include, what the study calls, "an implausible allegation". The definition of an implausible allegation is as follows:

> An implausible allegation is one that could not possibly have happened under the given circumstances (e.g., an accusation is made to a bishop about a priest who never served at that diocese). Erroneous information does not necessarily make the allegation implausible (e.g., a priest arrived at the diocese a year after the alleged abuse, but all other facts of the case are credible and the alleged victim might have mistaken the date) (Terry et al. 2004, 20).

Regarding types of offenders, less than 5% of the priests who were alleged to have committed acts of child sexual abuse exhibited behaviour that is consistent with paedophilia – such as abusing pre-pubescent children (Terry et al. 2011, 3). In the Nature and Scope study (2011) it is claimed that 2 % of the allegations related to paedophilic behaviour. Paedophilic behaviour is defined in the following terms, "the exclusive presence of two or more victims under the age of eleven" (54). By contrast, ephebophilic behaviour is defined in the following terms, "the exclusive presence of two or more male victims between the ages of thirteen and seventeen". According to this definition 18.9 % of the accused priests from the clinical files of the Causes and Context study could be classified as ephebophiles. When these figures are considered in relation to the overall number of priests in the Nature and Scope study (4,392 alleged abusers), it is claimed that 2% of the alleged abusers could be classified as paedophiles

(exclusively attracted to pre-pubescent children, consistent with abuse of two or more children) and 10.8% could be classified as ephebophiles (attracted to 13-17-year-olds, by the John Jay definition). The priests who are not included in this number are alleged to have committed offenses against a single victim or abused victims of different ages (Terry et al. 2011, 54). For example, the John Jay Inquiry also include a category of offenders which they term, generalists. Generalist offenders are categorized by a pattern of offending against both pre-pubescent, pubescent and post-pubescent children. Below we discuss different types of offenders, as they are classified in the John Jay Report.

2.2.4. Ephebophilia

Special mention must be made here of ephebophilia, given that this designation is controversial and confusing. For instance, some scholars distinguish between a "hebephile" who is attracted to a young pubescent child (usually 11-14) and an "ephebophile" who is attracted to older teens (usually 15-19) (Prentky and Barbaree, 2011). However, the John Jay Inquiry consider an ephebophile to be an adult who is attracted to 13-17-year-olds (Terry et al. 2011, 53). Of course, the fact that puberty occurs at different times for different children also needs to be taken into account. Neither hebephilia nor ephebophilia are considered mental disorders by the Diagnostic and Statistical Manual of Mental Disorders (DSM – V). For it is generally agreed that it is normal for a healthy man or woman to have an attraction to an adolescent who displays the physical features of an adult. However, many researchers consider people who have recurrent sexual fantasies about adolescents and urges to engage in sexual behaviour with adolescents to be abnormal and to constitute a specific paraphilia displaying group. Thus, hebephiles and ephebophiles are considered by many researchers to be people suffering from psychological pathologies (Terry et al. 2011, 53).

Martin Kafka (2004) claims, in a report commissioned by the Vatican, that the typical Catholic priest who abuses children is an ephebophile. Moreover, this is a popular belief. However, a problem emerges with Kafka's claim. Specifically, most of the cases of child sexual abuse detailed in the John Jay Inquiry are claimed to be one-off offences, i.e. it is argued that perpetrators committed only one act of child sexual abuse, which suggests that these acts are not manifestations of a pathology. Indeed, the John Jay Inquiry claims that clerics who committed acts of child sexual abuse displayed fewer paraphilias than offenders who were not clerics (Please see Haywood et al. 1996). However, it is still significant that clerical abusers often abuse males who are older children, i.e. 13-17 years of age (Terry et al. 2011, 54). Yet, maybe the answer here is that these men are not driven by known pathologies but instead by the power imbalance. For example, many of the alleged offenders threatened their alleged victims in order to silence them. It could be argued that a 20-year-old is less susceptible to such threats. A further area of interest concerns the classification of offenders according to the underlying cause of their offending, i.e. compulsiveness or poor judgement due to alcohol abuse etc.

2.2.5. Fixated and Regressed Offenders

Classifying offenders by factors relating to their psychological make-up rather than merely by the nature of their offences is greatly influenced by (but not limited to) the work of Groth et al., whose work the John Jay researchers utilise in their report. Groth et al. (1982) classify child sexual offenders into two distinct classifications, fixated and regressed offenders. Fixated offenders are characterized as having a persistent, continual and compulsive attraction to children. They are usually diagnosed as paedophiles. Paedophiles tend not to be related to their victims and paedophiles begin to be attracted to pre-pubescent children during their (the paedophiles') adolescence. Moreover paedophiles, being fixated offenders, do not develop past the point where they find children attractive and desirable. Further, the actions of paedophiles and other fixated offenders are typically premeditated, usually repeated, and do not result from stress (as is often the case with regressed offenders).

In contrast to the fixated offender, the regressed offender usually begins to offend in adulthood. This type of sexual offender is characterized by having disordered childhood relationships and offends as a result of environmental stressors. The stressors can be, among other things, unemployment, marital problems and substance abuse, or may be related to negative affective states such as loneliness, stress, isolation or anxiety which produce low self-esteem. Regressed offenders are more likely to commit acts of child sexual abuse that are opportunistic and one-off offences, i.e. they are typically situational offenders.

2.2.6. Male-on-Male Abuse

The John Jay Inquiry revealed that, when the sex of an alleged victim and of the alleged perpetrator were reported, 81% of the alleged victims were male and 100% of the alleged perpetrators were male (Terry et al. 2004, 69). However, the John Jay Inquiry did not find a correlation between a firm homosexual orientation and male-on-male acts of child sexual abuse. For example, according to the inquiry:

> The data do not support a finding that homosexual identity and/or preordination same-sex sexual behavior are significant risk factors for the sexual abuse of minors. The only significant risk factor related to sexual identity and behavior was a "confused" sexual identity, and this condition was most commonly found in abusers who were ordained prior to the 1960s (Terry et al. 2011, 64).

This finding requires some commentary. The Nature and Scope analysis shows that there was an increase in the number of male victims (at the hands of male perpetrators, i.e. priests) in the peak years of abuse, the 1960s and 1970s. This gave rise to two possible hypotheses: (1) that the priests sought out male victims at this time or; (2) that the priests abused the children they had access to, irrespective of whether these children were male or female. In these peak years it is argued that access was mostly to male children – especially to altar servers who could only be male prior to revisions in canon law in 1983 – and therefore,

the priests in their study abused the children who were available to them (Terry et al. 2011, 108). Of course, if priests *only* had access to boys, then there would be few, if any, instances of sexual abuse of girls; after all, opportunity is a necessary condition of committing an offence. However, it would not demonstrate that the priests did *not* have a sexual preference for boys; after all, motive is also (typically) a necessary condition of committing an offence. Moreover, there is no firm indication that most, or even, many of the victims were altar servers. In the table 5.3 "Nature and Scope: Location Where Victims Met the Priests Who Abused Them" altar servers only account for a small percentage (12.3%) of the alleged victims. Moreover, the number of choir members was less than 1% (Terry et al. 2011, 108). The greater number of victims were first encountered by offending priests in the general church community, at Mass (Terry et al. 2011, 109).

Notwithstanding this inconsistency, the John Jay Inquiry favoured the hypothesis that the male-on-male acts of child sexual abuse in their study were constitutive of situational homosexuality, i.e., they were not acting in accordance with a prior sexual preference for males but rather engaged in sexual acts with males only because opportunities to do so were the only ones available to them. They argue that this claim correlates with another claim they make – that most of these historical offences were typical of regressed (i.e. situational) offenders. Regressed sexual offenders offend against individuals who are available to them and are purely opportunistic in their offending. Moreover, regressed offenders are more likely to be one-off offenders (many of the offenders in the John Jay study were of this type) in contrast to fixated offenders who typically commit multiple acts of child sexual abuse (the minority of offenders in the John Jay study are of this type). The John Jay researchers claim that clerical offenders in the Catholic Church were not driven by a fixation on a certain type of victim. If we accept this is true, we still need to remind ourselves that from the mere fact that a child sexual offender is regressed rather than fixated, it does not follow that the offender does not have a sexual preference/orientation and, in the case of a homosexual child sexual offender, a predisposition to seize opportunities to abuse boys and ignore opportunities to abuse girls. Certainly, it would be wrong to assume that most regressed offenders by virtue of being regressed do not have determinate sexual orientations and, therefore, are neither homosexual, heterosexual nor bisexual in their sexual orientation but simply engage in sexual relations with children (and adults?) of either sex, supposing they are available.

However, the John Jay researchers claim that the situational thesis is consistent with findings relating to the percentage of female victims. They claim that the percentage of female victims increased in the late 1990s and 2000s, when priests had more access to females in the Church (Terry et al. 2011, 106). Yet, this latter claim of increased opportunity is not supported by the data in their reports. For example, there were, proportionately, more female victims in the 1950s than in the 1990s which would appear to discount the argument based on an increase in female altar servers (Terry et al. 2011, 106).

Moreover, from 1950-1999 (almost the entire duration of the scope of the study) the instances of male-on-male child sexual abuse were significantly

higher than those of male-on-female instances of child sexual abuse. The only significant change is the last two years of the survey from 2000-02 where 55.2% of the victims were boys and 44.8% of the victims were girls. However, this small slice of the sample is not enough to make a credible claim. To begin with this only represents 2 years as opposed to 50 years. Furthermore, the number of victims in those 2 years was minimal – about 40. This is in contrast to the sample of the other 50 years which included 1000s of cases (Terry et al. 2011, 106).

Moreover, the justifying 'evidence' in the John Jay Inquiry contradicts their claims. For instance, the John Jay researchers claim that opportunity plays a significant role in the choice of victims. To support this claim, they include information from Victim Assistance Coordinator and Survivor Surveys. These surveys discuss the access priests had to children including spending extended hours in the children's homes socializing with the families. This is consistent with John Jay's own evidence in the Nature and Scope Report. However, this is not consistent with the claim that priests abused boys because they only had access to boys, particularly, altar servers. In addition, Paul Sullins (2018) argues the following, "the data …present a picture of men [Catholic priests] who, when younger boys are replaced by younger girls, prefer older boys rather than younger girls as victims" (36). The case of Fr Bernard, in the IICSA inquiry, is relevant here. He abused boys and then later sexually harassed adult men when he had limited contact with children (IICSA 2018, 59).

The John Jay researchers also claim there has been an increase in homosexual men in the seminary; however, the instances of male homosexual child sexual abuse have decreased. Therefore, they claim that male homosexuality is not related to child sexual abuse in the Catholic Church. Yet, this is another claim that has been contested. According to Sullins (2018), this claim is false because it relies on a poor (and confused) indicator of the number of homosexual priests, namely, seminarians and ordinands who 'came out' i.e., self-reported their homosexuality. But, as Sullins points out, ordinands and seminarians are only a tiny proportion of Catholic priests, and the number of seminarians 'coming out' understates the actual number of homosexuals (683). Rather Sullins relies on a Los Angeles Times survey (also used by the John Jay Inquiry for other purposes). Says Sullins (2018): "The share of homosexual men in the priesthood rose from twice that of the general population in the 1950s to eight times the general population in the 1980s. This trend was strongly correlated with increasing child sex abuse" (693). Therefore, he argues that this claim from the John Jay researchers is contested on the grounds that it relies on "subjective clinical estimates" and "second hand narrative reports of apparent homosexual activity in seminaries" that might not be reliable and, even if reliable, not representative (Sullins 2018).

The common-sense approach here must be that self-reporting of homosexuality increased over time when homosexuality was no longer a crime. Moreover, the common -sense approach would suggest that there has been a decrease in homosexual, heterosexual and/or bisexual acts of child sexual abuse in the Church because of a growing awareness of the harm of child sexual abuse and introduced measures to combat it. More on this point in the closing remarks.

To re-iterate, the John Jay researchers claim that most acts of male-on-male child sexual abuse are not the product of a homosexual or bisexual orientation. They argue forcefully that sexual behaviour is not necessarily an indicator of sexual identity (Terry et al. 2011, 62). As already stated, the John Jay Inquiry distinguishes between homosexual acts and homosexual identity and argues that most of the cases of male-on-male child sexual abuse in their report were not perpetrated by men with a homosexual identity but were rather the product of situational homosexuality. The John Jay researchers claim that it is possible, and indeed for the purposes of their argument, common, for a person to participate in a same-sex sexual act without identifying as being homosexual. For instance, "It is therefore possible that, although the victims of priests were most often male, thus defining the acts as homosexual, the priest did not at any time recognize his identity as homosexual" (Terry et al. 2011, 36).

This raises an important point, i.e. generally, scholars have not assumed that male-on-male acts of child sexual abuse imply that the adult is a male homosexual (and certainly not that the child has a homosexual orientation). For instance, in Ruzicka's (1997) study into clerical abusers it is noted that 8 out of 10 of the perpetrators in the study reported a preference for boys (589-90). However, 7 of the perpetrators identified as being homosexual or bisexual and 3 of the perpetrators identified as being heterosexuals. In broader scholarship, general arguments concerning sexual orientation and sexual preference are not settled and are complicated areas of study. Notably, the very notion of orientation is contested with some groups preferring to speak of sexual fluidity and homosexual acts instead of homosexual orientation. Moreover, it is worth keeping in mind that the thesis that male-on-male acts of child sexual abuse are situational in nature and not connected to a homosexual orientation is disputed by, indeed apparently found to be offensive to, many members of the homosexual community. Generally, the LGBTQI+ community claim that any argument concerning situational homosexuality is largely heteronormative in its outlook. It is their claim that it is heteronormative because it diminishes the homosexual sex act to a sex act that was only entered into because of the lack of a more suitable partner (Cronin 2006). Moreover, evidence from IICSA would seem to challenge the claims made by the John Jay Inquiry. For example, IICSA provides details of the pornographic content that predator monks, who only had access to boys, and who were charged with child sexual abuse, were accessing on the internet, i.e.

> …RC-F18…was arrested in February 2004 for several offences including buggery, indecent assault and incitement to commit gross indecency offences. His computer was also seized and searched as part of the police enquiry; pornographic material was found, as well as evidence that he had posed as a 19-year-old girl in order to engage in sexually explicit online chats with males. DSU Honeysett told us that while this material 'clearly indicated an interest in adolescent boys, there was no evidence to show that those boys were [in fact] under age' (IICSA 2018, 55).

Finally, the John Jay Inquiry suggests that those who are confused as to their sexual identity, and not affirmed homosexuals, are at a higher risk of committing child sexual abuse, than those who report as being unambiguously heterosexual or unambiguously homosexual. There is no mention of affirmed bisexual orientation. Notably, priests who were ordained prior to 1960 and who had a confused sexual identity were more likely to abuse than those who were not confused about their sexual identity (Terry et al. 2011, 64). We suggest that it is likely that prior to 1962 many homosexuals – including many homosexual priests – were confused about their sexual identity, given that sodomy was a felony in every state in the USA prior to 1962 and was punishable by a lengthy gaol term. Accordingly, if there is a correlation between priests being confused about their sexual identity and being child sexual abusers, this does not necessarily tell against these priests being homosexuals. Moreover, it is also possible that offenders with a confused sexuality, including priests, were themselves abused. For example, a number of the alleged victims who spoke to the Australian commission of inquiry into child sexual abuse (see section 4.4.) reported their sexuality had been confused as a result of an act of child sexual abuse. We note there is mounting evidence to suggest that men who have been victims of male-on-male child sexual abuse are more likely to be become male-on-male offenders as they mature[1].

2.2.6.1. Closing Remarks – Male-on-Male Acts of Child Sexual Abuse

The issue of the prevalence of male-on-male acts of child sexual abuse in the Catholic Church is contentious. Indeed, in the past the Catholic Church has gone so far as to prohibit the ordination of men with "deep-seated homosexual tendencies" and done so in large part as a child safety measure (Congregation for Catholic Education 2005). This policy has been, to say the least, highly controversial in the Catholic Church. However, from the perspective of an integrity sub-system focused on child safety it does have the virtue of seeking to address what the statistics would seem to indicate is in fact a problem in the Catholic Church or, at least, has historically been a problem and one which, given it is seemingly based on sexual orientation (specifically, an orientation of male adult on male boy) and/or a permissive culture within the relevant homosexual community (predatory homosexual sub-cultures (Please see Sullins 2018, 671-97)) and/or opportunity, is unlikely to go away or, given the evidently historical nature of the problem, stay away, absent countervailing interventions.

That said, there are two important points to make here: (1) child sexual abuse in the broader community usually involves a male perpetrator and a female

[1] "In a meta-analysis of eighteen studies from1965 to1985, Hanson and Slater found that adult sex offenders who had perpetrated offenses against a male child were more likely to have a history of childhood sexual abuse (39 percent) than those who had perpetrated offenses against only female children (18 percent)" (Terry et al. 2011, 95).

victim. Indeed, it usually involves a male family member and a female child. The figures in the Church are an anomaly. For example, according to Sullins (2018):

> The most striking feature of sexual misbehavior by Catholic clergy is not that it is more common than in similar institutions or communities—rather, by most comparisons, it's substantially less. What is notable is that the large majority of victims are male. In most settings the victims of male sexual assault are generally female, but in U.S. Catholic parishes and schools over the past 70 years, the victims of sexual assault by male Catholic priests have been overwhelmingly male (682).

This latter premise is also supported by the findings of the German Inquiry into child sexual abuse. 83% of the alleged victims in the German Inquiry (which concerned child sexual abuse in institutions and the broader society) were women and more than half of them were alleged victims of incest (Deutsche Welle 2020).

(2) Child sexual abuse in the Catholic Church is largely an historical problem. Therefore, male-on-male cases of child sexual abuse in the Church have diminished significantly. Here we argue that the homosexual community has already delegitimized predatory sub-cultures within its own community. For example, gay activism in North America in the 1970's was connected to paedophile promotion groups such as NAMBLA (North American Man Boy Love Association). However, in the mid-nineties, the International Gay and Lesbian Association, under pressure from its own members, who were strongly opposed to paedophile promotion groups, dissolved its association with NAMBLA (LGBT Project Wiki n.d.).

2.2.7. Historical Problem

The John Jay Inquiry claims that more abuse occurred in the 1970's than any other decade with incidents of child sexual abuse peaking in 1980. Furthermore, the report claims that allegations of abuse that are alleged to have occurred in recent years are relatively small. 89.3% of priests with allegations of child sexual abuse in this study were ordained prior to 1979 (Terry et al. 2004, 5). Hence, the finding that the problem of child sexual abuse, in as much as it involves very large numbers of allegations, is historical. This is not to discount the fact that child sexual abuse still occurs in the Church, and most probably, still occurs in larger numbers than are reported, given delays in reporting child sexual abuse. However, it is to discount the dominant narrative in the media that large numbers of currently serving priests are sex offenders. Take the following quote from the John Jay Inquiry for example:

> The "crisis" of sexual abuse of minors by Catholic priests is a historical problem. The count of incidents per year increased steadily from the mid-1960s through the late 1970s, then declined in the 1980s and continues to remain low. Initial estimation models that determined that this distribution of incidents was

> stable have been confirmed by the new reports of incidents made after 2002. The distribution of incidents reported since 2002 matches what was known by 2002—the increase, peak, and decline are found in the same proportions as those previously reported. A substantial delay in the reporting of sexual abuse is common, and many incidents of sexual abuse by priests were reported decades after the abuse occurred. Even though incidents of sexual abuse of minors by priests are still being reported, they continue to fit into the distribution of abuse incidents concentrated in the mid-1960s to mid-1980s (Terry et al. 2011, 2-3).

The John Jay Inquiry argue that the rise of incidents of child sexual abuse in the 1960s and 1970s can be directly attributed to the rise of "deviant" behaviour at this time, such as, drug use, crime, and divorce (Terry et al. 2011, 3). In this context a deviant act is described as an act that is contrary to the principles of the institution. For example, clerical child sexual abuse negates the purpose of the Church as an institution with the purpose of bringing forth grace. Divorce is described, in this context, as an act that is made for personal reasons and for this reason is contrary to the purpose of the institution. Criminal acts are acts that are contrary to societal and legal norms. The John Jay data shows that drug use, crime and divorce in the USA increased by 50% between 1960 and 1980. Moreover, the rise and fall of divorce rates and the rates of homicide and robbery are consonant, that is, stable in 1965, sharply peaking in 1980, and then falling. The spike in divorce rates is significant given that the children of divorced parents are at a higher risk of child sexual abuse than children from stable homes are. It is also worth considering, as mentioned previously, there were a number of paedophile promotion groups operating openly in the 70s. These organisations include, among others, the North American Man/Boy Love Association (NAMBLA) which formed in the seventies. In addition to this and correlated with this, the seventies also saw the influence of French postmodern theorists who argued in favour of child/adult sex. For instance, Michel Foucault, along with other French Intellectuals, including Jacques Derrida, Jean-Paul Sartre and Simone de Beauvoir, signed a petition in 1977 in response to the imprisonment of three men for sexual crimes against 12-and 13-year-olds. The petition states,

> French law recognises in 12-and 13-year-olds a capacity for discernment that it can judge and punish but it rejects such a capacity when the child's emotional and sexual life is concerned. It should acknowledge the right of children and adolescents to have relations with whomever they choose (Francoise Dolto n.d.).

Regarding this case, there were clearly laws in place to protect children from abuse, and the premise that many French people were in favour of child/adult sexual relationships must be rejected. However, the influence of Foucault and other French intellectuals in the gay community was/is significant. For example, queer theory builds on the work of Foucault (among others) and Simone de Beauvoir (1973) is credited with being one of the first gender theorists, i.e. "one is not born a woman; one becomes a woman".

The John Jay researchers argue that the following factors contributed to the decline in incidents of child sexual abuse in the Catholic Church in the USA: a growing awareness of the harm of child sexual abuse; the enactment of government laws; a growing understanding of the causes of child sexual abuse; child safety mechanisms in the Catholic Church; better treatment for offenders; and improvements in seminary training (Terry et al. 2011, 3).

2.2.8. Measures that were Put in Place by the Church

The following timeline indicates important dates and periods in relation to (alleged) incidents of child sexual abuse, and the responses of the Catholic Church in the USA in respect of the introduction of child safety measures. This is not an exhaustive list of all of the policies that have been put in place up until this time, nor does it catalogue all of the changes that are currently taking place in response to these inquiries. Instead, this section gives an overview of the history of child-safety measures that have been adopted in the Catholic Church in the USA. It also provides some context for the discussion. For instance, we compare the development of church policies with the development of state regulations. We also note that while this list looks somewhat impressive it does not demonstrate whether church leaders complied with the policies outlined. Evidence from the inquires suggests that policies relating to child sexual abuse were not uniformly applied and it was often the case that the integrity of any given bishop determined how stringently these regulations were adhered to. It is also argued that these policies were often enforced as far as lay offenders were concerned but not in relation to clerical offenders (which is certainly not the case today). Today the Church has stringent child-safety policies, especially by comparison with most other institutions in which children are present in large numbers. For example, it has widely been reported in the inquiries that the Church has invested significant resources to ensure the protection of children.

1970s – There was an increasing awareness of the harm of child sexual abuse amongst academics. However, there was still uncertainly regarding the extent of the harm or even if there was harm in most cases. For example, in 1978 academics R. S. Kempe and C. H. Kempe remarked, "Most sexual molestation appears to do little harm to normal children" (Terry et al. 2011, 96).

1976 – The Servants of the Paraclete opened a treatment programme which included the treatment of disorders associated with child sexual abuse (Sipe n.d.).

1980s – In the broader community there was still little understanding of child sexual abuse. For example, the Association for the Treatment of Sexual Abusers (ATSA) admitted that their understanding of child sexual abuse had been incomplete or false. This is not surprising given that rigorous research had not

yet been conducted and effective prevention and treatment strategies were only beginning to emerge (Terry et al. 2011, 79).

– There was an increase in the use of treatment programs, notably specialized sex-offender treatment programs, to treat priests who had abused children. The focus of these treatments was relapse prevention (Terry et al. 2011, 80).

– Researchers began to focus on the trauma of sexual abuse.

1983 – The harm of sexual abuse is reportedly considered among influential psychological practitioners to be a form of post-traumatic stress (Terry et al. 2011, 96).

1980s – The introduction of "Human Formation" in seminary training.

Most of the priests who were the subject of allegations of child sexual abuse were trained in seminaries prior to the 1970s. It is argued that the introduction of Human Formation – the development of psychological tools to live a life of celibacy effectively – had a role to play in the decreased number of incidents of child sexual abuse after 1985 (Terry et al. 2011, 5).

1985 – The National Conference of Catholic Bishops (NCCB) began a formal discussion about child sexual abuse (Terry et al. 2011, 75).

– There was a sharp decline in cases of child sexual abuse. This is attributed to activism on the part of victims of clerical abuse, improved awareness of child sexual abuse and improved responses to child sexual abuse on the part of the Catholic Church.

– A common problem in relation to child sexual abuse was that the response differed across dioceses. The John Jay Report claims that at this time the media concentrated its attention on bishops who were performing poorly which engendered the view that the bishops as a whole were not responding effectively to child sexual abuse, despite this not being the case (Terry et al. 2011, 4).

Mid 1980s onwards – The NCCB worked with diocesan leaders to ensure immediate and responsible responses to allegations of child sexual abuse, including prompt psychological treatment for the priests involved. Furthermore, the NCCB began a training program and encouraged the development of explicit policies, and distributed strategies for responding to litigation (Terry et al. 2011, 77).

Late 1980s – Church leaders became sceptical of the claims of psychological treatment centres when they discovered that priests who had been the recipients of treatment had committed new offences (Terry et al. 2011, 80).

1990s – The Child Protection Act of 1990 came into being (Terry et al. 2011, 98).

1991 – The Archdiocese of Chicago commissioned a report on clerical child sexual abuse (Terry et al. 2011, 86).

1992 – The Cardinal's Commission on Clerical Sexual Misconduct with Minors was made public. Reforms were made by the Chicago Diocese. Priests who were accused of child sexual abuse were removed from ministry. The archdiocese created an independent review board comprised of psychologists, psychiatrists, and lawyers (Kelly 1998, 303-18).

1992 – The Policy on Priests and Sexual Abuse of Children was released by the Office of Media Relations of the United States Catholic Bishops Conference (USCBC). It states: "[W]hen there is even a hint of such an incident, investigate immediately; remove the priest whenever the evidence warrants it; follow the reporting obligations of the civil law; extend pastoral care to the victim and the victim's family; and seek appropriate treatment for the offender" (Terry et al. 2011, 81).

1992 – The American bishops called for diocesan leaders to use of the "Five Principles" in relation to allegations of child sexual abuse. The Five Principles are as follows:

(1) respond promptly to all allegations of abuse where there is reasonable belief that abuse has occurred; (2) if such an allegation is supported by sufficient evidence, relieve the alleged offender promptly of his ministerial duties and refer him for appropriate medical evaluation and intervention; (3) comply with the obligations of civil law regarding reporting of the incident and cooperating with the investigation; (4) reach out to the victims and their families and communicate sincere commitment to their spiritual and emotional well-being; and (5) within the confines of respect for privacy of the individuals involved, deal as openly as possible with the members of the community.

80% of the dioceses utilized the five principles in some ways. However, they diverged in their use of the principles, and it is generally agreed that the response was poor (Terry et al. 2011, 86).

1993 – The NCCB held a meeting with experts in the field of child sexual abuse. The discussion concerned improving care for victims of child sexual abuse, improved screening of ordinands, improved education and improved guidelines for relapse prevention and reassignment (Kelly 1998, 303-18).

1993 – The Ad Hoc Committee of Sexual Abuse was announced. The mandate of the Ad Hoc Committee was to support victims of clerical abuse and their families and improve screening processes for priests and lay church workers (Terry et al. 2011, 82).

1993-1994 – The Ad Hoc Committee surveyed dioceses and eparchies about their policies for responding to allegations of child sexual abuse. 60% of the dioceses reported they had implemented a policy for handling cases of clerical child sexual abuse (Terry et al. 2011, 86-7).

1994 – 1995 – The Ad Hoc Committee on Sexual Abuse released a report on treatment facilities (Terry et al. 2011, 82).

1997 – The Ad Hoc Committee gathered more information about diocesan policies for handling allegations of child sexual abuse. More than half of the dioceses surveyed had a person who had designated responsibility for cases of clergy sexual abuse, most of the dioceses who responded had established a review board and were performing background checks of church workers and volunteers (Terry et al. 2011, 86-7).

2001 – The rate of abuse in 2001 was 56 % less than the rate of abuse in 1992. The rate of decline was greater in the Catholic Church than it was in the broader community (Terry et al. 2011, 13).

2002 – The National Review Board conducted a survey of the dioceses and eparchies. It was discovered that 96% of the dioceses had a public policy regarding measures in relation to child sexual abuse, 81% had a review board, and 68% reported that clergy were defined as mandatory reporters of child sexual abuse in keeping with state regulations (Terry et al. 2011, 86-7).

2002 – The USCCB promulgated the Charter for the Protection of Children and Young People at its meeting in June. The purpose of the charter was to address the issue of child sexual abuse by priests within the Catholic Church in the US. Two bodies were created from this charter – the National Review Board and the Office of Child and Youth Protection (OYCP). These bodies shared a mandate to investigate the prevalence of child sexual abuse, the causes of clerical child sexual abuse, and complaints handling procedures in the Catholic Church in the US. Two academic investigations were commissioned in order to satisfy this mandate – The John Jay Report. The National Review Board approached the John Jay College (New York) because it is a secular institution which specializes in criminal justice, criminology and forensic psychology (Terry et al. 2004, 8-9).

2002 – 2004 – The following report was commissioned by the National Review Board and paid for by the USCCB: *The Nature and Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States 1950-2002.*

2006 – 2010 –The second report is called, *The Causes and Context of Sexual Abuse of Minors by Catholic Priests in the United States, 1950-2010.* This report was largely funded by the USCCB. However, there were other financial contributions from Catholic bodies, and the National Institute of Justice (Terry 2017).

For the latest information concerning child sexual abuse in the Catholic Church in the United States please see the 2023 Annual Report of the USCBC, *Report on the Implementation of the Charter for the Protection of Children and Young People.* (usccb.org). Also see, Jonathon L. Wiggins and Mary L. Gautier, (January 2025), *Summary of 20 Years of Data Collected Annually for the CARA Survey of Allegations and Costs for U.S. Catholic Dioceses, Eparchies, and Religious Communities of Men*, Center for Applied Research in the Apostolate Georgetown University Washington, DC.

Importantly, *Vademecum. On Certain Points of Procedure in Treating Cases of Sexual Abuse of Minors Committed by Clerics* was published by the DDF in 2019 and last updated in 2022. Furthermore, Book VI of the Code of Canon Law, titled *Penal Sanctions in the Church* came into effect at the end of 2021. Importantly, the descriptions of child sexual abuse, and the expectations of church authorities in relation to child sexual abuse allegations in this document are more stringent. For example, there are clearer descriptions of offenses and their respective punishments.

In summation, the Catholic Church in the USA has been working to combat child sexual abuse in the Church for decades and processes that were put in place in the Catholic Church over these years, taken as a whole, evidently have been effective. That said, some processes, notably psychological treatment processes, were not effective and there have been other problematic issues relating to child-safety, e.g. in relation to its causes. These are discussed below.

2.2.9. Offender Treatment in the USA

One measure that was introduced by the Catholic Church to combat child sexual abuse was offender treatment programs. However, as mentioned previously, the effectiveness of the treatment programs for treating child sex offenders is somewhat contentious. According to the John Jay Inquiry many priests who were the subject of an allegation of child sexual abuse were put into offender treatment programs (37% in total). In total, 1,624 priests received treatment for sexually abusing children between 1950 and 2002. There were, in total 3,041 instances of treatment – given that many of the priests received more than one form of treatment (Terry et al. 2011, 80). The John Jay researchers claim that the availability of psychological and professional counselling helped to combat child sexual abuse, especially for the group of abusers who only abused many years after ordination in times of job stress and social isolation (Terry et al. 2011, 44)[2].

In the article, *The Mark of Cain: Reintegrating Pedophiles,* Rossetti (1995) claims that of the 300 priests treated at the St. Luke Institute for child sexual

[2] However, it was also argued in the inquiry that this response on the part of the Church was clearly inadequate. Notably, a priest who was subject of an allegation of child sexual abuse was more likely to receive treatment if he had numerous allegations. Furthermore, it appears that the Church collapsed distinctions between serious and less-serious offences since there was no indication that priests who offended in the most serious categories, e.g. penetrative sex, were more likely to receive treatment than offenders whose offenses were in the less serious categories. (Terry e. at. 2004, 6).

abuse, only 2 relapsed. Rossetti argues that clerical offenders generally commit fewer acts of child sexual abuse against fewer victims and do not display the common features of recidivist offenders, e.g. low IQ, lack of insight, choice of young victims etc. (9-18). Fones et al. 1999 claim that treatment had been effective for the 19 clerics who took part in the Program for Professionals sex offender treatment program and who they monitored for one to six years after treatment. It was claimed that most of the participants in the study successfully returned to work as priests and their compulsive sexual urges subsided. It is also claimed that none of the clerics in this study relapsed (25).

Given these findings and correlated findings in other research it has been argued by health professionals that some priests who have abused children should be allowed back into restricted ministry after receiving treatment. For instance, most of the offences in the Catholic Church in the USA were not committed by paedophiles but rather by men with an interest in older boys. While paedophilia is hard, if not impossible, to successfully treat – especially if offenders do not want to change – it has been argued that there are many cases of offenders who have committed a single offence, respond to some treatment or other, and do not re-offend. That said, the whole area of treatment of those who engage in child sexual abuse, whether they are paedophiles or not, is highly contentious within the Catholic Church. Certainly, the Church has been misled by researchers and health-care professionals in the past and, for that matter, in the present. For example, despite the assurances of treatment facilities that offenders were at low risk of re-offending, this was not always the case and bishops became much less likely to endorse the view that treatment was successful in preventing offenders from re-offending (Terry et al. 2011, 80). Not surprisingly, today bishops are resistant to the idea that offenders can be returned to ministry. Certainly, many of these claims should be treated with scepticism. For example, can we trust the self-reporting of a sex offender that he or she did not re-offend?

2.2.10. Confusing Policies

The John Jay Inquiry noted that bishops and diocesan leaders were confused by church processes for handling priests who were the subject of allegations of child sexual abuse. Moreover, formal options such as laicization, or dismissal from the clerical state were complicated and time-consuming. Therefore, these options were rarely used (Terry et al. 2004, 4). Furthermore, there was a somewhat idiosyncratic approach to child sexual abuse strategies. More often than not the success or failure of these policies was dependent on the particular bishop who was in charge of the diocese. However, according to the John Jay researchers, the response of bishops in the USA to the problem of child sexual abuse was, generally speaking, pro-active.

> Some diocesan leaders were "innovators" who led the organizational change to address the problems of sexual abuse of minors. However, some were also "laggards," or were slow to respond to organizational changes. The media often focused on the laggards, even though they constituted a minority of diocesan leaders, which further perpetuated the image that the bishops as a whole were not responding (Terry et al. 2011, 119).

2.2.11. Other Concerns

A further criticism made by the John Jay Inquiry was that the Church in the USA was overly secretive regarding complaint handling processes. This led victim's groups to call for more transparency in these processes (Terry et al. 2011, 119). Indeed, many of the recommendations of the John Jay Inquiry relate to issues of transparency. Other recommendations concern culture, or in their words, changing "routines". These ideas are not mutually exclusive.

That said, many of the recommendations made in the John Jay reports were partly implemented at the time that the reports went to print and continue to be implemented. For example, the Catholic Church in the USA created the Dallas Charter in 2002 in order to make church processes relating to child sexual abuse public. The John Jay Inquiry also commended the Church for commissioning the John Jay studies to learn about the problem and to design audit programs (Terry et al. 2011, 122). One interesting recommendation of the John Jay Inquiry concerns educating the public on the scale of child sexual abuse. For example,

> Because cases of sexual abuse of minors continue to be reported and the community does not fully understand the temporal distribution of sexual abuse incidents over the last sixty years, it appears to some that sexual abuse is still at peak levels. This lag in understanding will require continued education of the community about these issues and about the Church's commitment to respond to such reports (Terry et al. 2011, 121-22).

2.2.12. Celibacy

The question of whether mandatory celibacy[3] is a cause of child sexual abuse is a constant theme in inquiries addressing child sexual abuse in the Roman Catholic Church. Mandatory celibacy is, of course, a requirement of priests and the professed religious in the Roman Catholic Church[4]. The members of the Expert Group from the Ferns Inquiry (2005) came to the unanimous decision that mandatory celibacy contributed to child sexual abuse (36). The members of the Australian Inquiry were also unanimous in their decision that celibacy was a cause of child sexual abuse. By contrast, the John Jay Inquiry does not accept that celibacy is a cause of child sexual abuse. The following quote outlines the position of the John Jay Inquiry:

[3] It is necessary to point out that the term "enforced celibacy", that is often used in inquiries relating to child sexual abuse in the Catholic Church, is a misnomer; priests are not forced to be celibate. On the contrary, priests agree to live celibate lives in accordance with church teaching. This is distinct from enforced celibacy that occurs as a result of imprisonment.

[4] The only exception being Catholic priests who were previously Anglican priests and who were married before becoming Catholic priests. I also note that Catholic priests are allowed to marry, in some circumstances, in the Catholic orthodox traditions.

> Given the continuous requirement of priestly celibacy over time, it is not clear why the commitment to or state of celibate chastity should be seen as a cause for the steady rise in incidence of sexual abuse between 1950 and 1980. Andrew Greeley makes the same argument, joining it to the obvious statistical observation that the vast majority of incidents of sexual abuse of children are committed by men who are not celibates (Terry et al. 2011, 35).

Indeed, the statistical findings suggest that mandatory celibacy is a *direct* cause of child sexual abuse in only very few cases (Sipe 2014). However, there is evidence to suggest that celibacy can be an *indirect* cause of child sexual abuse. Certainly, celibacy is a direct cause of many psychological problems which are, in turn, correlated with child sexual abuse, e.g. drug and alcohol addiction (Sipe 2014).

That said, there have been many advances in the Church in terms of preparing priests for a healthy celibate life. As far as training is concerned, the John Jay researchers argue that the development of the curriculum, "Human Formation" was a dramatic improvement on this front. For example, it is argued that Human Formation better prepared seminarians to live a celibate life. Moreover, it is argued that this training is successful in terms of reducing child sexual abuse in the Catholic Church. For example, it is claimed that priests who were accused of child sexual abuse were less likely to have participated in Human Formation training than priests who were not accused of child sexual abuse. Human Formation was generally introduced into seminaries in the 80s. However, the John Jay Inquiry made a particular note of the developments in Human Formation in 2005. Not only did this curriculum provide better training for men wishing to live a celibate life. It also taught students the theology of living a celibate life. Furthermore, students are expected to have experienced at least two years of celibacy before entering the program.

Of particular interest here, the Human Formation program seeks to discover if candidates for the priesthood have been guilty of abusing children or have a sexual inclination to children. If it is discovered that they do, then, the candidates are disqualified from entering the priesthood. Furthermore, the program seeks to discover other potentially high-risk factors such as, for example, whether the candidate has been sexually abused as a child. Here we note, people who have been sexually abused themselves are at a higher rate of abusing others if they have not worked through their experiences. That said, being the victim of sexual abuse does not necessarily disqualify a person from entering into a formation program. Nevertheless, it would seem prudent from the perspective of child safety to ensure that these candidates have integrated their experiences in a healthy way – as well as being in the interests of the candidates themselves. Moreover, there is extensive training in the Human Formation program regarding child sexual abuse (Terry et al. 2011, 46).

2.2.13. Miscellaneous Points

2.2.13.1. Definitions of Child Sexual Abuse

Generally, the inquiries into child sexual abuse in the Catholic Church – including the ones studied in this book – use very broad definitions of child

sexual abuse. For this reason, their definitions are often inconsistent with legal ones – which tend to be much narrower.

> The John Jay Inquiry defines child sexual abuse in the following way:
> As per the Charter, sexual abuse includes contacts or interactions between a child and an adult when the child is being used as an object of sexual gratification for the adult. A child is abused whether or not this activity involves explicit force, whether or not it involves genital or physical contact, whether or not it is initiated by the child, and whether or not there is discernible harmful outcome (Terry et al. 2004, 22).

The salient point to be noted here is that the John Jay Inquiry and the other inquiries define a child as someone who is under 18 years of age, but do not take into consideration that some children are legally permitted to have sex and, therefore, are presumably capable of consensual sex, including with those above the age of 18. For example, the legal age of consent in most countries, including the US, Ireland and Australia is typically lower, e.g. 16 years of age. Therefore, many lawful sexual acts, such as those between a 16-year-old and an 18-year-old would be acts of child sexual abuse according to this definition. Indeed, in some instances, a person cannot be charged with statutory rape of a child who is under the age of consent if the two parties involved are close in age. This is termed the close-in-age exemption. At the time of writing, the age of consent in the USA varies from 16-18. However, in most states the age of consent is 16 years of age (30 states) (Age of Consent n.d.).

The age of consent is the age at which a person is regarded as legally competent to engage in sexual intercourse. If an adult engages in sexual intercourse with a person whose age is below the age of consent, then the adult may be liable for criminal conviction for rape (Australian Government 2020). So, the age of consent is important legally. But it is also morally important. Indeed, its status in the criminal law reflects its moral importance. By virtue of their vulnerability, including their inability to make decisions in their own best interest, children need to be afforded the protection of the criminal law. However, the age of consent varies greatly across jurisdictions world-wide, e.g. 14-years-old in Germany (Age of Consent n.d.). These variations indicate the existence of a grey area; an area in which it is not clear-cut whether or not a physically mature adolescent is in fact (as opposed to in law) competent to make a decision to engage in sexual intercourse. Of course, it is agreed on all hands that, for instance, a 21-year-old can be expected to make such decisions whereas, for instance, a 10-year-old cannot be expected to make such decisions – and, therefore, needs to be afforded the protection of the criminal law. However, what of a 17-year-old? Here there is uncertainty and, therefore, uncertainty as to what the law ought to be.

However, a further complication arises given that most of the acts of child sexual abuse in these inquires concern acts that are male-on-male. Homosexuality was illegal in the countries of interest during the peak periods of these alleged incidents of child sexual abuse (1960s and 1970s). Furthermore, despite arguments to the contrary (i.e. that they are instances of situational

sex), these acts would have been considered homosexual acts as far as the law was concerned. The decriminalisation of homosexuality occurred at different times across different states of the USA. For instance, homosexuality was decriminalised in 1962 in Illinois and as late as 2003 in Texas and Florida et al. In most states homosexuality in the USA was decriminalised in the 70s (Eskridge 2008).

Naturally, an act of child sexual abuse can occur even if the child involved is capable of giving consent. For example, the child might not have in fact consented to the act. Furthermore, a child's ability to provide consent might be impaired for some reasons, such as in the case of sexual acts in which there is a significant power imbalance. Indeed, in more recent times, many jurisdictions, including in the USA, have introduced laws that prosecute people in a position of authority who engage in sexual acts with adolescents over the age of consent but who are under the care of the person in authority. However, in the USA these laws vary from state to state. Indeed, not all states consider it an offense for a person in authority to have sex with a person above the age of consent who is under the person in authority's care; although they do consider it to be an aggravating factor. Furthermore, some states require there to be evidence of coercion in these cases (Terry et al. 2004, 19).

According to the John Jay Inquiry 6% of the alleged victims were under 7 at the time of the alleged abuse, 16% were between the ages 8-10, 50.9% were between the ages 11-14, and 27.3% were between the ages of 15-17 (Terry et al. 2004, 6). Therefore, it is possible that some or many of the alleged acts that involved children in the latter category were not unlawful at the time of the alleged offence, supposing they in fact took place, and were not instances of child sexual abuse according to prevailing laws. That said, many of the inquiries into child sexual abuse do not consider the legal status of the acts to be relevant. For example, IICSA claims that changing social mores do not mitigate the alleged offender's actions or the Church's response to these allegations. For example,

> The evidence summarised includes allegedly 'consensual' sexual activity, and in some cases 'relationships' that developed between a vulnerable child and an adult in a position of authority. It is axiomatic that although the changes in awareness and approach over the years may impact on what might be expected of institutions in terms of preventive or protective measures, they do not exempt those entrusted with the care of children from failures to protect children and young people from sexual abuse and harm (IICSA 2018, 16).

That said, laws and social mores change over time and differ from place to place. As mentioned earlier, laws regarding the age of consent have changed over time and currently differ from place to place. Let us take the case of abortion laws in the USA to demonstrate the dangers attendant upon retrospective judgements and punishments. At the end of the nineteenth century abortion was a statutory crime in all states of the USA. Yet, in 1973, the Supreme Court decision in Roe vs Wade decriminalised abortion in all states of the USA; albeit there were still some criminal sanctions concerning abortion, e.g. if the abortion

was performed by an unregistered provider (Buell 1991). Now that Roe vs Wade has been overturned by the Supreme Court some states in the USA are trying to enact trigger laws which will again criminalize abortion. The proposed penalty, in the Louisianan trigger law, for involvement in abortion, is up to two years imprisonment or a fine of up to $100,000 (Louisiana State Legislature n.d.). Hence, it will potentially be considered a serious crime.

In the case of abortion, as with child sexual abuse, considerable harm is done to the primary victim, i.e. in the case of abortion a foetus is destroyed. Moreover, in the case of, at least, some cases of abortion, e.g. increased choice for women in respect of mid-term abortions, as with some cases of child sexual abuse such as those involving sexual acts between adults and consenting 16-17-year-olds, there is, for many people, moral ambiguity. Let us now imagine that abortion reverts to being illegal in states/countries where abortion is currently legal and, in many cases, argued to be morally acceptable. In light of these changes in the law, would it be morally acceptable to retrospectively penalize a woman who had an abortion that was legal at the time it was performed? Surely, most reasonable people would say, no; because the changing laws and social mores mitigate the action. The same argument can be applied to cases of child sexual abuse that were legal at the time of the alleged abuse.

However, the quote from IICSA not only mentions changing social mores it argues that despite changing mores protective measures should have been in place regardless. Yet, can we reasonably expect the Catholic Church to be held to such a high standard given that these protective measures were not required by legislators or, more generally, understood to be necessary by legislators or the broader community?

2.2.13.2. Delayed Reporting

Most of the allegations of child sexual abuse that came within the scope of the John Jay Inquiry involved a significant delay in reporting the offence. The John Jay researchers claim that child sexual abuse is often reported after a delay in time (Terry et al. 2004, 84). Regarding the allegations in the John Jay Inquiry 44.4% were made in the period 2000-2002 and 39.4% of the allegations were made in the 1990s (0.5% were made in the 50's; 1.8% in the 1960's; 2.6% in the 1970's; 11.2% in the 1980's) (Terry et al. 2004, 90). This is despite the fact that 75% of the alleged acts of child sexual abuse allegedly took place in the period 1960-1984 (Terry et al. 2004, 27). Or in other words, only one in four allegations were made within ten years of when the offence was alleged to have occurred. Half of the allegations were made ten to thirty years after the offence allegedly occurred. 25% of the allegations were made 30 years after the offence was alleged to have occurred (Terry et al. 2004, 94). It is widely accepted there are numerous reasons for delayed reporting of child sexual abuse. However, a matter which is not discussed widely concerns the problems with delayed reporting. We discuss many of these problems in Section 3.2.12. later in this book. Here we note a particular concern that was raised by the John Jay researchers.

> In the mid-1990s, as awareness in dioceses was growing, priests who had allegations of abuse many years earlier in their files were sent for assessment and/or treatment. In such cases, many years had passed since the abuse occurred. Such men were often returned to ministry. However, when subsequent allegations were made about the priest—again going back many years and prior to the treatment—the dioceses were often blamed for allowing a "recidivist" priest to continue in service. Therefore, the timeline of events in many sexual abuse cases became obscured because of reporting delays (Terry et al. 2011, 87).

Hence, it would be unreasonable to expect the Catholic Church to respond to an act of child sexual abuse at the time it was perpetrated if it did not know about it because it was not reported until decades later.

2.2.14. Compensation

Unlike Ireland and Australia, the USA does not have a national redress scheme that is facilitated by the government or by the Church. Instead, there are different approaches across the different states of the USA. For example, in California six dioceses have joined together to participate in a joint compensation scheme. These schemes have been established, in some cases, only relatively recently. For example, the New York fund was first set up in 2016. Many of these schemes were created with the lifting, in some states of the USA, of the statutes of limitations in relation to the crime of child sexual abuse. There were also projections that the Church would have to pay $4 billion US dollars in upcoming compensation cases (Associated Press 2019). (At the time of writing the Catholic Church in the USA has currently paid over $3 billion dollars in compensation (BishopAccountabily.org n.d) Also, the Archdiocese of Los Angeles has just announced it will pay a further $880 million dollars in compensation (Payne 2024).

Yet, the Survivors Network of those Abused by Priests (SNAP), the most prominent North American survivor lobby/advocate group, have encouraged complainants not to access compensation schemes but rather to bring their cases to the courts, in a decision that has been met with some suspicion (CBS 2019). For example, criticism of SNAP, emerged in the lawsuit filed by previous SNAP employee Gretchen Hammond. Hammond alleged that SNAP exploits victims of child sexual abuse by treating them solely as potential litigants who might financially boost SNAP and who might financially benefit lawyers who are intimately connected to SNAP (Circuit Court of Cook County 2017). The benefit to SNAP comes through donations from victims of child sexual abuse who have received payments from the Catholic Church and through donations from attorney's who are referred cases from SNAP. Indeed, it is claimed in the lawsuit that SNAP, in contravention of its tax-exempt status, is in fact, a commercial operation that is said to be "motivated by its directors' and officers' personal and ideological animus against the Catholic Church" (Circuit Court of Cook Count 2017).

More generally, survivor advocate/ lobby groups around the world have, quite rightly, aggressively pursued the Church on the behalf of legitimate claims and, in

many instances, the victims/survivors of child sexual abuse they have supported have been the recipients of substantial payouts. For example, the Archdiocese of Los Angeles paid $774 million to 508 victims of child sexual abuse in a settlement to avoid 15 civil court proceedings (Mozingo and Spano 2007). However, at other times, survivor lobby groups have also aggressively pursued claims that are not legitimate. For example, according to some commentators, witness J who brought a false claim of child sexual abuse against Cardinal George Pell was manipulated by the survivor/victim lobby group, Broken Rites (Friel n.d.b).

2.2.15. Conclusion

In conclusion, the John Jay researchers gathered data from a survey in which 98% of diocesan priests and 80% of religious priests in the USA participated (Terry et al. 2004, 3). Based on the information contained in this survey the John Jay Inquiry produced two reports. The data from the surveys shows that there were 4,392 priests who had been the subject of an allegation of child sexual abuse in the period 1950-2002. While these are, for the most part, untested allegations, we can nevertheless conclude that child sexual abuse was a significant, yet historical, problem in the Catholic Church. For instance, 75% of alleged instances of child sexual abuse allegedly took place between 1960 and 1984 (Terry et al. 2004, 27). Moreover, the report also claims that more abuse occurred in the seventies than in any other decade, and that allegations of abuse alleged to have taken place in recent years are relatively few in number. Therefore, we can conclude, as the John Jay researchers concluded, that the problem is essentially an historical one. The total number of allegations against priests over this period is 10,667. Of note, the overwhelming percentage of allegations were of male-to-male child sexual abuse. However, only 2% of the priests who allegedly engaged in child sexual abuse could be classified as paedophiles. These above findings are in contrast to many media reports of child sexual abuse which claim that large numbers of *currently* serving priests are *paedophiles*.

The John Jay Report concluded that there were many factors that would reasonably be assumed to contribute to the decline of child sexual abuse including the enactment of government laws etc. Moreover, it is clear that measures introduced by the Catholic Church in response to the problem were, in large part, effective. These included training programs and child safety mechanisms. On the other hand, there were multiple failures, including referring repeat offenders to ineffective treatment programs. That said, failures of the Catholic Church to respond in a timely manner were due, at least in part, to delayed reporting of acts of child sexual abuse; allegations of child sexual abuse were often made decades after the alleged event took place. Two issues of concern regarding this inquiry, and indeed all of the inquiries addressed in this book, are the definition of a child as under the age of 18 (or 21 in the case of the French Inquiry) without recognising that the age of consent is lower and the very broad definitions of child sexual abuse used. We note, these definitions are often contrary to legal definitions.

However, notwithstanding some of the shortcomings of the John Jay Inquiry this inquiry must be commended for its contextual approach and its focus on the causes of child sexual abuse in the Catholic Church in addition to the scope of the problem. Studies of child sexual abuse have benefited greatly from the John Jay Inquiry due, in large part, to the analytical detail in its two reports. For example, the John Jay Inquiry grouped allegations of child sexual abuse into 20 categories according to the seriousness of the allegations. Furthermore, the John Jay Inquiry made novel and workable recommendations based on the experience of the researchers in the criminal justice arena, e.g. there are recommendations on how to reduce the opportunity for predators to offend.

2.3. Pennsylvania 40th Statewide Investigating Grand Jury

2.3.1. Introduction

The Pennsylvania 40th Statewide Investigating Grand Jury report into child sexual abuse in the Catholic Church is included in this book because of the size of the inquiry (it subpoenaed half a million documents), the media attention it received, but also because of the controversy surrounding the inquiry. Importantly, the Supreme Court of Pennsylvania ordered parts of the inquiry to be permanently redacted. This order was made in response to the concerns of eleven appellants who claimed the report contained material that was false and/or misleading. We discuss the Supreme Court's decision to permanently redact the report at length later in this analysis. First, it is helpful to briefly describe the role of a grand jury. A grand jury is in certain respects like any other jury. For instance, it is a group of randomly selected citizens who are summoned by a court to perform a task. However, unlike in a criminal case there is no presiding judge in a grand jury investigation and the grand jury's role is merely as an investigative body and not as an adjudicative body. Their role is ordinarily to determine whether there is sufficient evidence for a criminal trial. The ensuing criminal trial is an essential feature of a truth-finding exercise because, unlike in grand jury investigations, a criminal trial allows for cross-examination and the introduction of exculpatory evidence. However, in the case of this grand jury there was a complication in as much as the crimes that were being investigated were past the statute of limitations, and therefore, could not be heard in a criminal trial.

The Pennsylvania Grand Jury Report is very different from the other reports in this book. While the other inquiries have an equal mix of case studies and analyses, the Grand Jury Report focuses mainly on the presentation of case studies and does not provide detailed, let alone comprehensive, analyses of relevant issues. For example, in a document that is 1356 pages long, only 10 pages are devoted to a discussion of the development of safeguarding practices in the Church. A further 8 pages are devoted to recommendations. As our analysis is primarily concerned with the analysis of data related to child sexual abuse, we do not discuss the case studies at length. However, it is important to stress at the

outset of this discussion that there is sufficient evidence provided in this report to demonstrate that many instances of child sexual abuse occurred in the dioceses of Pennsylvania. Moreover, these cases were often handled poorly. That said, as will become clear, the report of the Pennsylvania Grand Jury lacks objectivity, went beyond its mandate, and in many instances violated the legally enshrined natural rights of those accused of child sexual abuse. For example, the report names and shames accused persons notwithstanding the fact that these persons had not undergone an adequate process of investigation and adjudication in which they had the opportunity to defend themselves against the accusations levelled at them.

The intention of the inquiry is clearly stated in the introductory statement. It is as follows:

> But we are not satisfied by the few charges we can bring, which represent only a tiny percentage of all the child abusers we saw. We are sick over all the crimes that will go unpunished and uncompensated. This report is our only recourse. We are going to name their names, and describe what they did – both the sex offenders and those who concealed them (40th SIGJR 2018, 2).

Hence, from the outset of the report the Grand Jury signalled its intention to be an adjudicative body and not merely an investigative body. But how can a body be legitimately adjudicative without recourse to cross-examination of witnesses by the accused (or their legal representatives) and without the introduction of exculpatory evidence? Instead, the Grand Jury decided to punish alleged offenders on the basis of, in many instances, unproven allegations; indeed, on the basis of allegations that will never be tested in a court of law. Clearly, the jurors did not take into consideration the damaging consequences of false allegations. So, the question must be asked: why did the Grand Jury decide to go beyond its remit? Perhaps the answer to this question can be inferred from their own statement:

> Until the day we got our summons, none of us even really knew what a Grand Jury does. We wound up having to interrupt our lives for a period of two full years. We were told to appear for court several times a month, which meant traveling considerable distances to hear long days of testimony. We did it because we understood it was our duty. In performing that duty, we have been exposed to, buried in, unspeakable crimes committed against countless children. Now we want something to show for it (40th SIGJR 2018, 307).

Should we then conclude that their decision to go beyond their remit was motivated in part by moral indignation at the heinous crimes allegedly committed and in part by a desire to ensure that their time on the grand jury was not spent in vain? At any rate, their decision to go beyond their remit and engage in adjudication was improper. Indeed, it was a morally wrong and unjustified decision, given that in doing so they did not cross-examine witnesses, consider exculpatory evidence or otherwise enable the accused to defend themselves. In short, the Grand Jury engaged in an adjudicative process that denied natural justice to those accused of very serious crimes and, thereafter, named and shamed them.

2.3.2. Background

The Pennsylvania 40th Statewide Investigating Grand Jury was convened in 2016 (after the John Jay Report and with the benefit of its findings). The Attorney General of Pennsylvania initiated the proceedings in order to investigate child sexual abuse in the Catholic Church and the handling of cases of child sexual abuse in the Church (Saylor 2018, 2). The Grand Jury were assigned the task of investigating child sexual abuse in the Catholic Church in six dioceses – Allentown, Eire, Greensburg, Pittsburgh and Scranton. It was a comprehensive investigation that was primarily based on the Church's own documents (half a million were subpoenaed). The Grand Jury heard the testimony of dozens of witnesses (but not witnesses for the accused). The report contains allegations against 300 priests (40th SIGJR 2018, 9). Two priests were sent for presentment (their information was passed on to the courts). "Dozens" would have been sent for presentment, if the statute of limitations did not prevent the inquiry from doing so (40th SIGJR 2018, 308). There could not be criminal trials in the majority of cases because the accused priests were dead (40th SIGJR 2018, 12). Most of the alleged acts of child sexual were said to have taken place before the 2000's (40th SIGJR 2018, 9). The inquiry claimed the Church had improved its response to allegations of child sexual abuse in the fifteen years prior to the inquiry (40th SIGJR 2018, 6).

The inquiry identified more than a thousand alleged victims most of whom were boys. However, we are not given the precise numbers. Furthermore, there are imprecise details concerning the ages of the alleged victims, "Some were teens; many were prepubescent" (40th SIGJR 2018, 1). Similarly, the report is imprecise concerning the nature of the alleged acts, "Some were made to masturbate their assailants, or were groped by them. Some were raped orally, some vaginally, some anally" (40th SIGJR 2018, 1). Here, Peter Steinfels is correct in criticising the lack of sophistication and precision in this report, especially in the light of the detail provided in most of the other reports discussed in this book. He points out that in the Pennsylvania Inquiry there is no information about: (1) the total number of priests in the dioceses investigated; (2) changes in statistical patterns of the rates of abuse over time; (3) comparisons to non-Catholic institutions; (4) the problems that arise from delays in reporting, e.g., evidential problems; and (5) the historical context e.g. in terms of the level of general awareness of child sexual abuse (Steinfels 2019).

In the commentary in the introduction the only claim the inquiry makes with any precision is arguably false. It concerns the treatment of those who made child sexual abuse complaints: "… all of them were brushed aside, in every part of the state, by church leaders who preferred to protect the abusers and their institution above all" (40th SIGJR 2018, 1). This statement is contested. Indeed, there is evidence in the report which suggests it is not true. For example, these excerpts are from letters addressed to Bishop Trautman by victims of child sexual abuse. "Finally My Dear Bishop, If I can call you a friend, I believe God gave me the means to a cure through you, I have been with just a handful of people in my travels that

you can feel they are God's best work and are here to teach his ways. You are one of them and I thank the Dear Lord each day knowing that you are there if I need to talk". Or, "Your prompt attention, kindness and compassion as the Ordinary of the Diocese of Eire is appreciated. Words alone cannot describe my gratitude for your generous support" (40th SIGJR 2018, 983). Photocopies of these letters were given to the inquiry and are in the report. More importantly, Bishop Trautman removed 16 priests due to child sexual abuse findings or findings of inappropriate dealings with children (40th SIGJR 2018 986). So, it is evident that the previous comment by the Grand Jury is incorrect. On this point, Steinfels has the following to say:

> On the basis of reading the report's vast bulk, on the basis of reviewing one by one the handling of hundreds of cases, on the basis of trying to match diocesan replies with the Grand Jury's charges, and on the basis of examining other court documents and speaking with people familiar with the Grand Jury's work, including the attorney general's office, my conclusion is that this second charge [all of the victims were ignored] is in fact grossly misleading, irresponsible, inaccurate, and unjust. It is contradicted by material found in the report itself – if one actually reads it carefully. It is contradicted by testimony submitted to the Grand Jury but ignored- and, I believe, by evidence that the Grand Jury never pursued (Steinfels 2019).

This is not to suggest that the letters addressed to Bishop Trautman from victims of child sexual abuse are necessarily representative. Yet, it is to suggest that the language in this report is imprecise and sometimes inaccurate. Moreover, there is evidence of bias and, overall, the absence of an appropriately forensic mode of presentation. As we have seen from the other inquiries, the responses of the Church to victims of child sexual abuse were frequently inconsistent and varied from diocese to diocese. Some complaints were treated respectfully and appropriately; many were not. However, it needs to be kept in mind that many, perhaps most, complaints were received many years, indeed often many decades, after the alleged offences took place. What the overall picture is in any particular diocese or country is a matter for careful scrutiny and analysis of the data and other facts available. Unfortunately, the Pennsylvania Inquiry does not meet this standard, as will become clear.

2.3.3. Secrecy and other Concerns

One of the reports most prominent findings is that the Church was secretive when handling child sexual abuse complaints. For example, the grand jurors mention that complaints were locked in a place called the secret archive, which only the bishop had access to. On the face of it, this practice would seem to be reasonable given it is not unusual for professionals to have confidential or sensitive files. Indeed, nearly every professional body has some confidential files in a locked cabinet or the like. However, the Grand Jury argues that the purpose of the Church's secret archive was to conceal criminal activity. In this respect the Church's confidential files were deemed to be different from those routinely held by other professional organisations.

For the Grand Jury the processes in the Church regarding complaints handling were "a playbook for concealing the truth" (40th SIGJR 2018, 3). For example, they claim it was standard to write in the report of a priest who was accused of child sexual abuse that he had "inappropriate contact", or "boundary issues" when the act was in fact a rape. Furthermore, the inquiry argues that fellow priests were asked to investigate allegations and ask "inadequate questions" about suspected predators and that this was done in order to conceal the truth. Similarly, the Grand Jury suggests the only reason suspected predator priests were sent to psychiatric treatment centres was to give the "appearance of integrity". For example, it is claimed that the Church "Allow[ed] these experts to "diagnose" whether the priest was a paedophile, based largely on the priest's "self -reports," and regardless of whether the priest had actually engaged in sexual contact with a child" (40th SIGJR 2018, 3). (Please note that, as mentioned in, for instance, the John Jay Inquiry, paedophilic behaviour is defined in the following terms, "the exclusive presence of *two or more victims* under the age of eleven." Hence, a child abuser is not necessarily also a paedophile). A final theory the Grand Jury advances is that bishops not only dissuaded victims from reporting abuse to the police they were also successful in persuading the police to terminate investigations (40th SIGJR 2018, 67).

There is a lot to unpack here. If it is being suggested that everybody in the Church who dealt with priests who were accused of child sexual abuse, knew of a common code and worked systematically to conceal criminal offences, then the Grand Jury are putting forth a conspiracy theory of some magnitude. It is also inconsistent with the other inquiries. The truth would seem to be that some church-workers and bishops did try to conceal instances of child sexual abuse but most did not. We argue there is more nuance to these cases than the Grand Jury has allowed for. For example, if crimes of child sexual abuse were concealed in documents, this concealment of meaningful information can also provide a defence for some bishops. We have examples of this in the other inquiries. The defence is as follows: Bishop B takes over Bishop A's position when Bishop A retires. Bishop B looks at a case file in the secret (i.e. confidential) archive and discovers that Priest A had a boundary violation with a parishioner. The attending therapist said Priest A was suitable for parish work. In light of this information Bishop B feels confident to keep Priest A in parish work. However, Priest A, in fact, raped a youth. Indeed, Priest A raped another youth in the new parish. In this scenario Bishop A is guilty of concealing serious child sexual abuse and may be subject to criminal charges, depending on time and location. There is no excuse for this behaviour. The therapist is similarly negligent and should not be working in this capacity. However, what of Bishop B? Bishop B may be guilty of not inquiring further into the nature of the boundary violation. However, the guilt in this case is mitigated. The point of this hypothetical example is to show that these cases are not always straight-forward.

A further criticism made was that congregations were not told why a predator priest was removed from the priesthood. This would seem to be a reasonable criticism, especially if the predator priest's, now former, parishioners intended to remain in contact with the priest, and if they had children who would also

be in contact with the priest. However, it would seem this argument is also not as straight-forward as the Grand Jury presents it. For example, and regarding not making the names of alleged or proven offenders public, Trautman claims, in part, his decision not to publish the names of offenders was at the request of some victims of child sexual abuse. The victims in question informed Trautman that the publication of the names of offending priests would allow people to identify themselves as the victims of these priests and this would undermine their processes of recovery. Furthermore, Trautman argues there is no law that requires the publication of names of suspected or proven offenders. On this issue Steinfels makes an interesting point:

> What the Pennsylvania Report does, however, is to erect publicizing of the names of all credibly accused or suspected abusers, present or past, alive or dead, having had an opportunity to respond to accusations or not, as an indisputable standard. Anything less the report condemns as essentially criminal "hiding". If this is to be the case, it should not be unilaterally declared by a grand jury but established by statute and applied to all organizations rather than the Catholic Church alone (Steinfels 2019).

Certainly, this criticism by the Grand Jury, that suspected predator priests are not publicized, is a little ironic given the Supreme Court of Pennsylvania ordered parts of this very inquiry to be redacted to protect persons who were the subject of unproven allegations. However, a balance must be established here to keep children safe. The bishop was not legally obliged to publicise the names of suspected or proven offenders. However, surely there is a moral obligation, at least in the case of proven habitual offenders, to alert parishioners to the risks.

Yet, what of the complaint that priests who were known offenders were housed by the Church and given living expenses? As we have argued in relation to the Irish Inquiry, the Church did have, and continues to have, a practice of monitoring priests who are the subject of an allegation of child sexual abuse. The priests in question have either not been convicted of child sexual abuse in a court of law because, presumably (but unfortunately, as we have seen, in many cases), there is insufficient evidence to do so; or they have been convicted but have served their sentence. These priests, who are the subject of an allegation of child sexual abuse, are often housed in monasteries and residential homes with many restrictions placed upon them. For example, a priest may not be allowed to leave the confines of a monastery he is housed in. In Ireland the police and the Health Department endorsed this practice. Indeed, the Irish Inquiry remarked, "The Commission has already noted in its report into the Catholic Archdiocese of Dublin that monitoring of sex abusers is very difficult and that there is greater monitoring of clerical child sex abusers than any other child sex abusers" (DACI 2009, 17).

A further complaint concerns the movement of priests from one location to another. Yet, this is not as straight-forward as it would appear either. The John Jay Inquiry argues that the temporal distribution of allegations of child sexual abuse confuses the argument. Here it is worth repeating the following quote:

> In the mid-1990s, as awareness in dioceses was growing, priests who had allegations of abuse many years earlier in their files were sent for assessment and/or treatment. In such cases, many years had passed since the abuse occurred. Such men were often returned to ministry. However, when subsequent allegations were made about the priest—again going back many years and prior to the treatment—the dioceses were often blamed for allowing a "recidivist" priest to continue in service. Therefore, the timeline of events in many sexual abuse cases became obscured because of reporting delays (Terry et al. 2011, 87).

Of course, this is not to say this was always the case, and certainly there is evidence that priests were moved to different ministries when it was known or suspected they were a risk to children. However, an inquiry of this magnitude should be aware of the complexities of these cases.

Furthermore, Bishop Trautman moved some of the priests who were alleged to have abused children multiple times to ministries where children were not present. Ultimately, one of the priests was defrocked. Trautman argues that none of these priests were known to have reoffended (40th SIGJR 2018, 995). Here it may be the case that Trautman's judgement was very good, and he was successful in preventing children, or others, from being abused by known or suspected predators. However, this is a fraught area. For example, the obvious concern is that children will, at times, be present in places where they are not habitually present. This is often the case with universities which are essentially adults only institutions in terms of their staff and students, but which may have children present on their campuses for one reason or another. A further concern is child sexual abusers who also abuse adults. As we mentioned in relation to the Irish Inquiry, there is evidence to suggest that some sexual offenders do not have an age preference and will abuse both children and the elderly (Lea et al. 2010, 13). A final thought concerns the question of the suitability of a person who has abused multiple children to even be a priest. That said, there is a further complexity concerning suspected but not proven abusers.

We note that there has been no response from the police regarding allegations made by the Grand Jury that they did not charge suspected child sexual offenders that should have been charged, and did not do so, not for lack of evidence, but rather because church officials asked them not to. However, these allegations would surely be worthy of further investigation since, if true, it would indicate significant corruption by the police officers in question.

2.3.4. Recommendations

As mentioned in the introduction the Grand Jury did not make many recommendations. Here we discuss the main recommendations it did make.

2.3.4.1. Statute of Limitations

The jurors of the Grand Jury recommended that the statute of limitations be removed in cases of child sexual abuse. It is their view Pennsylvania legislature "shields" child sexual predators behind "the criminal statute of limitations" (40th

SIGJR 2018, 7). This language implies that Pennsylvania lawmakers, in addition to bishops and some police officers, are engaged in protecting predators. This view of the jurors of the Grand Jury is otherwise manifest in their denial of natural justice to those accused of child sexual abuse. Furthermore, their attitude to the statute of limitations is a view that overlooks a fundamental premise of the criminal justice system: namely, the principle that a person is innocent until proven guilty in a court of law.

The particular problem with removing the statute of limitations in cases of child sexual abuse concerns the quality and quantity of evidence, notably evidence that an offence actually took place (unlike in the case of murder where there is typically a dead body as evidence and, therefore, no statute of limitations). On the one hand, it is very difficult for the alleged victim to present good and decisive evidence if the case is historical; i.e. if the allegation is made decades after the alleged offence. On the other hand, in such historical cases it is equally difficult to produce exculpatory evidence that would conclusively exonerate the accused. Moreover, frequently in historical cases the question arises as to why the victim failed to come forward to report the crime in a reasonably timely manner, i.e., upon reaching adulthood and, therefore, within the period of the statute of limitations. The inquiry remarks, "Thanks to a recent amendment, the current law permits victims to come forward until age 50. That's better than it was before, but still not good enough; we should just get rid of it" (40th SIGJR 2018, 7). This is an extraordinarily cavalier statement that displays a lack of understanding of the evidentiary problems and related natural justice issues that underpin the statute of limitations. For example, if a person is a victim of child sexual abuse at the age of 10 and only reports the crime at age 50, not only is there unlikely to be good and decisive evidence available to support the allegation, but he or she has had 40 years to report the crime (and three decades to do so as an adult). How is 30 years an unreasonably short period of time for an adult person to report a crime? Interestingly, the statute of limitations has been removed (in relation to child sexual abuse) in, what the inquiry deems to be, well over half the states across the country (40th SIGJR 2018, 308). At any rate, the removal of the statute of limitations in respect of child sexual abuse is highly problematic for the reasons given above. Moreover, it risks the imprisonment of innocent persons, especially in the current climate in which uncorroborated allegations of child sexual abuse are taken to be sufficient to determine the truth of the allegation.

2.3.4.2. Reporting Allegations of Child Sexual Abuse

Regarding the reporting of allegations of child sexual abuse, the inquiry had the following to say:

> We saw from diocesan records that church officials, going back decades, were insisting they had no duty to report to the government when they learned of child abuse in their parishes. New laws make it harder to take that position; but we want them tighter. The law penalizes a "continuing" failure to report, but

> only if the abuse of "the child" is "active." We're not sure what that means and we don't want any wiggle room. Make it clear that the duty to report a child abuser continues as long as there's reason to believe he will do it again – whether or not he's "active" on any particular day, and whether or not he may pick a different kid next time' (40th SIGJR 2018, 8).

We have already discussed problems concerning the lack of reporting – the most salient being that children will be abused if predators are not reported and, therefore, are not discovered and dealt with. However, this recommendation of the Grand Jury is redundant. Furthermore, the Grand Jury appears to be lacking knowledge of the complexities concerning reporting abuse. Regarding the first point, the notion of "active" child sexual abuse complements that of historical cases of child sexual abuse; the implication being that if the abuse took place decades earlier and the abuser has ceased to be active then there is no legal requirement to report it. This is consistent with the Grand Jury's view "as long as there's reason to believe he will do it again". Regarding the second point, legislators of laws concerning reporting historical allegations are wary of penalising victims and their families for failure to report. Consider, for example, that the mother of an alleged victim, who is only informed by her adult son that he was abused as a child, could be charged with failure to report, depending on reporting laws. Furthermore, because of the delay in reporting to the Catholic Church, most cases are historical, and it is argued the alleged victim should report in these cases, given the alleged victim is now an adult.

2.3.4.3. Increased Timeframes to Bring Lawsuits

We disagree with the Grand Jury's recommendations concerning increased timeframes for bringing lawsuits. The Grand Jury argues that many victims/survivors of child sexual abuse are past the window of opportunity for bringing a civil case against the Church. As it currently stands (in Pennsylvania) victims of child sexual abuse have 12 years to sue once they turn 18 years of age. However, victims who are now in their 30s and older were subject to a law that only allowed for two years to bring a civil case. The claim is as follows: "For victims in this age range, the short two-year period would have expired back in the 1990's or even earlier – long before revelations about the institutional nature of clergy sex abuse" (40th SIGJR 2018, 8). Yet, there were many successful lawsuits in the 1990s. Indeed, the inquiry presents evidence of settlements going back decades, in their criticism of confidentiality agreements (40th SIGJR 2018, 9). Furthermore, it is acknowledged there is a legal problem preventing the window of opportunity from being extended. The inquiry believes that whatever the problem is (they do not specify the nature of the problem saying only that "We are laypeople; we'll leave that to the lawyers") it could be resolved if there was a strong conviction to do so (40th SIGJR 2018, 310). Obviously, we cannot be expected to take it on faith that a problem can be resolved, legally or otherwise, if the nature of the problem and its proposed solution is not made clear. Moreover, the claim that

such an unspecified problem and solution can be resolved manifests a cavalier attitude to a very serious matter.

2.3.5. Developments in Safeguarding in the Church

The inquiry claims that, up until the end of the 20th century, the dioceses in Pennsylvania developed processes for covering up child sexual abuse (40th SIGJR 2018, 297). Yet, this claim is inconsistent with the findings of the John Jay Report regarding the USA as a whole and, if true, would mean that Pennsylvania had somehow evaded child safeguarding measures put in place by the Catholic Church in the rest of the USA. Please see section 2.2.8 for more information regarding national safeguarding efforts from the John Jay Report. Some of the measures listed there include: In 1985 the NCCB began a formal discussion about child sexual abuse; Mid 1980s onwards – The NCCB worked with diocesan leaders to ensure immediate and responsible responses to allegations of child sexual abuse, including the implementation of a training program and encouraged the development of explicit policies, and distributed strategies for responding to litigation; In 1991 the Cardinal's Commission on Clerical Sexual Misconduct with Minors was made public; In 1992 the Policy on Priests and Sexual Abuse of Children was released by the Office of Media Relations of the USCBC. It states: "[W]hen there is even a hint of such an incident, investigate immediately; remove the priest whenever the evidence warrants it; follow the reporting obligations of the civil law; extend pastoral care to the victim and the victim's family; and seek appropriate treatment for the offenders: In 1992 the American bishops called for diocesan leaders to use the 'Five Principles' in relation to allegations of child sexual abuse. The Five Principles are as follows:

(1) respond promptly to all allegations of abuse where there is reasonable belief that abuse has occurred; (2) if such an allegation is supported by sufficient evidence, relieve the alleged offender promptly of his ministerial duties and refer him for appropriate medical evaluation and intervention; (3) comply with the obligations of civil law regarding reporting of the incident and cooperating with the investigation; (4) reach out to the victims and their families and communicate sincere commitment to their spiritual and emotional well-being; and (5) within the confines of respect for privacy of the individuals involved, deal as openly as possible with the members of the community.

In 1992 the NCCB held a meeting with experts in the field of child sexual abuse. The discussion concerned improving care for victims of child sexual abuse, improved screening of ordinands, improved education and improved guidelines for relapse prevention and reassignment; In 1993 The Ad Hoc Committee of Sexual Abuse was announced. The mandate of the Ad Hoc Committee was to support victims of clerical abuse and their families and improve screening processes for priests and lay church workers. In 1997 the Ad Hoc Committee gathered more information about diocesan policies for handling allegations of child sexual abuse. At the time of the John Jay Report, more than half of the dioceses surveyed had a person who had designated responsibility for cases of

clergy sexual abuse, most of the dioceses who responded had established a review board and were performing background checks of church workers and volunteers.

It would appear the dioceses in Pennsylvania moved on child safety at a similar rate. That is, safeguarding policies began in the mid-1990s and have been updated regularly since that time. For the dioceses in Pennsylvania the greatest change was the introduction of the "Charter for the Protection of Children and Young People", which was produced in 2002 by the USCCB (40th SIGJR 2018, 302). It has policies relating to investigating allegations, suspending priests who are accused of child sexual abuse, removing priests from ministry if allegations are proven, mandatory reporting to the police, outreach to victims, screening of all church workers who come into contact with children, etc. According to Steinfels the allegations against at least one-third of the alleged offenders were reported after 2002 when there was an established policy to remove priests from active ministry (Steinfels 2019), which would seem to fly in the face of the Grand Jury's statement "…all of them were brushed aside, in every part of the state, by church leaders who preferred to protect the abusers and their institution above all" (40th SIGJR 2018, 1).

2.3.6. Supreme Court Rulings

On the 27th of July 2018 the Supreme Court issued the first of two rulings concerning the Grand Jury Report. The petitioners were people who were named in the report and who challenged the public release of the report. They claimed that the findings of the report were not supported by a "preponderance of evidence" (a required standard of a grand jury) and that the evidence in relation to them was false or misleading. As such, they argued that they had been denied due process of law and said that the release of the findings to the public would damage their reputations in violation of their constitutional rights (Saylor 2018, 1). The petitioners had already asked the supervising judge of the Grand Jury to remove information about them because they could demonstrate that it was false, misleading or was not supported by evidence. For example,

> Petitioners cite to certain asserted factual errors in report 1, such as an alleged confrontation of one of the Petitioners by a victim of claimed abuse when, in fact, the Petitioner had died almost a decade earlier, and they highlight the fact that other Petitioners named in the report would have been children at the time they allegedly abused victims, and, hence, could not have been ordained priests (Todd 2018, 6).

They did not request that the publication of the document be blocked in its entirety (Saylor 2018, 6). Instead, the petitioners asked the judge for a pre-deprivation hearing before him, which would allow them to present their evidence. However, the supervising judge decided this would impose an unreasonable burden on the Commonwealth, because it would require cross-examination of witnesses and the presentation of new evidence (Saylor 2018, 9). He responded that it was sufficient for the accused to provide a letter of response

(Saylor 2018, 8). (As mentioned previously, due to the statute of limitations most of the appellants were not eligible to go to trial).

On the other hand, the Supreme Court decided that the report from the Grand Jury was not "couched in conventional "investigatory" terms," and went beyond its remit. As mentioned in the introduction, grand juries are not adjudicative bodies. Importantly, the Supreme Court concluded that the Grand Jury did not consider the evidence in terms of a probable cause standard. Rather, it assumed that all of the accused were guilty and, more specifically, did so without meeting the probable cause standard and without the benefit of a trial to prove their guilt. This is evident in the language used. For example,

> Rather, the introductory passages of the report pronounce that the Grand Jury will identify over three hundred "predator priests" by name and describe their conduct in terms of "what they did -- both the sex offenders and those who concealed them [,]... shin[ing] a light on their conduct, because that is what the victims deserve" (Saylor 2018, 3).

It is worth noting here that the Supreme Court argued grand jury processes are controversial. For example, a grand jury can hear any piece of evidence including hearsay and rumours in secret without the opportunity of cross-examination. Indeed, a grand jury is not obligated to hear exculpatory evidence (Saylor 2018, 12). As a consequence, false testimony can go undetected (Saylor 2018, 13). Moreover, the Supreme Court wondered why the attorney for the Commonwealth did not want to present the testimonies of living individuals to the grand jurors who surely would have benefitted in their quest for the truth. We note here that jurors are responsible for truth finding and the administration of justice. They are not permitted to utilise grand jury investigations for the purposes of activism (Saylor 2018, 21).

It was the view of the Supreme Court that simply appending a written response, as was suggested by way of dealing with the problem presented by the petitioners, to the end of a 900-page report (that is primarily a compilation of cases of child sexual abuse in the Church) would not be sufficient to protect the appellants' reputations because the report is lengthy and pertains to a subject matter that is "incendiary" (Saylor 2018, 22). Furthermore, the written response would only admit to hearsay and not have the weight of evidence that has been tested (such as in a court of law). In this first hearing the Supreme Court ordered that the appellants' details be temporarily excised by the Grand Jury until such a time as a resolution could be reached (Saylor 2018, 25, 27). In summation:

> Under the Declaration of Rights set forth in the Pennsylvania Constitution, individuals enjoy the fundamental right to the protection of their reputations. That right cannot be impaired by governmental actors -- or those operating under governmental authority -- absent the affordance of due process of law to affected individuals. Due process is measured in terms of a meaningful opportunity to be heard, encompassing participation at a time when it will be meaningful (Saylor 2018, 28).

On September the 26th 2018 a second Supreme Court judgement was released stating that no remedy could be found for the problems outlined in the first judgement. Hence, it was necessary to order the permanent redaction of any material that would identify the appellants in order to protect their constitutional right to secure their reputation (Todd 2018, 1). In the previous judgement redaction was only a temporary measure.

An interesting feature of the second judgement concerns evidence that the Attorney General was biased. For example, in response to the appellants' petitions he sent a letter to Pope Francis asking the Catholic leader to "direct church leaders to follow the path you charted at the Seminary in 2015 and abandon their destructive efforts to silence the survivors" (Todd 2018, 8). Furthermore, it is claimed he made incendiary statements at a press conference concerning the petitioners. When asked about the claims of inaccuracies in the report he suggested that their claims were untrustworthy because of "who they are and… their backgrounds" (Todd 2018, 9). The petitioners also claim the Attorney General leaked grand jury information on two separate occasions, notwithstanding the information was protected from disclosure by the Supreme Court's redaction order. The Attorney General denies this allegation (Todd 2018, 9 ft 11).

Ultimately the Supreme Court ordered that there was no other alternative to protect the constitutional right of the petitioners other than to, as mentioned previously, make the temporary redactions from the first hearing permanent. They argued:

> We acknowledge that this outcome may be unsatisfying to the public and to the victims of the abuse detailed in the report. While we understand and empathize with these perspectives, constitutional rights are of the highest order, and even alleged sexual abusers, or those abetting them, are guaranteed by our Commonwealth's Constitution the right of due process (Todd 2018, 17).

2.3.7. Concluding Remarks

As mentioned in the introduction to this chapter, the Pennsylvania Report is, primarily, a large collection of allegations of child sexual abuse against members of the Catholic Church. Many of these allegations are compelling. There are further allegations of child sexual abuse complaints that were not handled well. In some cases, bishops knew priests had abused children and did not report this to the police or take other steps to protect children. For these offences the Church stands condemned. However, there are also cases where allegations are not supported by evidence, or worse, there are claims of abuse that are highly implausible (fewer allegations are of this type). This is not out of the ordinary. In any large-scale inquiry with high numbers of allegations, there is always a suite of allegations – in this case as far as the quality of the claims is concerned. This is not a controversial remark. What is disturbing in this case is the grand jurors lack of awareness of the possibility of false claims and the harm that is done to those who are wrongly accused of child sexual abuse. Indeed, it could be argued that the wrongfulness of, and harm done

by, false allegations of child sexual abuse can in some instances be equal to, or even worse than, the wrongfulness or, and harm done by, some instances of child sexual abuse. Consider a priest who is falsely accused of raping a child and who is publicly named and shamed. Is this not potentially more harmful to that priest than the harm done to a 16-year-old adolescent who is subjected to an unwanted act of overclothing sexual touching by his priest? At any rate, while it goes without saying that children need to be protected from the scourge of child sexual abuse, it is also the case that priests and others need to be protected from the serious harms unjustly inflicted by false allegations of child sexual abuse. Unfortunately, as the Supreme Court made clear, priests who are the victims of false allegations, made to these inquiries, have little chance of extricating themselves as innocent victims from the collective rage generated by the incendiary claims of large-scale child sexual abuse in the Catholic Church.

2.4. Truth and Reconciliation Commission of Canada

2.4.1. Introduction

This analysis concerns the inquiry of the Truth and Reconciliation Commission of Canada (TRCC) into abuse in Christian-run residential schools. This inquiry is similar to the other inquiries in this book in as much as it discusses the poor living conditions of the schools (also a focus of the Irish Inquiry), physical abuse and sexual abuse. However, its focus on cultural assimilation sets it apart from the other inquiries in this book. Moreover, as this book is concerned with child sexual abuse in Catholic schools, churches and agencies, we do not discuss, other than tangentially, claims relating to other types of abuse such as the many allegations of physical abuse. Nor do we discuss the harms caused by cultural assimilation. Certainly, we recognise the harm that has been done to the Indigenous peoples of Canada on this front. We do discuss sexual abuse in the Catholic Church in Canada. However, in a deviation from our focus in the other inquiries we also discuss an area of investigation that is not directly concerned with child sexual abuse as such; we analyse claims of an unacceptably high rate of deaths amongst the cohort of children in the residential schools run by the Catholic Church, including claims that the causes of death of nearly 2,000 children were not recorded. Furthermore, we discuss the related claims of missing children and mass graves of children on the sites of the residential schools.

These claims of missing children and mass graves have not only received widespread media attention, they are being widely taken to be true, notwithstanding that they are unproven. Indeed, there is a view that is *not* reported in the inquiries but has, nevertheless, made its way into the minds of many people in the general public, that, the children were murdered by people working for the Catholic Church. Hence, these claims have resulted not only in immense reputational damage to the Catholic Church but also in the destruction of dozens of church buildings across Canada in apparent revenge for these murders.

2.4.2. Background

Prior to 1883 the Catholic Church in Canada operated a number of boarding schools for Aboriginal people. Many of these schools received small grants from the Federal Government (TRCC 2015a, 3). However, from 1883 until 1969 the church-run residential schools partnered with the Canadian Government. The Federal Government utilized the residential schools in order to implement policies and legislation that were designed to assimilate Indigenous people into Euro-Christian culture (TRCC 2015b, 25). This assimilation is deemed to be "cultural genocide" by the writers of the Canadian report.

It is generally agreed the schools were negligent in their care for the children they were entrusted with. Moreover, the Catholic Church and the Federal Government share the blame for the neglect. For example, the Federal Government did not set and maintain standards, it under-funded the schools, and it failed to provide adequate oversight of the schools to ensure they were adequately discharging their educational and other responsibilities to the children. This underfunding and lack of oversight resulted in unhealthy living conditions for the children at the schools (Archdiocese of Toronto 2021, 3). The Church failed to advocate for the children who were in its care and church workers were involved in individual instances of abuse. For example, and of interest to this work, priests were accused of sexual abuse of some of these children. The arrangement between the Church and the government was in place until 1969 (TRCC 2015b, 25). The Commission claims 150,000 children attended these schools. Moreover, the Indian Residential School Settlement Agreement (IRSSA) identified 139 residential schools 46% (64 schools) of which were operated by Catholic entities. 16 of 70 Catholic dioceses in Canada, and three dozen religious communities were linked to the schools (Archdiocese of Toronto 2021, 2).

The conditions of the schools were brought to light in thousands of court cases against the schools that led to the largest class-action lawsuit that Canada has ever seen. This led to the creation of the TRCC. Notably, the TRCC was established by the Indian Residential Schools Settlement Agreement, which settled the class actions (in as much as it established a means for compensation). The Commission spent six years travelling to all parts of Canada to hear from 6,000 former students about abuse in the schools (TRCC 2015a, v).

2.4.3. Data

The data regarding child sexual abuse concerns the period from 1940 until the closure of the schools in 1998 (TRCC 2015c, 12). However, it must be noted that in 1969 the government took full control of the schools and church involvement ceased at that time (TRCC 2015c, 10). The figures concerning child sexual abuse come from three different sources: (1) the documentary record, which contains documents pertaining to prosecutions for abuse; (2) statements of former students, and; (3) the data from the Independent Assessment

Process (IAP) and the Common Experience Payment (CEP) program. These programs were established by IRSSA in order to compensate former students for sexual and physical abuse and other wrongful acts (TRCC 2015c, 399). The compensation was paid to students who attended the residential schools as boarders, students who went to the residential schools as day students, or to anybody who was under twenty-one when the abuse occurred and was legitimately participating in school activities. The alleged abuse was committed by government and church appointed staff, other adults who were legally on the premises, or by fellow students (TRCC 2015c, 400).

As of January 3, 2015, 37,951 compensation claims relating to sexual, physical or other types of abuse were made to the IAP. 30,939 cases were resolved by the end of 2014. In total $2,690,000,000 (USD) has been awarded in compensation. Compensation payouts were made to 48% of the ex-students who were eligible to make the claims (this number excludes ex-students who died prior to May 2005) (TRCC 2015c, 401). As of the 30th of September 2013, 8,470 claims of abuse were made to the IAP concerning alleged abuse of students by other students. This was one-third of the allegations made at that time (in total there were 26,261 claims) (TRCC 2015c, 410). Regarding the gender of the alleged victims, men were responsible for 51.5% of the claims and women were responsible for 48.5% of the claims (TRCC 2015c, 406). Unfortunately, figures that relate solely to sexual abuse are not available. Therefore, it cannot be determined whether there was a preponderance of male-on-male sexual abuse among instances of sexual abuse of students, as has been found in the other inquiries analysed in this book.

The report argues that the large number of compensation claims that have been made to the IAP and CEP demonstrate that abuse, including sexual abuse, was widespread in the residential school system. Furthermore, the seriousness of the alleged acts of abuse can be determined by the size of the compensation payments (up until the 30th of September 2014). 14% of the claims relate to the least serious acts of abuse with the least damaging consequences (claims from $1 – $49,999). 28% of claims concern compensation in the next bracket $50,000 to $99,999. 36% of claims concern claims in the bracket $100,000 – $149,999. 15% of claims concern claims in the bracket $150,000 – $199,999. 6% of claims relate to the most serious forms of abuse with the most damaging effects ($200,00 +) (TRCC 2015c, 405). Examples of compensation payouts for the least serious category of abuse (in as much as they relate to child sexual abuse) are payouts for the following offences: any act of touching a child that is deemed to be sexual in nature; the act of an adult exposing himself or herself; naked photographs taken of a child; one or more incidents of fondling or kissing a child (TRCC 2015c, 402). The harm that is attributed to this kind of abuse is considered to be "modest detrimental impact". The harm is said to be "occasional short term" and includes anxiety, humiliation, bed-wetting, aggression etc. (TRCC 2015c, 404). Examples of compensation payouts in the most serious category (that relate to child sexual abuse) include payouts for the following

offences: "repeated, persistent incidents of anal or vaginal intercourse" and "repeated, persistent incidents of anal/vaginal penetration with an object" (TRCC 2015c, 402). The harm that is attributed to this kind of abuse is "continued harm resulting in serious dysfunction" and includes, personality disorders, psychotic disorganisation, loss of ego boundaries, self-harm, suicidal tendencies, inability to form or maintain personal relationships etc. (TRCC 2015c, 403). Males were more likely to make claims of serious abuse than women. For example, in the most serious category of abuse males made 1,393 claims while females made 649 claims (TRCC 2015c, 407).

It is argued, notwithstanding that there were no prosecutions for acts of child sexual abuse that allegedly occurred in the years from 1867 – 1939, that it is evident child sexual abuse occurred at the schools in these years. It is claimed that victim testimonies of sexual abuse are powerful evidence that abuse occurred. Furthermore, it is argued these acts of alleged child sexual abuse were not prosecuted because government and church workers did not report the allegations to police. At times alleged offenders were not reported to the police because government and church workers believed the denials of the alleged perpetrators, at other times, the children's allegations were believed, however, the alleged offender was permitted to remain at the school (TRCC 2015b, 560).

Further evidence of abuse, and failure to handle abuse complaints effectively, appears in documentation of abuse and prosecution of abuse. For example, in the 1950s complaints of abuse (it is unspecified if this is sexual abuse or a different kind of abuse) were made to the principal of the Lower Post school in British Columbia against two men. The complainants allege no action was taken at the time. However, one man was convicted many years later for abuse committed at the school. The other man died while he was being prosecuted for abuse that was alleged to have happened at the school. In Saskatchewan a school engineer kept his employment with the school after he was convicted of assaulting a female student. In 1956 a senior teacher investigated complaints concerning sexual impropriety that were made against the principal of the Gordon's School – the complaints were not reported to the police or to Indian Affairs (TRCC 2015c, 413). In 1966 the Qu'Appelle school in Saskatchewan hired a man who had been convicted of a sexual assault just months earlier. In 1974 a school principal in British Columbia hired a man who was known to have been convicted of molesting boys to be the school's night watchman. There are more cases of this sort in the report (TRCC 2015c, 414).

Based on the evidence just presented the Commission makes a case that the churches and the government failed to protect children when they knew there was the potential for abuse. Furthermore, the inquiry argues that resources were the main reason safeguarding did not take place. For example, staff were not adequately screened or monitored because of the costs involved. Furthermore, it is claimed the churches were not able to offer competitive salaries because government funding was so low. As a consequence of this, the quality of the staff was poor (TRCC 2015c, 412).

2.4.4. Deaths

2.4.4.1. Records

As of 2015 the TRCC claims to have identified 3,201 deaths on the named and unnamed registers of confirmed deaths of residential school students from 1867-2000 (TRCC 2015a, 92). It is argued 32% of the 3,201 figure concerns deaths of children who were not recorded by the government or by the schools. The Commission verified the deaths of 1,241 children. Of these students, 443 died in a hospital or sanitorium, 423 died in school infirmaries, 300 died at their homes, and 75 died in non-residential schools. However, the Commission argues it is unable to name 32% of the students and is unable to provide the cause of death for 49% of the students.

That said, locating these records is a complicated matter. Certainly, children were assigned a number by the schools and the Federal Department of Indian Affairs kept records of the students because it paid a per capita subsidy to the schools (Champion and Flanagan 2023, 15). So, keeping records of the students who attended the schools was important and it is reasonable to think the records did exist. However, there are many possible explanations why the Commission could not identify the students. For example, the students may have died in school infirmities or at their homes in the year that they left school, hence their deaths would not have been reported to Indian Affairs (TRCC 2015d, 24). There is also a possibility that deceased students were recorded twice; once in the trimester report (with their names) and in the general report (without their names) (Rouillard, 2023 46-47). Moreover, Rouillard argues that the investigation relied principally on government archives and did not cross-reference with other records (Rouillard 2023, 53). He claims that the Chronicles of the Sisters at Cardston had decent records and it would be likely that the Chronicles of the Sisters of St Anne from Kamloops would most likely also have good records. (Chief Casimir of the Tk'emlúps te Secwépemc tribe (one of the interested parties) did request these records. However, it is unknown whether she received them) (Rouillard 2023, 56-57).

Also of interest, private researchers have discovered more information about the children through library and archival records in Canada, and through death certificates held by the British Columbia Archives. They discovered the causes of the deaths of 35 students which were otherwise unknown (Rouillard 2023, 58). Furthermore, there was a policy of the Federal Government that school returns could be destroyed after five years and reports of accidents could be destroyed after ten years. This Act was enacted in 1933. Indeed, between 1936 and 1944, the Federal Government destroyed 200,000 Indian Affairs files. Lastly, many records were destroyed by fires at the residential schools (Archdiocese of Toronto 2021, 8). A further extremely confronting theory, that has arisen in the general public but is not mentioned in the inquiry, concerning the missing documentation of particular interest to us in this book is that the church-run schools were involved in genocide and that staff in these schools murdered the children. To this, we return later in this section.

First it is necessary to acknowledge that Aboriginal children in residential schools died at a higher rate than children of school age who were not at residential schools (TRCC 2015d, 26-27). In those cases, in which the cause of death was recorded, the main recorded cause of death was tuberculosis. 48.7% (896) of the recorded deaths name tuberculosis as the cause. The next highest numbers of recorded causes of death are influenza and pneumonia. It is worth noting here that many of the schools were overwhelmed by the Spanish Flu pandemic of 1918–19 (TRCC 2015d, 22). For example, at the Fort Street James School in British Columbia all of the staff and all but two of the children caught the Spanish Flu. Seventy-eight people, including students, died as a result of contracting the flu (TRCC 2015a, 119). Furthermore, the children at the school were particularly susceptible to dying from diseases because they were malnourished. It is claimed the food at the schools was of low quality and the children were underfed because government funding was so low that even basic necessities such as food could not be sufficiently provided (Archdiocese of Toronto 2021, 4). That said, from the years 1950-1965 conditions improved and the mortality rate in residential schools by 1965 aligned with the Canadian average. This change has been largely attributed to the administration of vaccines (Rouillard 2023, 49).

We now return to the claim that children went missing. In order to discuss this it is necessary to provide some background. Firstly, we discuss rumours circulating in the school community among the children of their peers being buried in secret cemeteries at the schools. These rumours ultimately became folklore. Secondly, we discuss scientific reports of soil anomalies that are claimed by some to indicate burial sites of the missing children. Lastly, we discuss claims that the assimilation program of the government constituted "cultural genocide" and how some people escalated this to claims of physical genocide amidst news of suspected secret burial sites at the schools. We begin by discussing the rumours.

2.4.4.2. Rumours and GPR

Notwithstanding that there were no reports of missing children at the time, some ex-student-residents report that when they were students they heard rumours that children were made to dig secret graves in the middle of the night to bury other students. For example, "There was [sic] rumours of a graveyard but nobody seemed to know where it was – we didn't even know if it was true. And there was a big orchard there and we used to make up stories about the graveyard being in the orchard" (Emma Baker, former student) (Thibault 2021). There were further rumours of torture and murder. Children were said to have been buried alive, babies were said to have been thrown into furnaces or hung from meat-hooks (Champion and Flanagan 2023, 14). These stories of secret graves were preserved with the "knowledge keepers" (elderly Aboriginal people) (Rouillard 2023, 29). Moreover, it was thought that these rumours might explain why there were undocumented deaths at the schools. In light of this, it was decided there should be an investigation to determine if the rumours, which had now become

folklore and a matter of belief among the "knowledge keepers," were in fact true. The investigation largely concerned the use of Ground Penetrating Equipment (GPR) which shows soil disturbances. To this we now turn.

Whilst using GPR, anthropologist, Sarah Beaulieu discovered depressions and abnormalities in the soil of the apple orchard in the grounds of Kamloops residential school. I note here that GPR cannot detect the presence of human or any other remains. It largely shows the presence of soil disruptions. Commonly soil disruptions concern the movement of roots in trees; something to be expected in an apple orchard. However, Beaulieu argued that the anomalies were not consistent with root systems but did show the markings of burial sites (Beaulieu 2021). However, upon saying this, she also cautioned that further investigations would need to be undertaken to decisively demonstrate the presence of burial sites; these investigations might need to include excavation of the site. Yet, notwithstanding this cautionary note, and based on Beaulieu's preliminary report, the Chief of the Tk'emlúps te Secwépemc or Kamloops Indian Band made an announcement that the remains of 215 missing children had been discovered in an apple orchard near the school with GPR. These children were said to have been part of the undocumented deaths at the Kamloops Residential School (Champion and Flanagan 2023, 11).

The response to this incendiary announcement was immediate and extreme, notwithstanding that there was (and is) no firm evidence of burial sites at Kamloops residential school, but merely a claim based on rumours and the far from conclusive findings of GPR. Hundreds of outraged people rallied in cities across Canada. 83 churches were burned down or vandalized. 64 churches were completely destroyed (Rouillard 2023, 30). The New York Times ran the story "Horrible History: Mass Graves of Indigenous Children Reported in Canada" (Austen 2021). The Office of the United Nations Commissioner for Human Rights remarked there had been "a large-scale human rights violation," in relation to the announcement of the graves (United Nations Human Rights 2021). Amnesty International called for the people and institutions responsible for the remains that were found in Kamloops to be prosecuted (Amnesty International 2021). Fifteen lawyers from Canada lodged a document with the International Criminal Court in the Hague in order to begin an investigation into the Government of Canada and the Holy See for their alleged participation in crimes against humanity (Rouillard 2023, 41). To repeat, all of these claims, calls to action, moral outrage and destruction of churches occurred on the basis of what must be regarded as nothing more than a speculation based on a preliminary inconclusive investigation. At the time of writing, these claims remain unverified.

So, are there or are there not secret burial sites at Kamloops residential school? Unfortunately, conclusive proof has not been provided to definitively answer this question one way or the other. Certainly, there is no evidence to show reports of missing children were made to the police or other authorities at the time. This is notwithstanding that there *is* evidence that complaints, concerning physical abuse of students, made by parents to the schools were received, investigated and, in some cases, sustained (Champion and Flanagan 2023, 15). Further, as mentioned

above, there are other explanations concerning the unrecorded deaths. But what of the preliminary GPR study more specifically? Beaulieu's preliminary report has been criticised for inaccuracies. Hence, the importance of excavation to prove or disprove her claims. For example, it has been argued that Beaulieu's original report did not take into consideration the extensive construction that had taken place at Kamloops residential school. (In July 2021 she amended her report and said that 15 of the suspected burial sites were evidence of soil disruption due to construction and archaeological impact assessments (Wordpress, 2023)). However, at the current time, Beaulieu's investigation has only covered two acres of the Kamloops Residential School. The total area of interest is 160 acres. Hence, a survey of the total area and excavation of the area could take many years (Mangione 2021).

What we do know is that at the time rumours of a secret graveyard were circulating amongst the children, a large sewer was dug through the orchard. This involved the excavation of 30% of the 160 acres and no graves were found at this time (Ulrich 1958). Furthermore, beginning in 1957 and ending in 1959 a day school was constructed on the orchard. Notwithstanding that the foundations were dug deep, no graves were discovered on this occasion either (Nicholas 2004). Furthermore, investigations are not restricted to Kamloops. There have been 20 announcements concerning soil anomalies near residential schools in Canada. In the few places where they have done excavations, burial sites relating to missing children have not been discovered (Champion and Flanagan 2023, 13). Furthermore, the Minegozibe Anishinabe First Nation excavated the basement of a church that was built on the site of a residential school. It did so in the belief that missing children were buried there. However, no burial sites were found (Malone 2023).

2.4.4.3. Genocide

We now move on to claims of genocide. One of the TRCC's major claims regarding the inquiry into the residential school program is that Aboriginal peoples were subject to "cultural genocide" because the government's goal was cultural and religious assimilation. Furthermore, it is claimed Aboriginal children were forced to go to residential schools. Importantly, it is argued by TRCC chair Murray Sinclair that this could meet the definition of genocide according to the Genocide Convention, which states, "forcibly transferring children of the group to another group" constitutes cultural genocide (Rubenstein 2023, 116). This is a hotly contested claim that is beyond the scope of this analysis. However, it is important to note that the TRCC's claims of cultural genocide were being considered by legal entities and were a feature of media reports when claims of physical genocide emerged in the wider public in regard to the suspected burial sites that were reported in the inquiry. At this time, it was claimed the genocide consisted of the murder of more than a thousand children (the unrecorded deaths discussed earlier).

Moreover, language about suspected burial sites turned to claims of mass graves. This is important because graves can be unmarked for reasons that are

not sinister, whereas mass graves are often associated with genocide (Rubenstein 2023, 96). For example, "To me, mass graves indicate genocide. It's much more than cultural genocide. It's actual genocide. Indian children were killed. Indian children went missing. All of that truth will be revealed." This is a quote from Eleanore Sunchild who is a Cree lawyer and a member of the Thunderbird First Nation (Warick 2021). This is not an isolated comment. Indigenous activist Robert Jago had the following to say,

> It is not possible to look at the unmarked graves of 215 children that were uncovered on the grounds of the former Kamloops Residential School and deny the reality of Canada's attempt at the genocide of Indigenous peoples. That was a crime against humanity, and that the residential schools were created with malign intent is as true a fact as gravity or the sun-rise (Jago, 2021).

Are claims of murder true? We cannot be certain of the answer to this question for the reasons provided above. However, as argued above, those making the claims do not have sufficient evidence to justify making such very serious allegations. Here, it is important to keep in mind that when these public declarations were being made there had not been even one instance of a verified murder of a child throughout the long history of residential schools in Canada (Rubenstein 2023, 110). Furthermore, it is claimed that in the 1940's Indian Affairs paid the burial costs of residential school students who died in hospital. However, they did not pay the costs of returning the bodies to families (Archdiocese of Toronto 2021, 5). Therefore, students were often buried in graveyards near the schools. There is no evidence that school workers tried to hide the graves. Indeed, in some graveyards school children were buried alongside teachers, priests and nuns (Archdiocese of Toronto 2021, 7).

The only compelling evidence of a mass grave is in relation to the Spanish Flu epidemic. For example, as mentioned earlier, 78 people at Fort, St James School in British Columbia and in the surrounding community succumbed to the Spanish Flu and some of them were buried in a common grave. The school principal Joseph Allard wrote in his diary at the time, "The others were brought in two or three at a time, but I could not go to the graveyard with all of them. In fact, several bodies were piled up in an empty cabin because there was no grave ready. A large common grave was dug for them" (TRCC 2015d, 11). We recall similar common or mass graves with the Covid pandemic.

It is also worth considering that a further GPR investigation at Kootenay Residential School graveyard discovered suspected burial sites after the Kamloops announcement. However, this report was made with less sensationalism. Sophie Pierre, the former chief of St Mary's Band remarked, "There's no discovery, we knew it was there, it's a graveyard. The fact that there are graves inside a graveyard shouldn't be a surprise to anyone" (MacVicar 2021). Furthermore, it is not unusual to find unmarked graves in a graveyard. Many graves of Indigenous children were unmarked because of the practice of marking the graves with a wooden cross. Over time the cross deteriorates. The crosses were also burnt in fires that affected some schools (Rubenstein 2023,

99). Furthermore, it was not a practice of Indigenous peoples in Canada to mark graves permanently (Rubenstein 2023, 102).

A further measured comment was made by band member Irene Andreas concerning the sensationalistic media claims made in relation to Cowessess First Nation's GPR discovery of 751 potential burial sites near the Marieval Residential School in Saskatchewan. Andreas had the following to say,

> Dear Folks, Our leaders today are addicted to media sensationalism, I can see how the Marieval graveyard news is causing a lot of heartbreak and emotional breakdowns. Please listen to your elderly folk as well. We respected the Church. We respected the dead. We buried our dead with a proper funeral. Then we allowed them to Rest in Peace…To assume that foul play took place would be premature and unsupported. There is no "discovery" of graves. All your elders have knowledge of every grave. The Band office has records from the Bishop's office, the Church board and from the Cemetery workers who were in charge of digging graves and burials. The Band office received a list of over 750 registered burials from the Bishop's office. Information is being put out there that doesn't recognise these facts. So please, people, do not make up stories about residential school children being put in unmarked graves. No such thing ever happened (Leadership of ʔaq'am 2021).

2.4.5. Concluding Remarks

Stories of child sexual and physical abuse, and indeed of murder, in the residential school system in Canada are clearly profoundly upsetting for Indigenous peoples and sensationalistic media reporting generates moral outrage in the broader community. However, it is of the first importance to establish facts. Depending on the facts, moral outrage, and calls for action might or might not be justified. What can be said with some degree of certainty is that the Government of Canada did put in place a program of assimilation that was harmful to Indigenous peoples. There is also evidence of abuse in the residential schools, including child sexual abuse, which is the focus of this book. On the other hand, there is no good, let alone decisive, evidence to suggest that children were murdered at the Kamloops residential school (or any other Catholic-run residential school, for that matter). However, there is a lesson to be learnt here concerning the ease with which serious harm can be done to individuals and institutions, including the Catholic Church, as a result of false or unproven allegations, sensationalistic, misleading media reports and, more generally, a cavalier attitude to evidence-based truth-telling on the part of those advocating an otherwise worthy cause.

CHAPTER 3

Australasian Inquiries

3.1. Introduction

In this chapter we discuss the Australian Royal Commission at considerable length given the large scale of the inquiry (the final report is 17 volumes) and because many of the other inquiries, including some of the other inquiries dealt with in this book, worked in consultation with the Australian Inquiry to inform their own practices or used its findings to support their own findings. Importantly, the Australian Royal Commission provided a platform for victims of child sexual abuse to tell their stories, and in this respect proved to be healing for many people. However, notwithstanding this obvious benefit, we argue that many of the processes of the Australian Inquiry are flawed. Following this analysis of the Australian Inquiry is a brief commentary on the New Zealand (NZ) Inquiry. The NZ Inquiry was one of the inquiries that utilised the flawed findings of the Australian Inquiry. Furthermore, an analysis of the NZ Inquiry was included because of its use of crime multipliers that generated an inflated number of estimated cases of child sexual abuse in the Catholic Church in NZ.

3.2. Australian Royal Commission into Institutional Responses to Child Sexual Abuse (The Australian Inquiry)

3.2.1. Introduction

This section provides an analysis of the findings of the Australian Royal Commission into Institutional Responses to Child Sexual Abuse (the

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Australian Inquiry), as far as they relate to the Catholic Church in Australia. In the course of providing this analysis, as with the other inquiries, we discuss the extent of the alleged offences, the historical nature of the alleged offences, the nature of the alleged offences, the profiles of the alleged offenders that emerged, and the Catholic Church's response to the problem of child sexual abuse in its institutions. We also discuss some of the shortcomings of the Australian Inquiry, e.g. its investigative processes. Since a good deal of the media reporting of the Australian Inquiry has been inaccurate or misleading, we also offer a corrective to such media accounts.

We conclude that child sexual abuse was a serious and widespread problem in the Catholic Church in Australia, However, the 'crisis' of child sexual abuse in the Catholic Church in Australia is, in large part, an historical problem. For most of the claims of child sexual abuse referred to acts that allegedly occurred in the 1970s or earlier and the quantum of allegations of more recent acts of child sexual abuse in the Catholic Church is very low. Moreover, it can be plausibly argued that the decrease in allegations of child sexual abuse in the Catholic Church should be attributed to a growing awareness of how to protect against sexual abuse by priests and church workers, changes in the broader society (including a growing awareness of the impact of child sexual abuse) and the implementation of preventative strategies to protect children in the Church.

3.2.2. Private Sessions

The Australian Inquiry first heard stories of child sexual abuse in what it called "private sessions." 6,875 persons came forward and gave accounts of child sexual abuse in private sessions up until 31 May 2017. The allegations concerned a wide variety of Australian institutions, both religious and non-religious. Of these, 2,489 claimants alleged they were the victims of child sexual abuse in a Catholic institution. This number is 61.8% of all claimants who made allegations about a church entity in the private sessions (RCIRCSA 2017, Vol. 16, Book 1, 34). (We note, it would be expected that the Catholic Church would feature so prominently due to the large number of Catholic-run institutions historically, and hence at times prior to widespread reforms regarding child sexual abuse). In these sessions a person making a claim of child sexual abuse met with a Commissioner and told the Commissioner his or her story. Importantly, these claims were not substantiated. A decision was made by then Attorney General, Mark Dreyfus, that the Royal Commission Act 1902 (Cth) would be amended so that large numbers of people could tell their stories to the Australian Inquiry without cross-examination. This amendment to the Royal Commission Act 1902 (Cth) freed the Australian Inquiry from the task of investigating claims of child sexual abuse or cross-examining people who made such claims (RCIRCSA 2017, Vol. 1, 26). The following quote from the Australian Inquiry's final report outlines the exact nature of the amendment that was made to the Royal Commission Act 1902 (Cth).

> The Royal Commission Act 1902 (Cth) was amended specifically to allow the Royal Commission to hear from survivors in private sessions. The Act now provides that a private session is not a hearing of the Royal Commission [Australian Government 2018, 60C (2)] and that a person who appears at a private session is not a witness before the Royal Commission or considered to be giving evidence [Australian Government 2018, 60C (1)]. Consequently, those participating in private sessions were not required to take an oath or affirmation and were not subject to cross examination but were expected to tell the truth (RCIRCSA 2017, Vol. 1, 26).

A problem with this decision occurred because the Australian Inquiry created quantitative data from the private sessions and reported the data without stressing that the data consisted of unsubstantiated and untested claims. Accordingly, the impression created was that these unsubstantiated claims were true claims, despite the risk of false claims existing in the data. The decision of Commissioners in the Australian Inquiry to use all of the allegations of child sexual abuse in the quantitative data is indicated below.

> When we discuss quantitative information from private sessions in this volume, we use the term 'survivor' to refer both to survivors and victims who attended a private session and those (including deceased victims) whose experiences were described to us by family, friends, whistleblowers and others. This quantitative information is drawn from the experiences of 6,875 victims and survivors of child sexual abuse in institutions, as told to us in private sessions to 31 May 2017 (RCIRCSA 2017, Vol. 1, 73).

Note, the number 6,875 refers to all people who gave accounts of child sexual abuse in private sessions up until 31 May 2017 (Of these, 2,489 claimants alleged that they were abused in the Catholic Church). It must be acknowledged that the Australian Inquiry decided to call claimants of unsubstantiated child sexual abuse "survivors" avowedly as a sign of respect for victims of child sexual abuse. Some of the victims had previously not had their claims believed, or had been punished for making such claims, or had been treated with derision when making such claims. The Australian Inquiry did not want to re-traumatize complainants by doubting the veracity of their claims (RCIRCSA 2017, Vol. 1, 26). However, as stated previously, the implication of this use of the term "survivor" is that all of the claims are true claims.

It is reasonable to hear unsubstantiated stories of child sexual abuse in the initial phase of an inquiry as a filtering process, or as a process that leads on to targeted investigations that test claims. However, notwithstanding this, it is problematic that the Australian Inquiry did not adequately qualify the nature of the claims that were made in the private sessions. As mentioned, these claimants were called "survivors" which is misleading. The quantitative material that followed on from these claims is also misleading as it likely contains some false claims alongside legitimate claims. That some of these stories were highly likely to be false irrespective of the denotation "survivor" is illustrated by claims

that Fiona Barnett made to the Australian Inquiry. Fiona Barnett claims she was sexually abused as a child by three former prime-ministers and that she witnessed hundreds of crimes including abductions, rape, torture, and murder[1]. She has no corroborating evidence for these claims and the police have declared the claims baseless. As mentioned in the previous chapter, the US focused John Jay Inquiry, by contrast, did not use, what it called, "implausible claims" in its data (Terry et al. 2004, 17).

The problems with unsubstantiated claims of child sexual abuse will be discussed below.

3.2.3. Unsubstantiated Claims

Before commencing the discussion on the Australian Inquiry itself we will briefly discuss the McMartin's preschool trial to demonstrate that large scale investigations can contain multiple false claims. The McMartin's preschool trial took place over six years in the late eighties. The McMartin family were subject to hundreds of allegations of child sexual abuse, in what was in 1990, the longest and most expensive criminal trial in the history of the USA. However, there were no convictions from this trial. A pertinent element of this trial is the high number of intentionally false claims that were made by the preschool witnesses. Some of the children who accused day-care workers and others of sexually abusing them later admitted to lying about this. In other cases, the allegations were proven to be untrue. For example, some children claimed they had been abused in tunnels underneath the day-care centre – the day-care centre was demolished and earthmoving equipment dug out the space where the building used to stand; there were no tunnels to be found. This case led to a number of books being written about what has now been deemed, the "day-care witch-hunt". In a counter to the witch-hunt narrative that emerged, Ross Cheit (2014), himself a victim of child sexual abuse, wrote a book analysing the events that led to the McMartin trial. He agreed that many of the allegations were false; in fact, he accepted that approximately 350 allegations were false. However, he argued that 12 of the allegations against one person were potentially true, notwithstanding that the court had deemed them to be false. He also suggested that the premise of a witch-hunt concerning child sexual abuse may not be warranted given the high number of proven cases of child sexual abuse in current inquiries into child sexual abuse. That said, regardless of whether there was a witch-hunt, the US justice system deemed that most of the allegations in this instance, against multiple people, were false. This case, from nearly 30 years ago, should serve as a lesson to those who uncritically accept allegations of child sexual abuse, including those occupying positions on high profile commissions of inquiry.

The Australian Inquiry stated to the Australian newspaper, "But for a few witnesses, the evidence of individuals has not been challenged before the

[1] For a full discussion of the Fiona Barnett case, please see: (Barry 2018).

Australian Inquiry" (Guilliatt 2017). The inquiry stated, as mentioned above, that they did not cross-examine witnesses in the private sessions because there was a concern that victims of child sexual abuse would be re-traumatized by the process. That said, the Australian Inquiry's decision not to substantiate the claims of the claimants is a cause of concern to many legal professionals – in particular, the former Attorney General and barrister-at-law Greg Smith who also served as prosecutor and counsel assisting the NSW Independent Commission Against Corruption. He remarks:

> I have been very concerned about the lack of cross-examination by the Royal Commission. It's all very well to say you are being compassionate and witnesses have been through enough, but where there is a so-called 'target' who is challenging the truth of the allegations there should be cross-examination, particularly with historical cases, whether its recovered memories or whatever. In cases like this there could be fabrications, there could be the promise or wish of future compensation…I very much feel sympathy for people who have been molested, but I'm concerned about the sorts of statements that are being made about people who have had no opportunity to cross-examine (Guilliatt 2017).

Evidently, the Australian Inquiry has undervalued the need to safeguard against false claims, especially given the serious consequences of false claims and the historical record of reported instances of false claims of child sexual abuse. False claims are a real and serious problem. The seriousness of making false claims is reflected in the maximum penalty given to people who make such claims and are themselves prosecuted. For example, in NSW intentionally making a false accusation carries the maximum penalty of seven years imprisonment (Australian Government 2020). Note, the maximum sentence for false claims is greater than the maximum sentence for indecent assault which is five years imprisonment.

As stated above, there are serious consequences for people who make intentional false claims, such as imprisonment. There are also damaging consequences for people who make false claims that they believe to be true – such as is the case with some instances of so-called recovered repressed memories. For example, it can be devastating for a person to discover that their claims of recovered repressed memories are false in the tough cross-examination of a court case.

That said, the consequences of false claims are more serious for the people who are the target of the false claims. Some examples of false claims of child sexual abuse against priests include the following from Ireland, Spain, Australia and the USA. In 2007, Paul Anderson was imprisoned for three years for falsely claiming that he was raped by a priest in 1981. Anderson admitted to the High Court of Ireland that his claims of child sexual abuse by Fr Tim Hazelwood were false (McGarry 2018). In this case not only did Anderson lie about the abuse, his mother and father both admitted to lying in order to strengthen Anderson's case. Anderson made the allegation, and his parents supported the allegation, in order that Anderson fraudulently receive a compensation payment. Note, this case is one of the allegations that is included in the Cloyne Inquiry under the pseudonym Fr Ricardus. In 2017 a Spanish court declared that David Ramirez

Castillo's accusations of child sexual abuse levelled at Fr Roman Martinez were false and implausible (Minder 2017). In Chicago (2017) "John J. Doe" was taped on a gaol phone planning how he was going to "play [the] role" of a victim of child sexual abuse in order to defraud the Diocese of Chicago – albeit the target of John Doe's allegations is a proven child sex offender (Michael O'Loughlin 2017). Furthermore, some cases of child sexual abuse and the handling of cases of child sexual abuse are ambiguous. For example, in Australia Archbishop Philip Wilson was initially given a custodial sentence for covering-up crimes of child sexual abuse by a magistrate judge. However, the appeals judge overturned this verdict and remarked that he could not even determine if the crime took place (McCarthy 2018).

Recently, as we discuss in section 3.2.16 Cardinal George Pell's conviction for child sexual abuse in the lower courts was overturned by the High Court of Australia. Pell was found by the High Court to be not guilty of child sexual abuse calling into question the competence of juries and judges in the lower courts to make evidence-based adjudications in relation to child sexual abuse allegations made against members of the Catholic Church. There are many more examples.

Evidently, the Australian Inquiry failed to provide adequate safeguards against the possibility of false claims. This is especially problematic considering the Australian Judiciary have made reforms regarding judicial evidence in historical cases of child sexual abuse in light of the recommendations of the Australian Inquiry. Take for instance the following recommendation from the Australian Inquiry regarding the evidence of a single witness with an uncorroborated claim of an historical act of child sexual abuse.

> Legislation should provide that the judge must not direct, warn or suggest to the jury that it is 'dangerous or unsafe to convict' on the uncorroborated evidence of the complainant or that the uncorroborated evidence of the complainant should be 'scrutinised with great care' (RCIRCSA 2017, Vol. 16, *Recommendations,* 110).

This is particularly salient when we consider that Cardinal George Pell was convicted of child sexual abuse, on the basis of the uncorroborated and false evidence of a single victim. This decision was made by a jury despite the existence of exculpatory evidence. For example, one of the boys who was alleged to have been abused on two separate occasions denied he had been abused before his death (Brennan 2019). Pell's reason for appealing the guilty verdict was as follows:

> The verdicts are unreasonable and cannot be supported, having regard to the evidence, including unchallenged exculpatory evidence from more than 20 crown witnesses, it was not open to the jury to be satisfied beyond a reasonable doubt on the word of the complainant alone (The Guardian 2019).

A related issue is that of mistaken identity. As mentioned in the commentary on the Murphy Inquiry there were cases of mistaken identity in the representative sample group, including Fr Giraldus (confirmed case of mistaken identity) and Fr Ignatio (probable case of mistaken identity).

3.2.4. Types of False Claims

In general, false claims are characterised into two different categories: claims that are known to be false and intended to deceive and claims that are false but believed to be true by the person making the claim. Vexatious claims are typically false. They are intended to deceive and are made with the intention of damaging the person or institution that is the target of the allegation. Vexatious claims are sufficiently common in Australia to have led the government to enact legislation to enable courts to proceed against vexatious claims. The name of the act is the *Vexatious Proceedings Act 2008* (Supreme Court of NSW n.d.).

Also, in the category of claims that are intended to deceive are fraudulent claims made in order to gain monetary compensation. These types of claims are also common. It is not unreasonable to expect that some of the claims made to the Australian Inquiry about the Catholic Church are of this type. According to the data provided by the Catholic Church and relied on by the Australian Inquiry, 77% of the complaints of child sexual abuse in the Catholic Church were made after the creation of a redress schemes (in the late nineties). This is despite the fact that the number of alleged acts of child sexual abuse in the Catholic Church that are claimed to have taken place since the late nineties has been very low and those claimed to have taken place since the mid-eighties are on a sharp downward trajectory (RCIRCSA 2017, Vol. 16, Book 1, 303). This very high figure of 77% of child sexual abuse claims made post the introduction of the redress schemes and made in the context of evidently low and declining actual incidents of child sexual abuse suggests that some of the claims of child sexual abuse in the Catholic Church may have been fraudulently made for the purpose of monetary gain.

The second category of claims are claims that are false but are believed to be true by the person making the claims. Two such examples in this category, that we discuss, are claims that are the result of misunderstandings and false 'recovered repressed memories.' It must also be added that false claims can result from some mental health disorders. The risk of misunderstandings is exacerbated by the very broad definition of child sexual abuse that the Australian Inquiry uses. In some cases, one and the same act can be an act of child sexual abuse or an innocent act depending on the intention of the person performing the act. For example, if an adult puts a child on his knee for the purpose of sexual gratification, this is child sexual abuse. If an adult puts a child on his knee but not for the purposes of sexual gratification – then this is not an act of child sexual abuse. Clearly, there is room for misunderstandings in these kinds of cases.

The Australian Inquiry noted the risk of misunderstandings, particularly concerning grooming acts, which are considered acts of child sexual abuse. Grooming can take place in person and online, and is often difficult to identify and define. This is because the behaviours involved are not necessarily explicitly sexual, directly abusive or criminal in themselves, and may only be recognised in hindsight. Indeed, some grooming behaviours are consistent with behaviours or activities in non-abusive relationships, and can even include overtly desirable social behaviours, distinguished only by the motivation of the perpetrator.

As stated above, in cases like these it is possible that there are some misunderstandings. As far as recovered repressed memories are concerned it is important to begin our discussion with knowledge of the workings of memory. Consider the following key points concerning memory and the law from The British Psychological Board: (1) Memories are records of people's experiences of events and are not records of the events themselves; (2) Remembering is a constructive process – memory is prone to error and can be influenced by the recall environment; (3) Recall of a single or several highly specific details does not guarantee that a memory is accurate or even that the event remembered actually occurred – the only way to establish the truth of a memory is with independent corroborating evidence; (4) People can sincerely 'remember' events that they have not, in reality, experienced (The British Psychological Society, 2010). Here a good deal depends on what precisely counts as corroborating evidence. However, if a commission of inquiry with a remit and obligation to discover the truth adopts the practice of accepting as true the *untested* memory claims of alleged decades-old instances of child sexual abuse and relies on these untested memory claims in its findings and recommendations then there is a significant problem. The reliability of these findings and, therefore, the acceptability of these recommendations must surely now be called into question.

False 'recovered repressed memories' are of particular importance to this research given the controversy surrounding these types of claims and the Australian Inquiry's reliance on recovered repressed memories. Recovered repressed memories concern presumed memories that were recollected, at a later date, usually through the prompting of family or leading techniques in therapy, including altered states of consciousness. These recollections are sometimes generated through exposure to books, movies, or the media (Loftus and Ketcham 1994). In the eighties and nineties, many claims were made of recovered memories of ritualistic or satanic abuse. The veracity of these claims has been the subject of much discussion, and legal experts warn these claims need to be assessed with caution.

Indeed, claims of recovered repressed memories have been treated with caution in Australia and abroad for over twenty years (Guilliatt 2017). The following local authorities have warned that memories that are obtained through counselling can be unreliable or false: The Wood Royal Commission into the NSW Police Service (1994,83), and the Royal Australian and New Zealand College of Psychiatrists (1996), among others. Legally in NSW it is incumbent upon the complainant whose evidence relies on recovered repressed memories induced in hypnosis to establish that the evidence is reliable and to prove a *prima facie* reason for its admission as evidence (Hunt 1993). In the NSW case, R v Tillott443 (1995) a similar approach was taken in relation to Eye Movement Desensitization and Reprocessing, following assessment by the NSW Court of Criminal Appeal that, as a technique it presented similar risks of suggestibility, confabulation, pseudo memory, increased witness confidence, and possible falsity of the recovered memory, as associated with memories allegedly recovered under hypnosis.

International bodies that warn against a reliance of recovered repressed memories include, the American Psychiatric Association (1994), and the American Medical Association's Council for Scientific Affairs (1994), among others. In 1994 the American Psychiatric Association published a statement on recovered memories of sexual abuse in which it made the following points that are generally agreed upon:

> … it is not known how to distinguish, with complete accuracy, memories based on true events from those derived from other sources; it is not known what proportion of adults who report recovered memories of sexual abuse were actually abused; there is no completely accurate way of determining the validity of the claims of remembered abuse in the absence of corroborating information; and clinicians who have not had the training necessary to evaluate and treat patients with a broad range of psychiatric disorders, are at risk of causing harm by providing inadequate care for the patient's psychiatric problems and by increasing the patient's resistance to obtaining and responding to appropriate treatment in the future. (American Medical Association Council on Scientific Affairs 1994).

Despite these legal guidelines the Australian Inquiry decided not to investigate claims of recovered repressed memories. This uncritical acceptance of the veracity of recovered repressed memories has opened the Australian Inquiry to much criticism, as has the Australian Inquiry's involvement with Cathy Kezelman and the Blue Knot Foundation. Kezelman is the president of the Blue Knot Foundation.

Kezelman wrote a book detailing her personal experience of recovered memories of child sexual abuse that she claims she began recalling in her forties. The nature of this alleged abuse was extreme. One of Kezelman's more disturbing claims is that she was ritualistically abused by men in hoods and that on one occasion the men in hoods took her to a cave where she witnessed a girl being dismembered on a stone altar (Kezelman 2010, 246-68). There is no corroborating evidence to support these claims. In the afterword of the book, in a brief comment, Kezelman (2010) states that the actual events may not be identical to her memories and that her memories may be a "metaphor" for what happened to her (282-3). At no point does Kezelman entertain the thought that these are potentially false memories. Instead, she has written a book alleging that actual people, who are named, tortured and murdered children without being sure if this is actually the case. Indeed, Kezelman's brother, Claude Imhoff, denies these claims and says, "It's not that I don't remember those things, I can categorically state that those events never happened" (Guilliatt 2017). Imhoff goes on to say that he is concerned that Kezelman had not mentioned anything about the dangers of false memories being created in counselling sessions. His motive for speaking out is to prevent a wave of false accusations and false persecutions arising from false recovered repressed memories.

The Blue Knot Foundation, with Kezelman as the president, is one of the organisations that received funding to counsel claimants who gave evidence at the Australian Inquiry. Kezelman also helped to write the national guidelines for

counselling victims of sexual abuse and was appointed to a panel that advised the Turnbull government on the introduction of the redress scheme for victims of child sexual abuse in institutions. Ian Coyle, a forensic psychologist who assesses abuse claims for the courts has criticised the Australian Inquiry for endorsing the Blue Knot Foundation. Coyle notes that the Blue Knot Foundation was, in large part, staffed by people with no forensic or clinical experience in psychology or psychiatry. Indeed, several leading figures in psychology, including Richard Bryant who is the director of Traumatic Stress Clinic in Sydney, have argued that the Australian Inquiry endorsed dubious counselling practices that could potentially harm the very people it was intended to help (Guilliatt 2017).

3.2.4.1. Instances of False Claims in Criminal Inquiries

It is well-known in criminal justice that large numbers of unsubstantiated complaints typically include false claims. For example, The Royal Commission into the New South Wales Police (1997) warned about false claims. "It clearly is the case, however, that false complaints are made, and sometimes sustained, with consequent serious damage to the complainant, and the person against whom the allegation is made, and their immediate family members" (83). Unfortunately, more research needs to be done in this area, and we do not have a clear indication of what percentage of allegations of child sexual abuse are false in the commissions of inquiry currently being discussed. However, it is helpful to consider studies into false claims made by children in various large-scale investigations.

Studies into false claims of child sexual abuse made by children suggest that 2%-35% of claims of child sexual abuse are false. The discrepancy between 2% and 35% in these studies calls for some discussion. Faller (1991), Jones and McGraw (1987) suggest that 6-8% of claims of child sexual abuse are false. Ceci and Bruck (1995) claim that this figure is too low and misleading. It is argued that Faller, Jones and McGraw's figures relied solely on false claims that arose from intentional lying. By contrast, Poole and Lindsay's study included false claims that arose from intentional lying and that were the product of leading questioning techniques, i.e. questions that imply the correctness of a particular answer or otherwise direct the person being questioned towards the questioner's favoured answer. Poole and Lindsay (1997) suggest that the number is more likely to be 25-35%. Note, this area of research is contentious. However, these figures suggest that caution must be used when evaluating claims of child sexual abuse from children particularly if leading questioning techniques have been involved. This research does not necessarily translate well to adults making historical claims of child sexual abuse. Yet, it does suggest that leading questioning techniques, including in relation to recovered repressed memories, could bring forth false claims. Furthermore, it is worth keeping in mind that 21.74% of the claims in the representative sample in the Dublin Inquiry were likely to be false (see section 1.2.4.1). Clearly, this is an area where more research needs to be done.

In concluding this section, it is important to note that in the past there was a prevailing attitude that children lie about being the victims of child sexual abuse. There are numerous accounts of this in the Australian Inquiry's evidence. This

prevailing attitude was also evident in the Church in the past. The general assumption of children being deceptive is not correct and must be guarded against. However, it now seems that the pendulum has swung too far in the opposite direction; the current tendency is to believe or, at least, encourage the belief that children and, in the cases of most interest to us here, adults, never lie about acts of child sexual abuse. For example, the Premier of Victoria, Daniel Andrews, in his response to the High Court's decision in relation to Cardinal Pell, stated "I make no comment about today's High Court decision. But I have a message for every single victim and survivor of child sexual abuse. I see you. I hear you. I believe you" (Powell 2020), thereby indirectly questioning, in effect, the veracity of the decision. After all, if the judgement of the High Court was correct then the accuser should *not* be believed since the evidence weighed, and in fact weighed heavily against his accusation being true (see section 3.12. below). This tendency to believe those who accuse others of child sexual abuse, *irrespective of the weight of the evidence*, needs to be resisted since it is unjust to the accused and potentially extremely harmful to institutions.

In this section we have argued that the methods used by the Australian Inquiry in the private sessions were flawed. However, just to be clear. In doing so we are not denying the veracity of many claims of child sexual abuse or that such claims have evidential value (whether made by children or by adults). However, we do deny that an allegation of child sexual abuse is in and of itself necessarily true. In the following section we argue that the methods used to interrogate and draw inferences from the Catholic Church's own records of child sexual abuse were also flawed.

3.2.5. Claims from the Catholic Church

After the Australian Inquiry heard from claimants in the private sessions it narrowed its focus to particular institutions. The Catholic Church was one such institution. 2,489 claimants in the private sessions (61.8% of all claimants who made allegations about a church entity in these sessions (RCIRCSA 2017, Vol. 16, Book 1, 34)) claimed they had been abused by a priest or church-worker in the Catholic Church. Therefore, the Catholic Church was an institution of interest to the Australian Inquiry. In order to discover the extent of child sexual abuse in the Catholic Church, the Australian Inquiry commissioned data analysts Sphere Company to create a data survey that was given to Catholic Church authorities to complete. When this information was completed, by church authorities, and returned to the Australian Inquiry it was given to Sphere Company who cleaned and analysed the data (RCIRCSA 2017, Vol. 16, Book 1, 113).

It is from this data analysis that the statistics that were published widely in the media arose. It is now generally reported in the media that 7% of all Catholic priests in Australia have been the subject of an allegation of child sexual abuse. This figure has been widely reported in Australia and abroad. The *Daily Mail* ran the headline, "Shocking Church data finds SEVEN per cent of all Catholic priests are accused paedophiles – and in some orders that number jumps to more than one in five" (Johnson 2017). La Repubblica (2017), the popular Italian newspaper ran the headline, "*Australia, paradiso degli orchi. Dal 1950 il 7% dei preti accusati*

di pedofilia". This translates to read, "Australia, a paradise of orcs. Since 1950 7% of priests are accused paedophiles." Orcs are characters in J.R.R Tolkien's works who are brutish, aggressive, malevolent and repulsive.

Evidently, the reporting of this figure has damaged the reputation of the Catholic Church in Australia nationally and internationally, and thereby undermined its moral and spiritual authority. (Here we note that the Catholic Church may well have been, in the past, overly concerned with its reputation, including at the expense of protecting children from abuse. However, it is unreasonable, indeed unacceptable, to expect the Catholic Church to divest itself of all concern for its reputation in response to this false or misleading criticism). We might also conclude, from the headline in La Repubblica, that the reputation of Australians in general have been tarnished. Yet, this figure of 7% warrants scrutiny. It is the highest figure among international inquiries that addressed the same question. For example, the figure in the John Jay Report of the total number of priests with allegations of child sexual abuse from 1950-2002 in the USA was 4% (Terry et al. 2011, 8). The Netherlands Report puts the number at 1.7% (Kaufman and Erooga 2016, 49). and Silvano Tomasi (2009), the Holy See's representative to the United Nations, claims the figure is between 1%- 5%.

Before we discuss the problems with the weighted methodology used by the Australian Inquiry it is important to reiterate that an allegation is not necessarily the report of a fact; allegations can be false. Moreover, the figure of 7% refers to priests over a 60-year period. This last point is important because safeguarding mechanisms that were put in place in the Catholic Church in the mid-1990s have proven to be effective given that the number of current serving priests who have contemporary allegations of child sexual abuse is very low (the exact figures are given in section 3.2.6.). The impression from most media reports is that 7% of currently serving priests are predators. Accordingly, many media reports are grossly misleading. Moreover, the claim that these priests who engaged in child sexual abuse were all paedophiles is false. As we saw in the discussion of the John Jay Inquiry (section 2.3.) a paedophile is someone who compulsively engages in sexual actions with pre-pubescent children and not, for instance, 17-year-old boys opportunistically. In fact, according to the John Jay Report only a tiny fraction of acts of child sexual abuse, perpetrated by priests, were the actions of paedophiles – 2 % of the accused priests were paedophiles. (Terry et al. 2011, 54).

3.2.6. Weighted Methodology

To re-iterate, it is not true, as the media often reports, that 7% of currently serving priests in the Catholic Church have had allegations of child sexual abuse levelled against them[2]. It is also not true that 7% of priests over a sixty-year period have had allegations of child sexual abuse levelled against them. To begin with, the 7% figure is not an actual numerical fact but is instead the product of a

[2] As far as we can ascertain from the data that we have to work with.

weighted methodology that has included most Catholic priests over a sixty year period (RCIRCSA 2017, Vol. 16, Book 1, 296). Furthermore, the 7% figure is not an actual numerical fact because it does not include priests who were in ministry for less than two years, it duplicates some priests, and attributes weighted values to others (i.e. a priest who has been in ministry for many years may be weighted as two priests) (RCIRCSA 2017a, 246). The figure is likely inflated as evidence suggests that many offenders in the Church do not offend in the early years of their ministry (Terry et al. 2011, 3). For example, in the John Jay Inquiry the average age of a priest at the time of the first alleged incident of child sexual abuse is 39 years of age. Moreover, the average age has consistently increased over time. In the 1950's the average age was 38 in the 1990s the age was 47 (Terry et al.2004, 44). Note, priests who ministered for less than two years have been removed from the Australian Inquiry's analysis.

Moreover, as mentioned above, the figure of 7% is likely to be inflated as a consequence of instances in which one and the same perpetrator was counted more than once. This likely duplication of alleged offenders arose because of the Commission's practice in cases in which the identity of the alleged offender was unclear; if the identity was unclear, it was assumed the person was not one of the already identified offenders. The following quote from the findings of the Australian Inquiry explains this decision, "A conservative approach was used to group these records. It was considered more reasonable to have duplicates of the same alleged perpetrator than to incorrectly merge records pertaining to different individuals" (RCIRCSA 2017a, 227). It is worth noting here that many of the allegations were lacking in precise detail. For example, there are allegations that do not include the gender of the alleged offender because the complainants could not determine the gender of the person who allegedly abused them. There are many allegations without precise dates and names etc. As far as the data from the Catholic Church is concerned there were 1,880 alleged perpetrators. In 530 cases the identity of the alleged offender was unknown. If these cases are duplicated that would help to explain why the alleged perpetrator number is so high. When the weighted methodology was not used the figure was 5.6% (RCIRCSA 2017, Vol. 16, Book 1, 296). However, this number still does not include priests who were in ministry for less than two years and includes duplicate numbers of priests. (RCIRCSA 2017a, 15).

Furthermore, the 7% figure or the 5.6% figure includes all claims of child sexual abuse against Catholic priests, including claims that have not been investigated.

This decision has been outlined in the following quote,

> The survey requested information about claims, irrespective of the outcome of the claim. It gathered information about all claims for redress, including those that were ongoing, settled or concluded without redress. The survey sought information on all claims: accepted by a Catholic Church authority; discontinued before the Catholic Church authority could investigate the allegations; and, where the alleged abuse was investigated and was not accepted (RCIRCSA 2017, Vol. 16, Book 1, 293).

This quote may surprise or even shock some people. For instance, it may be seen as unfair that the Australian Inquiry was interested in allegations that the Catholic Church did not accept (rightly or wrongly). However, given it was the prime interest of the Australian Inquiry to investigate complaints handling it was important to request all complaints. That said, there are statistical problems when this approach is taken – i.e. the above-mentioned inflated numbers of priests who are presented as having credible allegations of child sexual abuse.

There are additional problems in using the data provided by the Catholic Church to determine the number of true claims of child sexual abuse. Notably, the Catholic Church has a low standard of proof for making compensation payments (RCIRCSA 2017, Vol. 16, Book 2, 321). For example, there was no outline of a standard of proof in the 1996 version of the Catholic Church's national redress scheme, Towards Healing. Bishop Robinson told the Australian Inquiry that the standard applied by the assessors was that of "moral certainty", which was "less than that of beyond reasonable doubt" (RCIRCSA 2017, Vol. 16, Book 2, 314). Peter Gray SC, a lawyer representing the Catholic Church, told the Commission in 2015 that church groups did not intend to question claimants about details of their allegations or their recollections; even if somebody from a church group had a different recollection (Guilliatt 2017). Thereby, it is likely that a number of claims for redress were paid to people making false claims. For instance, the Melbourne Response, a redress scheme that was established in Melbourne in 1996 by Cardinal George Pell did provide redress to 84% of claims, which is a strikingly high number (RCIRCSA 2017a, 33). It is also worth noting that the Melbourne Response's decision to make a payment or offer of compensation was not an admission of legal liability (RCIRCSA 2017, Vol. 16, Book 2, 321).

More importantly, the 7% figure does not reflect the current situation in the Catholic Church in Australia. During the period 2000-2010 less than ten Catholic priests in total were the subject of a first allegation of child sexual abuse[3]. (A first allegation concerns an alleged offence that began in the designated decade and does not include cases of ongoing abuse that began in the previous decade and continued into the designated period. Of all the reported contemporary cases only 5%[4] of allegations concern cases that lasted for a decade or more, most allegations (60%) occurred in a single year[5]. Notwithstanding this, if we were to include the allegations of priests from the previous decade, that is the 90's, there would only be an additional 20 priests (approximately) to include in the figure) (RCIRCSA 2017a, 22-23). For the period commencing in 2010 this number has dropped to less than five. During the period 2000-2010 0.1% of Catholic priests were the subject of a first allegation of child sexual abuse. Generally, from 1990 through to today there are very low numbers of first reported cases of child sexual

[3] A first allegation of abuse signifies that the abuse started at this time. Abuse that began prior to 2000 and that continued into 2000 is not counted in this number.

[4] This figure is 3 for the non-ordained religious and 2 for lay people (RCIRCSA 2017a, 22-23).

[5] This figure is 50 for the non-ordained religious and 72 for lay people (RCIRCSA 2017a, 22-23).

abuse. Among those who are reported, the majority of the alleged offenders are lay people and not priests (RCIRCSA 2017a, 22).

Further, there are other difficulties with the data survey used by the Australian Inquiry (and created by Sphere Company). Notably, the data survey does not inquire into the seriousness of events. Moreover, the Australian Inquiry defines a child as under the age of 18 but does not take into account that the age of consent is lower. This is problematic in Australia given that the age of consent is 16 or 17 depending on the particular state law. Both of these points will be discussed in further detail below.

3.2.7. Seriousness of Offences

As mentioned previously, there is no way to differentiate the claims of child sexual abuse that were provided to the Australian Inquiry with respect to their degree of seriousness, e.g. between child sexual abuse involving penile penetration and touching a child over their clothing. The Australian Inquiry has a very broad definition of child sexual abuse, yet the survey instrument used by the Australian Inquiry does not inquire about the nature of the alleged acts of child sexual abuse. For example, "No details were sought about the precise nature of the alleged acts of child sexual abuse that were the subject of a claim" (RCIRCSA 2017a, 4). Claims of serious child sexual abuse are given equal weight as claims of child sexual abuse that are less serious. In short, the Australian Inquiry's statistical findings with respect to the extent of child sexual abuse in the Catholic Church is a finding with respect to child sexual abuse very broadly defined and, in particular, a finding that includes allegations of less serious forms of child sexual abuse. As discussed comprehensively in our analysis of the Irish and John Jay inquiries, acts of child sexual abuse that are included in the broad definitions used by these inquiries vary tremendously. For example, at one end of the spectrum of complaints there is an allegation of violent gang rape and at the other end of the spectrum there is an allegation which concerns a nun looking in a suspicious manner at a child bathing.

In contrast to the Australian Inquiry, both the Irish Inquiry and the John Jay Inquiry categorised the allegations of child sexual abuse according to the seriousness of the allegations. The John Jay Inquiry separated the allegations of child sexual abuse into 20 different categories. It is worth noting that in this review there were few priests who were at the least serious end of the scale. For example, only 2.9% of the priests were accused of verbal abuse or using child pornography exclusively – i.e. without committing these offences in combination with other offences. Only 9% of the priests committed offenses involving touching over the clothes only i.e. they did not commit a more severe offense than this. 15.8% of priests committed the more serious act of touching under the clothing and this was their most serious offence, i.e. they did not perform any penetrative sexual acts, including kissing and genital sex etc. We might conclude that the allegations in the Australian Inquiry were similar. However, without this detail it is difficult to get an overall picture of the nature and extent of child sexual abuse in Australia. This is not an unreasonable expectation from the Australian Inquiry given it had a

budget of half a billion dollars (AUD). The John Jay Inquiry, by contrast, managed to collate these figures with a budget of a few million dollars (USD).

Furthermore, the Irish Inquiry and the John Jay Inquiry make a distinction between a person who has been the subject of a single allegation (29% of allegations in the John Jay Inquiry (Terry et al. 2004, 74)) of abuse and those who are known to be repeat offenders. This is significant as there is a high rate of recidivism with paedophile offenders. In the John Jay Inquiry only 2 % of the alleged offenders were claimed to be paedophiles and, as such, at the very serious end of the spectrum and responsible for many of the claims of child sexual abuse (Terry et al. 2011, 54).

In closing this section, we note the complex nature of the impact of child sexual abuse. For instance, there was once a prevailing thought that the overall harm caused by child sexual abuse was directly equivalent to the severity of a single act or the repeated nature of less severe acts. However, there is now research to suggest that some less severe forms of child sexual abuse can ultimately have a detrimental impact on victims of child sexual abuse. This is particularly evident if the person in question was already abused in his or her home environment. However, collapsing the distinctions between all forms of child sexual abuse is not helpful here for a variety of reasons and is not fair to a person who has been accused of child sexual abuse. For instance, did the accused make a suggestive remark in the presence of a sexually mature late teen or did the accused rape a five-year-old child?

3.2.8. Age of Consent

The Australian Inquiry defines a child as someone who is less than 18 years old, but does not take into consideration the age of consent (RCIRCSA 2017a, 215)[6]. Accordingly, if a person who is 18 or older engages in a sexual act with someone who is under 18 years of age then – according to the Australian Inquiry – the former has perpetrated an act of child sexual abuse (RCIRCSA 2017, Vol. 1, 320, 325). In effect, the Australian Inquiry has decided to deem 18 to be the age of consent, at least for its purposes. Yet, 18 is not the age of consent in Australia. The age of consent in Australia has varied over time and across jurisdictions. Currently it is 16 or 17 years of age depending on the state. At any rate, here we simply note that the Australian Inquiry's definition of child sexual abuse, concerning children above the age of consent, conflicts with that adhered to by Australian legislators and presumably, therefore, with the general view of the Australian citizenry who elected those legislators. Evidently, unlike the Australian Inquiry, the Australian citizenry does not, by and large, believe that a 17-year-old who has had a sexual encounter with an older person has necessarily been the victim of child sexual abuse; indeed, in some states many citizens presumably hold that even a 16-year-old who has had a sexual encounter with an older person has not necessarily been the victim of child sexual abuse.

[6] The Royal Commission's recent preference for the UN's age of majority makes no difference to this definition. (RCIRCSA 2017, Vol. 1, 319).

Notwithstanding the above, Australian legislators and citizens do believe that children in special care need to be afforded special protections including in pastoral care provided by priests. Therefore, it is currently an offence in some states to engage sexually with 16 or 17-year-olds in special care, including in pastoral care provided by priests. However, this law only came into force in NSW in a nascent form ("Carnal knowledge by teacher") in 2002. Of course, it is not morally acceptable for a priest who has taken a vow of celibacy to engage sexually with a 16- or 17-year-old, even if the youth can consent to the activity. However, in terms of historical allegations (before the introduction of the Act just mentioned) where a potential power imbalance was not taken into consideration, should this be considered an act of child sexual abuse? Furthermore, it may be the case that the priest did not meet the 16 or 17 year old whilst undertaking his work. Indeed, the 17 year old may be an atheist, calling into question issues of power imbalance. What if the youth in question is a 'fresh-faced' adult? For example, IICSA implicitly endorses the safeguarding actions of Ampleforth School who ultimately referred RC-F95 to the police because of his preference for pornographic websites that depict 'fresh faced' 18-24-year-old men.

> His computer was seized by NYP [North Yorkshire Police]. Forensic examinations were conducted which showed that RC-F95 had 'attempted to access adult homosexual sites, but not those involving children'. There was no evidence that RC-F95 had committed a criminal offence. The investigation was therefore closed by police. Following this incident, a further risk assessment was commissioned, which found that RC-F95 posed a significant risk. His employment at the school was terminated in 2007. The statutory authorities were informed of this decision and, in an email to Fr Francis Davidson dated 28 June 2007, David Molesworth of North Yorkshire social services acknowledged that 'this underlines the commitment to good child protection procedures and practice that has been established at Ampleforth over recent years, and the willingness to take questions outside the community' (IICSA 2018, 60-2).

Unfortunately, the Australian Inquiry does not give us a comprehensive break-down of the ages of the alleged victims of child sexual abuse. We are given an average age – 11.4 (RCIRCSA 2017, Vol. 16, Book 1, 310) years of age for all claimants, and a percentage number of alleged victims who were under 13 and who were 13 years or older (60% were under 13, 40% were 13 years or older) (RCIRCSA 2017a, 25). Therefore, we do not know how many of the 40% of alleged victims who were aged from 13 to 18 years were, in fact, legal acts at the time of the alleged offences. Accordingly, we do not have a clear sense of the percentage of alleged acts of child sexual abuse in the above-described grey area, e.g. the percentage involving 16- or 17-year-old youths. This is important given that many Australian legislators and citizens evidently do not regard these cases as instances of child sexual abuse (even if they might on other grounds, nevertheless, regard them as instances of the more general category of sexual exploitation). For it may well be that the percentage of 16- or 17-year-old youths in question is high. If so, then by the lights of Australian legislators' and (presumably) citizens' understanding

of what counts as the age that a child can legally consent to sex, the Australian Inquiry's calculation of the number of alleged child sexual abuse victims will be an inflated number. Here it is important to note the cumulative effect of raising the overall number of acts of child sexual abuse. E.g. some cases must be in the legal category, child-on-child abuse added to the Catholic Church's overall numbers of allegations, false claims, allegations that have been doubled-up etc.

A further issue with the age of consent involves male homosexuality. Most of the alleged offences that were reported to the Australian Inquiry were male-on-male. In as far as gender was reported in the data provided by the Catholic Church 90% of alleged offenders were male and 78% of the victims were male (RCIRCSA 2017, Vol. 16, Book 1, 34). This is significant if we consider changes in the laws relating to homosexuality in Australia. It was as late as 1997 that homosexuality was decriminalised in all states of Australia. Therefore, it is possible that in some cases bishops were protecting homosexual priests who had sexual relations with consenting males over the age of sixteen and who would otherwise have been subject to criminal charges for homosexual behaviour.

3.2.9. Historical Nature of Child Sexual Abuse in the Catholic Church in Australia

According to research funded by the Australian Inquiry, there has been a decline in child sexual abuse over the past 15-20 years in Australia, including in the Catholic Church (Kaufman and Erooga 2016, 51). Most important is the current situation in the Catholic Church in Australia, stated above, i.e. during the period 2000-2010 0.1% of Catholic priests were the subject of a first allegation. Generally, from 1990 to today there are very low numbers of first reported cases of child sexual abuse. Among those who are reported, the majority of the offenders are lay people, not priests (RCIRCSA 2017a, 22). Of the claims in the private sessions that relate to religious institutions 90% of the claims concern allegations of child sexual abuse that are alleged to have occurred before 1990, and 5.8% of the claims concern allegations that are alleged to have occurred post 1990. 4.2% of the claims do not include a date (RCIRCSA 2017, Vol. 16, Book 1, 17). As far as the Catholic Church data is concerned 86% of the claims relate to alleged child sexual abuse that commenced in the period from 1950 to 1989 inclusive. Moreover, 29% of first allegations of sexual abuse concern alleged abuse that began in the 70s. (Note, according to the dates that were reported, over 53% of the allegations of abuse occurred over a single year. In 13% of claims the abuse occurred over a period of 5 years) (RCIRCSA 2017a, 13).

In Chapter Two we discussed claims in the US context that suggest child sexual abuse in the Catholic Church in the United States peaked in the 1960s and 1970s, at least in part because of the social and cultural context of the time (Terry et al. 2011, 2). We also discussed reasons why child sexual abuse decreased in the USA, including an increased awareness of the harm of child sexual abuse and the introduction of government laws (Terry et al. 2011, 3). The decline in the number of allegations of child sexual abuse in Australia can similarly be attributed to a growing awareness of the damage of child sexual abuse, improved vetting and reporting processes in the Church, improved child safety processes

in the Church, better training for priests, the creation of government laws, and a greater awareness of the psychology of offenders (RCIRCSA 2017a, 9). Today there is evidence of an acceptable approach to claims of child sexual abuse. Consider the following quote from the Sydney Archdiocese.

> Sexual abuse of children is a shameful and serious crime. Serious mistakes have been made in the past however the Church has been working for a number of years to improve our response to sexual abuse. A significant break was made in 1996 with the establishment of Towards Healing, the national process established by the Australian bishops and religious orders which the Archdiocese follows. We recognise the police are best placed to investigate sexual abuse allegations. Towards Healing requires allegations of criminal conduct to be reported to the police and other authorities.[7] Since it was established there have been two independent reviews in 1999-2000 and 2008-09 (Catholic Archdiocese of Sydney n.d.).

3.2.10. Measures the Church has Taken

The following timeline indicates important dates and periods in relation to alleged incidents of child sexual abuse and the responses of the Catholic Church in Australia in respect of the introduction of child safety measures.

1988
– The Australian Catholic Bishop's Conference (ACBC) formally discussed the issue of child sexual abuse in the Catholic Church.
– Church leaders began to coordinate their responses to victims of child sexual abuse and to perpetrators of child sexual abuse.
– The Special Issues Committee was created to address the problem of child sexual abuse.

1989
– The ACBC drafted a series of protocols that recommended a nationally consistent approach to child sexual abuse (RCIRCSA 2017, Vol. 16, Book 2, 299)

1992
– Brian Lucas visited the United States and Canada and reported back to the ACBC Special Issues Committee advising that offending priests should not be returned to active ministry.

1993
– Fr Usher informed the Special Issues Sub-Committee of overseas developments concerning the possibility of paedophiles returning to work (RCIRCSA 2017, Vol. 16, Book 2, 377)

[7] Note, the mandate to report crimes of child sexual abuse was made in 2010.

He claimed that any prognosis for 'a cure' for people who admit to acts of sexual misconduct in relation to children and young people is remote. Overseas and local clinical experience indicated that the possibility of any offender returning to fill active ministry is unlikely. Arrangements whereby such offenders returned to some form of "special ministry" in the Church under supervision was a possibility and there were models of such arrangements in the process of development in Canada and the United States of America (RCIRCSA 2017, Vol. 16, Book 2, 378).

The mid- 1990s
– A general understanding emerged amongst church leaders that alleged perpetrators of child sexual abuse could not be kept in ministry where they had contact with children.
– Preventative strategies were put in place (RCIRCSA 2017, Vol. 16, Book 2, 316).
– Priests were put on administrative leave while a complaint was being assessed (RCIRCSA 2017, Vol. 16, Book 2, 315).
– Priests were sent for psychological assessment and therapy after receiving a complaint (RCIRCSA 2017, Vol. 16, Book 2, 372). Here the psychologist was/is a mandatory reporter.

1996
– The Melbourne Response, a local redress scheme, was created and implemented to address the needs of victims of child sexual abuse.

1997
– Towards Healing, the nationwide response (except Melbourne) to victims of child sexual abuse was established (RCIRCSA 2017, Vol. 16, Book 2, 300).

The following is a quote from the findings of the Australian Inquiry that outlines the processes of Towards Healing.

> When a complaint of sexual abuse against Catholic Church personnel came to the attention of a member of the Catholic Church, the matter was to be referred to a contact person. The contact person was to provide a written report to the appropriate Catholic Church authority and to make a recommendation concerning whether a formal assessment of the matter was required. If the complaint raised issues of a criminal nature, the contact person was to tell the complainant of their right to take the matter to the police and provide assistance to do so, if desired. If an assessment was considered to be required, the Catholic Church authority was to appoint two independent assessors from a list kept by the relevant resource group. Towards Healing (1996) set out the process to be followed by the assessors, who could recommend to the Catholic Church authority that the 'accused' person be asked to stand aside from a particular office or from all offices held in the Catholic Church. Once the assessment process was completed, the assessors were to provide a written report with recommendations to the Catholic Church authority" (RCIRCSA 2017, Vol. 16, Book 2, 315).

– The Church sent offending priests to *Encompass* – a residential treatment program for sex offenders (1997-2008) (RCIRCSA 2017a, 10).

1999
– Since 1997 the Catholic Church in Australia worked to improve the processes in Towards Healing.
– The National Committee for Professional Standards engaged Professor Patrick Parkinson AM to conduct an independent review of Towards Healing. Parkinson's recommendations were discussed and Towards Healing was implemented.

2001
– The new version of Towards Healing came into effect (RCIRCSA 2017, Vol. 16, Book 2, 447).

2018
– The ACBC and Catholic Religious Australia (CRA) released their response to the Australian Inquiry (2018). The ACBC claimed that they accepted 98% of the Australian Inquiry's recommendations and noted that many of the recommendations had already been implemented or were in the process of being implemented. The Truth Justice Healing Council (the official body in the Catholic Church that liaised with the Australian Inquiry) released a four-volume response to the Australian Inquiry. Vol. 1. *Where from and where to: The Truth Justice Healing Council, the Royal Commission and the Catholic Church in Australia*. Vol. 2. *The Royal Commission's recommendations, and responses from the Truth, Justice, Healing Council*. Vol. 3. *What we have done: an activity report from the Truth Justice Healing Council* 2013-2018. Vol. 4 *Emerging Themes: A snapshot of approaches taken by Church authorities in Australia to formation, governance, legal and policy issues (2016).*

2020
– The ACBC and CRA release *the Light from the Southern Cross. Promoting Co-Responsible Governance in the Catholic Church in Australia*. This document responds to recommendations made by the Royal Commission concerning governance.

2022
– The ACBC announce that the new nation-wide approach to handling abuse allegations is, *National Response Protocol. Church Authorities in Australia responding to concerns and allegations of abuse against children and vulnerable adults.*

For the recent annual reports from the Catholic Church concerning safeguarding activities from 2018-2022 please see the following government website: Search | National Office for Child Safety.

In the following commentary we discuss some controversial areas of concern.

3.2.11. Police

The Catholic Church in Australia has been criticised for not reporting crimes of child sexual abuse to the police. The prevailing view in the Church was that victims of child sexual abuse should decide whether to report instances of abuse to the police. This view was also evident in Australia and is expressed in the following quote from Fr Lucas in his evidence to the Australian Inquiry. "The question of informing the police was taken for granted as a matter for the victim, except in circumstances where the mandatory reporting provisions applied" (RCIRCSA 2017, Vol. 16, Book 2, 356). This approach is not too different from the approach taken by the Australian Inquiry itself which is outlined in the following quote, "If we received information relating to a potential contravention of Australian law, we made referrals to police in cases where the alleged perpetrator could have been alive, and the survivor wished us to report the matter. There were many cases where the alleged perpetrator was either known to be, or was almost certainly, deceased. If there was a prospective risk to any child a referral was made irrespective of the wish of the survivor" (RCIRCSA 2017, Vol. 1, 25).

Both of these approaches, as outlined above, accord with the law. It is helpful here to cite, as the Australian Inquiry does, the relevant part of the Act that currently concerns mandatory reporting of child sexual abuse, notably section 316 (1) of the Crimes Act 1900 (NSW).

> (1) If a person has committed a serious indictable offence and another person who knows or believes that the offence has been committed and that he or she has information which might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for it fails without reasonable excuse to bring that information to the attention of a member of the Police Force or other appropriate authority, that other person is liable to imprisonment for 2 years.

In 1998 the law was amended. From this date clerics can be prosecuted without the approval of the Attorney-General if they conceal a serious indictable offence. However, it must also be noted that this act is controversial (RCIRCSA 2017, Vol. 16, Book 2, 357). At present the Law Reform Commission are calling for section 1 of this act to be abolished because it can have consequences that might be regarded as unfair. For example, if a victim of historical child sexual abuse discloses the crime to family members and the family members do not report the crime to the police, then the family members have committed this offence (Law Reform Commission n.d.). Other states have similar laws including the Victorian Crimes Act 1958 – section 327. This section states:

> … a person of or over the age of 18 years (whether in Victoria of elsewhere) who has information that leads the person to form a reasonable belief that a sexual offence has been committed in Victoria against a child under the age of 16 years by another person of or over the age of 18 years must disclose that information to a member of the police force of Victoria as soon as it is practicable to do so, unless the person has a reasonable excuse for not doing so. Penalty: 3 years imprisonment.

However, a person is excused from reporting the offence on a number of grounds including if the victim does not want the incident to be disclosed. This is in keeping with the decision expressed above by Fr Lucas and the Australian Inquiry. The current document (2022) in the Catholic Church in Australia for handling complaints of abuse is the *National Response Protocol*. This document concerns a nationwide approach, as opposed to the previous approach which was somewhat state based – *The Melbourne Response* for Melbourne and *Towards Healing* for the rest of the country. The procedures for reporting to the police in the *National Response Protocol* are very clear:

> 2.3.2 A concern or allegation of abuse of a child by either current or former Church personnel while they were a member of, or employed by, the Church Authority or entity is reported immediately to the police, or to the statutory child protection authority (if required by the State jurisdiction) if it involves alleged criminal conduct (unless the matter has already been reported). A report is also made immediately to the police and to the child protection authority, if it is reasonably believed that the subject of the allegation continues to pose a risk to children. State jurisdictions also detail other reasons for reporting to the child protection authority (ACBC, 2022, 22).

3.2.12. Delayed Reports of Child Sexual Abuse

The findings of the Australian Inquiry show there was a peak in incidents of child sexual abuse in the 1960s and the 1970s followed by a sharp decline in the mid-1980s. While these figures are based on allegations, they are consistent with the figures arrived at by overseas inquiries. Yet, a problem with the current numbers arises because, on average, allegations of child sexual abuse in the Catholic Church in Australia have occurred 33 years after the alleged incident of abuse (RCIRCSA 2017, Vol. 16, Book 1, 302). Of the allegations in the private sessions that relate to religious institutions 90% concern incidents of child sexual abuse that allegedly occurred before 1990, and 5.8% of the allegations concern incidents that allegedly occurred post 1990. 4.2% of the allegations do not include the date of the alleged incident (RCIRCSA 2017, Vol. 16, Book 1, 17). Consider this quote from the chair of the Australian Inquiry, Justice McClellan (2017b), "And, as you know, once out in the public domain, many more people have come forward. I mean, thousands have come to this Commission, many of whom had never been to anyone else before."

This led the Australian Inquiry to claim that the current situation in the Catholic Church, regarding child sexual abuse, is likely to reflect the high numbers in the 1970s, despite very low reported allegations of contemporary incidents of child sexual abuse. The Australian Inquiry claims that it is likely that there are a large number of unreported incidents of currently occurring child sexual abuse that will be reported 30 years from now – given the average delay in reporting of past incidents. However, this claim is questionable. We note that if the delay is typically 30 years, then the number of complaints in relation to

incidents alleged to have taken place circa 1990 would be very high at this time i.e. circa 2020; but they are not high, they are actually very low.

Many reasons are given for the delay in reporting alleged offences. The reasons offered for the 30-year delay include the following ones. Some victims of child sexual abuse did not have enough confidence to report offences at the time of the offence; But does that confidence spontaneously emerge after 30 years or has the climate changed? e.g. as a result of the Australian Inquiry, in which case we would expect the delay regarding further complaints to be greatly reduced. In the case of recovered repressed memories, the claimants did not know that they had been abused; But why would a person recover these memories after 30 years rather than, say, 20 years? Still others came forward because of the opportunity afforded by the Australian Inquiry. If so, we would expect many more allegations of recent incidents of child sexual abuse than the Commission's explanation of the 30-year delay can admit.

As the Australian Inquiry suggests, it is *possible* that the figures of current incidents of child sexual abuse – as well as, of course, the allegations of child sexual abuse on which these figures are based – are underestimated. However, it is highly unlikely that the number of actual acts of child sexual abuse in the 2000s and since, is anywhere near as high as the corresponding number for the 1960s and 1970s. For one thing, as things stand and as just stated, the number of incidents of child sexual abuse that allegedly took place since the 2000s is much lower proportionally than the corresponding number for the 1960s and 1970s. Accordingly, there is a presumption in favour of the proposition that the actual rates of child sexual abuse in the Catholic Church sharply declined over this period. The Australian Inquiry has not shown otherwise but has merely offered a contestable speculation which is in any case, as we saw above, not credible. For another thing, in relation to the early 1960s to late 1980s period, there was a noticeable drop in the offences alleged to have taken place in the 1980s – some 30 years ago. Furthermore, 86% of the claims of child sexual abuse pertained to acts that allegedly commenced or occurred in 1950-1989 inclusive. The highest number of first-alleged incidents of child sexual abuse by a priest occurred in the 1970s (of the Catholic Church data (29% of claims with known dates) (RCIRCSA 2017, Vol. 16, Book 1, 34). Moreover, given that 77% of all claims of child sexual abuse were made after the creation of a redress scheme, it would seem that the redress scheme has encouraged people to make claims.

As we mention in section 3.8, research that has been funded by the Australian Inquiry claims that there has been a decline in child sexual abuse over the past 15-20 years, including in the Church in Australia (Kaufman and Erooga 2016, 51). Furthermore, the delay in reporting, sometimes a delay of decades, is significant. In the data from the Catholic Church 81% of allegations were made at least 20 years after the alleged event occurred (RCIRCSA 2017, Vol. 16, Book 2, 79). It is extremely difficult, if not impossible, for the Church to take action against an offender in the immediate aftermath of the offence if the offence has not yet been reported and will not be reported for some decades. Moreover, for evidentiary

reasons among others, it is even difficult for the Church to take action against such offenders decades after their offences, given these offences were not reported at the time of their offences but only decades later.

3.2.13. Lay Offenders in the Catholic Church

One of the lesser-known findings of the Australian Inquiry is that not all of the offenders in the Catholic Church are priests. In the private sessions pertaining to the Catholic Church and Catholic run institutions 53.1% of the claimants alleged that a lay person sexually abused them. These lay persons included teachers, residential care workers, housemasters, volunteers, ancillary staff and foster carers serving in Catholic churches or Catholic institutions (RCIRCSA 2017, Vol. 16, Book 1, 334). In the Catholic Church data, the numbers of alleged offenders are as follows: 37% were non-ordained religious brothers or sisters, 30% were priests and 29% were lay people (RCIRCSA 2017, Vol. 16, Book 1, 35). Of the alleged perpetrators 543 were lay people (or 29 per cent) with a further 72 (or 4%) whose religious status was unknown (RCIRCSA 2017a, 15). These figures are not only significant for the misunderstanding that priests are more likely to commit acts of child sexual abuse than other members of the community, but also for the Church itself where sharp divisions have occurred between priests and lay people with regard to the findings of the Australian Inquiry. It is also worth noting that some of the alleged lay offenders were likely to be children themselves (RCIRCSA 2017a, 216). For instance, an incident might involve a 15-year-old youth worker and another youth.

Of the total number of claimants in the private sessions 13.4% alleged that they had been abused by another child (RCIRCSA 2017, Vol. 16, Book 1, 34). Of course, these claims are serious, but surely, they ought to be differentiated from claims of child sexual abuse involving an adult and a child. For one thing, the latter involve issues of maturity and power imbalance not necessarily present in the former (Goldstein and Weiner 2007, 438). Further to this point, there is a disparity between the Australian Inquiry's definition of a perpetrator and the people who have been included in this category. For example, in the section of the final report that lists key terms it clearly states that a perpetrator is "an adult who has sexually abused a child" (RCIRCSA 2017, Vol. 16, Book 1, 130). Yet, as just stated, 13.4% of the claims in the private sessions concerned child on child sexual abuse.

3.2.14. Seal of Confession

The Sacrament of Confession was an area of interest to the Australian Inquiry. In the private sessions, and in other hearings, the Commissioners heard stories of child sexual abuse that concerned the confessional. The stories they heard, fell into three different categories: (1) Crimes of child sexual abuse that are alleged to have occurred in the confessional; (2) Grooming that is alleged to have occurred in the confessional; (3) Perpetrators who confessed to child

sexual abuse in the confessional; and (4) Allegations of child sexual abuse that were allegedly disclosed in the confessional.

The Australian Inquiry made numerous recommendations concerning the seal of confession both to the Catholic Church and the Australian Government. Importantly, the inquiry argued that civil law may compel a priest to reveal information received in the confession, and hence break the seal of confession in a number of ways: (1) Through a mandatory reporting regime; (2) Through reportable conduct schemes, which report to the Ombudsman or a similar body; (3) The laws of evidence in relation to civil or criminal proceedings, and; (4) Laws relating to the disclosure to police of a crime or suspected crime.

The Church has generally argued the government's legislation that requires priests to break the seal of confession infringes human rights. Fr Frank Brennan commented that the confessional should be viewed not unlike legal professional privilege. A letter that the ACBC wrote to Australian Capital Territory Chief Minister Andrew Barr claimed that the laws concerning mandatory reporting, and the sacrament of confession impinge on the human right to freedom of religion. However, it has also been argued that freedom to practice religious beliefs in a civil society is not absolute. In article 18 of the International Covenant on Civil and Political Rights it states that religious 'freedoms' can be restricted by law if these beliefs or practices threaten public safety, order, health, or morals or the fundamental rights and freedoms of others. It is claimed that a civil society's obligation to protect children from child sexual abuse accords with these restrictions. These obligations are in contrast to cases where priests confessed to acts of child sexual abuse in the sacrament of confession, were forgiven, and continued to abuse children (RCIRCSA 2017b, 50-4).

Yet, it has been argued by Archbishop Christopher Prowse (2018) that these cases are not numerous enough, and the evidence given to the priest who hears the confession not robust enough, to warrant regulating for breaking the seal of confession. He claims that removing the seal of confession will have no effect as far as keeping children safe from predators is concerned, given the dramatic decline in the use of the sacrament of confession. Furthermore, as mentioned above, the information that can be extracted in the confessional is limited in its utility. For example, confessions are anonymous and in many cases priests will have no way of identifying a victim, or of knowing any other significant information such as the date of the event or the location of the event (Brennan 2017). Therefore, the Australian Inquiry cannot establish their recommendations will have a significant impact as far as child safety is concerned. Moreover, the Australian Inquiry has not demonstrated a concern for preserving the positive attributes of the sacrament.

Other recommendations concerning child-safety and the seal of confession that do not damage the sacrament of confession include, increasing the recommended age of children making confessions, making the process of confessions visible (Frank O'Loughlin 2017), and reserving absolution until the penitent has reported his actions to the police and/or attended counselling, where mandatory reporting would occur (Curtin 2017).

3.2.15. Redress

The Australian Inquiry recommended that the Australian Government establish a national redress scheme that would pay compensation of up to $150,000 to victims of child sexual abuse over the last sixty years at participating institutions. Participation in the scheme was voluntary (Lansdown 2019, 1). However, the Church was under significant pressure to join including from the then Prime Minister of Australia, Malcolm Turnbull, who made a public address saying the following, "If a Church or a charity or an institution does not sign up, I hope they will be shamed" (Yosufvai 2018). Some churches delayed signing up to the scheme early as there were concerns about the details of the scheme. Importantly, church bodies were considering the implications of the very low standard of proof in the redress scheme. The standard of proof was set lower than the balance of probabilities standard used in most civil cases. A significant concern was that insurance companies would not cover payments made at such a low threshold (Shine n.d.). The standard of proof was referred to as "reasonable likelihood" and could be met by a complainant simply alleging that he or she had been sexually abused without any corroborating evidence or any detailed investigation and in the face of an accuser denying the accusation yet without any right of reply. Consider the following quote from the Australian Government website:

> In determining reasonable likelihood, the Operator must also consider that the Scheme was established in recognition that some people:
> – have never disclosed their abuse and disclosure to the Scheme may be the first time they have done so
> – would be unable to establish their presence at the institution at the relevant time (the institution's records may have been destroyed, record keeping practices may have been poor, or the survivor may have attended institutional events where no attendance record would have been taken)
> – do not have corroborating evidence of the abuse they have suffered (Australian Government n.d.)

The process for redress is as follows: the applicant makes an application online without a face-to-face interview; there are a number of prompts to assist in filling out the application (e.g. in the section where the complainant must discuss the negative effects of the abuse, there are prompts to suggest possible negative effects such as nightmares, lack of trust in relationships etc.); the application is sent to the relevant diocese (to the "Safe Church Team") who are given an opportunity to respond with relevant information; the decision regarding payment of the application is then made by independent assessors according to guidelines that have and will not be made public or made available to institutions who have opted-in to the scheme; the independent assessors then make a decision about whether a claim is to be paid and how much is to be paid; and this offer is communicated to the claimant who may accept it and in doing so give up his or her rights to sue the institution (however, the accused may

still be sued). The person making the allegation is not bound by confidentiality obligations. Note, the accused will not to be notified of the accusation unless the police choose to investigate or if the Church decides to implement risk management measures in relation to the accused person, e.g. by terminating his or her employment. (Lansdown 2019, 103). We note that there was no penalty built into the Australian redress scheme for false claims for six years. Only in September 2024 did the redress scheme announce on its webpage that people who made fraudulent claims would be prosecuted. For six years, and $1.31 billion dollars worth of payouts later (the current figure concerning redress payouts) (Ransley, 2024), there was no deterrent to those who would make false child sexual abuse allegations.

Note, this is very different to the government's position concerning the response of government agencies to civil claims of child sexual abuse. For instance, the *NSW Government Guiding Principles for Government Agencies Responding to Civil Claims of Child Sexual Abuse* (n.d.) includes the following quote which allows for the possibility of false claims. "The Guiding Principles… do not prevent NSW Government agencies from protecting the proper and legitimate interests of the State, which include legitimate steps to defend claims, including where a claim is vexatious, unmeritorious or an abuse of process."

The government redress scheme has taken over from the Catholic Church's own redress process, in part, because the Catholic Church in Australia has been accused of not providing sufficient compensation to victims of child sexual abuse. However, let us consider the Archdiocese of Melbourne as a case study. The Archdiocese of Melbourne agreed with the cap of $150,000 as of 1 January 2017 (RCIRCSA 2017, Vol. 16, Book 1, 130). When the Melbourne Response was established, ex gratia payments were capped at $50,000, but steadily increased – $55,000 in 2000 and $75,000 in 2008 (RCIRCSA 2017, Vol. 16, Book 2, 321). In total the Catholic Church paid $268 million in response to claims received between 1 January 1980 – February 2015, i.e. prior to the Australian Inquiry. This figure includes payments made from all redress programs and civil proceedings. The average payment was $88,000. (However, this figure includes payments that were very large, sometimes millions of dollars were awarded to a single person) (RCIRCSA 2017a).

According to the Reserve Bank of Australia's (n.d.) national inflation calculator, the amount of $50,000 in 1996 is equivalent to the amount $84, 932.53 (regarding a "basket of goods") in 2018. However, this rate of inflation only includes a representational selection of goods and services that are acquired by households (Australian Bureau of Statistics. n.d.). It does not include the price of rent and mortgage increases. Rent increases from 2001-2016 increased by more than 100% (Chalkley-Rhoden 2017). Furthermore, the standard of the burden of proof must be taken into consideration here. We might conclude that this money is not too far from the Australian Inquiry's recommendation that redress be capped at $150,000. A final point that is little known. George Pell matched dollar for dollar the $50,000 figure that the Victorian Government offered for claimants of trauma.

3.2.16. Case-Study Cardinal George Pell

The Australian Inquiry has given substantial impetus to the view that those who complain of child sexual abuse should always be believed. This is evident by its decision to call all complainants of child sexual abuse victims or survivors despite the fact that many of these cases are untested and some are false, e.g. the complaints made against Cardinal George Pell. This view has now made its way into the mainstream media and seems to have influenced members of juries, among others. Consider, for example, the now notorious case of Cardinal Pell. In this instance, a jury trial and two appeals court judges were apparently so moved by the demeanour of the complainant that they ignored or explained away the many inconsistencies in his testimony and discounted the largely unchallenged exculpatory evidence of 23 witnesses for the defence. For example, the dissenting justice in the Second Appeals Court, Justice Mark Weinberg (2019), who is considered to be the leading expert in Australia on criminal law, had the following to say in his judgement,

> It must be remembered, however, that the complainant's allegations in this case cannot, and must not, be viewed in isolation from his detailed depiction of the circumstances in which such offending is said to have occurred. It cannot legitimately be said that no matter how improbable the complainant's account might be, at least in relation to matters of detail, and no matter how cogent the body of exculpatory evidence led at trial might appear, the complainant's demeanour in the face of sustained cross-examination must invariably trump factors of that kind (304).

On the contrary, Weinberg (2019) argued the following: "Objectively speaking, this was always going to be a problematic case. The complainant's allegations against the applicant were, to one degree or another, implausible. In the case of the second incident, even that is an understatement" (294). In the first incident, there was a significant body of cogent evidence casting serious doubt upon the complainant's account, both as to credibility and reliability (Weinberg 2019, 295).

Below we examine the case in detail. Before doing so it is helpful to briefly describe the case of Carl Beech and Sir Richard Henriques' (2016) report into the Beech case, *An Independent Review of the Metropolitan Police Service's Handling of Non-Recent Sexual Offence Investigations Alleged Against Persons of Public Prominence*. Carl Beech alleged to the police in the UK that he was the victim of an elite paedophile ring in the late 1970s and early 1980s that included MP Harvey Proctor, who was profoundly affected by the false allegations. Carl Beech is now in prison for perverting the course of justice. Yet, questions remain about this case, including: why were the police so quick to believe the fantasist Beech? Henriques report into this case identifies the principal cause of many of the failings in the investigation as poor judgement on the part of police and a failure to accurately evaluate facts. A further contributing factor was the prevailing culture according to which "victims" must be believed. Henriques

explicitly warns against describing complainants as victims from the outset of an investigation – this designation is only appropriate after the claims have been tested. To do otherwise is inconsistent with the presumption of innocence that is afforded defendants of accusations (Chapter One).

As Chris S Friel (n.d.a.) remarks,

> In truth, as the Beech case showed, there was no shortage of known facts that if evaluated would have revealed the inconsistencies and led to actions that would have exposed the lies (examining Beech's computer, for example). But the culture of "believing victims" acts as a stupor that prevents good judgement. Another way of putting this point is that such belief acts as a dogma which somehow prevents anyone in the group stating the obvious. Both the idea and the word are imprisoned by the "believe the victim" culture. This acts as a barrier to the desire to understand what was really going on.

We also note that the Independent Review by Lord Carlisle (2017) into the case of Bishop George Bell, as distinct from George Pell, highlighted many similar deficiencies in the processes of the Church of England in relation to people who have been accused of child sexual abuse. They are as follows: allegations were not investigated but were rather simply accepted as true without investigation; the harm to innocent persons that would be caused by false accusations was not given significant weight; the Church and commissions of inquiry were both overly concerned with their reputations and ideological commitments; those making allegations were called 'survivors' despite the fact that many of these claims were untested and some, at least, were probably false; neither the Church nor the commissions of inquiry ensured that members who were the subject of an allegation of child sexual abuse received justice; the possibility of false memories was not accorded any weight in the statistical findings; and exculpatory evidence was not considered.

The Pell case has many similarities with the Carl Beech case and the George Bell case, but it also has some important differences. One striking difference concerns the complaints process. In the case of Beech and Bell, investigations began after complaints were made. Regarding the Pell case, the Victorian Police (under Operation Tethering) advertised they were seeking complaints against George Pell when none had been made. We might not be surprised that complainants came forward in the political/media climate of the time, as discussed in previous chapters. Indeed, Gerard Henderson has written extensively about the role of certain media outlets in Australia (including the Australian National Broadcaster) in Pell's wrongful imprisonment. Importantly, he argues that ideologically driven journalists who were hostile to the Catholic Church targeted Pell because of his traditional views. Please read Henderson's book, *Cardinal Pell, the Media Pile-on and Collective Guilt* (2021) for a more comprehensive account of the media's role in Pell's conviction. Keith Windschuttle's book, *the Persecution of Geroge Pell* (2021) is also instructive on this front. I note here, George Weigel said publicly that George Pell was "treated with viciousness by Australian media" (Weigel, 2023).

Most of the complainants were deemed to be obviously delusional. For example, one alleged victim was said to have been raped by Pell in a packed movie theatre (Pell proved that he was not in the country at the time of the alleged rape). The case of witness J, as he is now known, made it to court. Yet, it is surprising that it did so given that even the most basic investigation would have revealed that these allegations were highly implausible, if not impossible. Indeed, in a police interview in 2016 Pell told the police that a rudimentary interview with the many staff and helpers at the Cathedral would prove the allegations to be false. However, the police did not interview many of the exculpatory witnesses in this case; if they had they might have come to the conclusion that the High Court of Australia did nearly four years later.

The seven justices of the High Court of Australia, acting unanimously, in the judgement on this case had the following to say, "The High Court found that the jury, acting rationally on the whole of the evidence, ought to have entertained a doubt as to the applicant's guilt with respect to each of the offences for which he was convicted, and ordered that the convictions be quashed and that verdicts of acquittal be entered in their place" (Keifel et al. 2020, 7).

The details of the allegations against Pell are as follows:

> A [A is the complainant "J"] and B were aged 13 years at the time of these events. A was a soprano. It was his evidence that, following Sunday solemn Mass, he and B had broken away from the procession at a point when it was approaching the metal gate to the toilet corridor. The two of them had slipped away and gone back into the Cathedral through the door to the south transept. The double doors from the south transept to the sacristy corridor were unlocked and they made their way down the corridor to the priests' sacristy, which was unlocked. They went inside and were "poking around". In a cupboard in an alcove they found a bottle of red altar wine. They had barely taken a couple of swigs from the bottle when the applicant appeared in the doorway. He was standing alone in his robes. He challenged them, saying, "[w]hat are you doing in here?" or "[y]ou're in trouble". A and B froze. The applicant undid his trousers and belt and started "moving… underneath his robes". The applicant pulled B aside, took his penis out and lowered B's head towards it. A saw the applicant's hands around the back of B's head. B was crouched before the applicant and his head was down near the applicant's genitals (charge one). B said "[c]an you let us go? We didn't do anything." This assault took place for "barely a minute or two". Next, the applicant turned to A, pushing him down into a crouching position. The applicant was standing and his penis was erect. He pushed his penis into A's mouth. This assault took place over a short period of time that "wouldn't have been any more than 2 minutes" (charge two). The applicant then instructed A to undo A's pants and to take them off. A dropped his pants and underwear and the applicant started touching A's penis and testicles (charge three). As he was doing this, the applicant used his other hand to touch his own penis (charge four). The applicant was crouched almost on one knee. These further acts of indecency occupied "a minute or two". A and B made some objections but did

> not quite yell out. They were sobbing and whimpering. The applicant told them to be quiet, in an attempt to stop them crying. After the applicant stopped, A gathered himself and his clothing. He and B re-joined some of the choir, who were mingling around in the choir room and finishing up for the day. A and B then left the Cathedral precinct. A recalled that they were picked up by his parents or B's parents. He did not complain to anyone, including his parents, about the incident. Nor did he ever discuss the offending with B. At least a month after the first incident, again following Sunday solemn Mass at the Cathedral, A was processing with the choir back along the sacristy corridor towards the Knox Centre (the procession on this occasion was evidently an internal one). After A passed the doors to the priests' sacristy, but before reaching the door to the archbishop's sacristy, the applicant appeared and pushed A against the wall and squeezed his testicles and penis painfully. The applicant was "in his full regalia". The assault was fleeting. A did not say anything nor did he tell B about this second incident (charge five). A was uncertain of the date of each incident. He believed that both had occurred following a Sunday solemn Mass celebrated by the applicant in the second half of 1996, before Christmas. He maintained that the two incidents were separated by at least one month (Keifel et al. 2020, 5-6).

The focus of this case-study concerns the adjudication of the High Court of Australia and its binding decision to have this case acquitted and the crimes quashed. There are further concerns that are not mentioned in this judgement, i.e. that one of the alleged victims who died prior to Pell's trial had earlier denied that the abuse occurred. For a more comprehensive account of this case please see Chris S. Friel's articles on acdemia.edu and Henderson and Windschuttle's books mentioned earlier.

The High Court claimed that the jury and two of the three appeals court judges did not question whether it was reasonably probable that the alleged crimes took place and, consequently, the jury and these two judges (who constitute the majority in the appeals court decision) failed to arrive at the correct conclusion, namely, that there was reasonable doubt regarding Pell's guilt. Indeed, the High Court justices claim that there is "a significant possibility that an innocent person has been convicted because the evidence did not establish guilt to the requisite standard of proof" (Keifel et al. 2020). The High Court focused on aspects of the unchallenged evidence of the opportunity witnesses which were inconsistent with the complainant's account. They concern the following three obstacles:

> (i) the applicant's practice of greeting congregants on or near the Cathedral steps after Sunday solemn Mass; (ii) the established and historical Catholic Church practice that required that the applicant, as an archbishop, always be accompanied when robed in the Cathedral; and (iii) the continuous traffic in and out of the priests' sacristy for ten to 15 minutes after the conclusion of the procession that ended Sunday solemn Mass (Keifel et al. 2020).

Regarding the first point, it was standard practice at the Cathedral that the members of the church procession, including the choir and celebrating priests

would process out of the Cathedral to their next destinations, i.e. the choristers would process to the priest's sacristy and then move on to the choir room and the priests would process to the priest's sacristy. It was the practice of Pell, who was the last person in the procession, to remain at the door of the Cathedral to meet and greet parishioners, while the rest of the procession continued to the sacristy. Pell would ordinarily remain at the door with his master of ceremonies, Monsignor Portelli, and greet parishioners for between ten to thirty minutes unless he had an engagement to attend after Mass. Importantly, if the complainant's allegations were correct then Pell could not have been standing at the door of the Cathedral greeting parishioners, – because the Department of Public Prosecutions argued that there was only a window of 5-6 minutes when the alleged offence could have occurred – although, we will later see that even this window of opportunity is impossible. However, at this stage let us entertain that it is possible. If it is possible, it still stands that the complainant's case is rendered to be false if Pell is proven to be greeting parishioners at the door of the Cathedral for ten minutes. Ten witnesses gave evidence relating to Pell's practice of greeting parishioners at the door of the Cathedral for at least 10 minutes. McGlone and Portelli have a specific recollection of Pell greeting parishioners at the steps of the Cathedral on the day of the first alleged offence – it was a memorable day given it was Pell's first Mass as Archbishop of Melbourne. If Pell was, indeed, greeting parishioners at the steps of the Cathedral for 10 minutes it is not possible that he committed the offence.

Regarding the second point, it is standard practice for an Archbishop in the Catholic Church to be accompanied by a master of ceremonies at all times when the Archbishop is in a Church. Pell was always accompanied within the Cathedral by his master of ceremonies, Charles Portelli. Four witnesses confirmed that the Archbishop would always unrobe with somebody else present. If Pell was always attended to by his master of ceremonies, as is the practice in the Church, then he could not have committed these offences.

Regarding the third point, the assault could not have occurred because the sacristy was a "hive of activity" after Mass, when the assault was alleged to have occurred. The altar servers gave evidence that it was the practice of the Cathedral that the door to the priest's sacristy was unlocked by the sacristan when the altar servers reached the door, during the procession, notwithstanding that the procession officially ended when the participants bowed to the crucifix in the sacristy. The door was locked prior to this time, notwithstanding the obstruction to the procession, because valuable items where left unattended in the sacristy, including the priest's bags and belongings. After the door was unlocked the altar servers would complete the procession by bowing to the crucifix in the sacristy. After this time the altar servers, under directions from the sacristan (Potter) would bring in the silverware and the missals to the priest's sacristy. J's account of the events is that the two boys broke away from the procession and arrived in the sacristy when nobody was there and when the door was open (indeed, J's account requires that two doors, including a heavy security door, that were ordinarily locked be unlocked on this occasion). The majority judges in the

Court of Appeal (as opposed to all seven judges in the High Court) concluded that it was reasonable for the jury to arrive at the conclusion that the assaults occurred in the 5-6 minutes of private prayer time that the sacristan allowed the congregation for prayer before the altar servers would clean up after the Mass – hence, supposedly after completing the procession and before cleaning up after the service. Or in other words, before a "hive of activity" in the priest's sacristy.

There are numerous problems with this conclusion: (1) The boys did not cross paths with the 6-12 altar servers; (2) The boys did not cross paths with concelebrating priests who should have gone to the priest's sacristy to unrobe and collect their valuables which were stored in the sacristy; and most problematic of all (3) The 5-6 minutes needed for the "hiatus theory" simply does not exist. This quote from the High Court judgement presents the problem clearly: "The principal difficulty with the Court of Appeal majority's analysis is that it elides Potter's estimate of five to six minutes of private prayer time with the estimate of five to six minutes during which A and B re-entered the Cathedral, made their way into the priests' sacristy and were assaulted. The two periods are distinct" (Keifel et al. 2020). In other words, it has always been maintained by the prosecution that there was only ever 5-6 minutes when this alleged assault could have taken place. That is because the sacristan said that he allowed the congregation 5-6 minutes of prayer before he began organizing the clean up after Mass. The prosecution took this to mean that there was a 5-6 minute "hiatus" in an otherwise very busy time at the sacristy after Mass. However, as the High Court judges, correctly, remark, this 5-6-minute period began from the start of the procession, the procession itself took about 5 minutes (or the time needed for A and B to make their way to the sacristy). Therefore, there was no available time for the offence to have occurred.

3.2.17. Conclusion

The findings of the Australian Inquiry in respect of child sexual abuse in the Catholic Church in Australia are alarming. The quantum of complaints made against Catholic priests and church workers of child sexual abuse is very high, as is the quantum of Catholic priests and church workers complained about. Indeed, it is evidence of, what was, a widespread and serious problem of child sexual abuse in the ranks of the Catholic Church in Australia. However, it is important to note that most of the allegations that were made to the Australian Inquiry are historical claims, i.e. claims in relation to incidents that allegedly happened many decades ago. 86% of the claims relate to incidents that allegedly happened in the period 1950-1989 inclusive. Moreover, we have argued that it is highly likely that cases of child sexual abuse have substantially decreased in the Church because of a growing awareness of the damage of child sexual abuse, a growing awareness of the psychology of offenders, the implementation of preventative and reactive structures in the Church and the creation of government laws.

In the course of the discussion of the processes of the Australian Inquiry we have identified a number of shortcomings, including its use of a methodology

which tended to inflate the quantum of complaints, its failure to differentiate between serious and less serious allegations, and its insistence that all those who lodge a complaint, including those who make unsubstantiated, implausible complaints, be regarded as survivors.

However, in closing it is important to stress that notwithstanding the criticisms of this analysis, the Australian Inquiry provided an important platform for victims of child sexual abuse to tell their stories of child sexual abuse, and this opportunity and experience proved to be cathartic for many victims/survivors. The resulting momentum in society regarding redress and public apologies proved to be healing for many victims/survivors of child sexual abuse.

3.3. Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions (New Zealand)

3.3.1. Introduction

The Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions was established under an Order in Council to inquire into the abuse and neglect of children, young people and vulnerable adults in the care of the state and faith-based institutions in NZ, primarily between 1950 and 1999. The NZ Inquiry, like the Irish Inquiry, was commissioned to investigate all forms of abuse including physical and emotional abuse as well as sexual abuse. In contrast to the other inquiries analysed in this book, the NZ Inquiry stated that it would not quantify claims of abuse that were within the legal and social norms of the time, and gave the example of corporal punishment in schools, which was legal for many years. Lastly, it is important to stress that the NZ Inquiry was concerned with abuse that resulted in "serious harm to the individual" (RCIHAC 2020, 12).

The commentary in this section analyses the report that informed the interim findings of the inquiry and that concerns the indicative estimates of the size of the cohorts of people in care over the afore-mentioned period and, importantly, the levels of abuse – *Indicative Estimates of the Size of Cohorts and Levels of Abuse in State and Faith-Based Care 1950 – 2019.* Notably, the indicative estimate at its high end is that 256,000 people in NZ were abused in state and faith-based institutions between 1950 and 1999. However, at its low end the indicative estimate is 36,000. This is a remarkably wide range even in relation to what are avowedly only estimates. What is the factual basis for these estimates? The figures on the Royal Commission's website are very different. There it states that a mere 2,000 complainants, i.e. persons, have registered with the Commission (RCIHAC 2020,4).

An additional source of complaints numbers is to be found in the complainant data provided by the NZ care-based institutions themselves. This data consists of 6,500 complainants. It is assumed by the inquiry that most of the 2,000 complainants who registered with the Commission had also made complaints to institutions. Therefore, the number of complainants is assumed to be 6,500.

Accordingly, we are entitled to take the figure of 6,500 complainants as the factual basis for generating meaningful estimates of the levels of abuse.

The Commission recognizes that the number of persons who have in fact made a complaint is a tiny fraction of their *estimated* numbers and, in particular, their high-end number of 256,000; in fact, it is less than 3%. What possible justification does it offer for this extraordinary thirtyfold inflation or even for the low-end figure of 36,000 (a fivefold inflation)? And, to reiterate, we need to keep in mind, that complaints are not necessarily actual offences. The Commission says:

> While this is low compared to the estimated cohort of those abused in care, we expect these numbers to substantially increase over time with our targeted community engagement and outreach, and the increased publicity and resulting public awareness at the times of our public hearings (RCIHAC n.d.).

On the face of it, this justification for the high-end figure of 256,000 is not merely speculative but fanciful. Importantly, at the time of writing the second edition of this volume, we note the document with the quote just mentioned cannot be found. It was titled: "Cohort Study and Economic Report, Question: Why does the Royal Commission have so few registrations compared to estimated number of abused people in care?" The comment in this quote is an interesting one. It suggests that the NZ Inquiry expected a very large number of people – a number approaching 256,000 or perhaps 50% of that number? – to come forward to the inquiry and register their abuse. This in turn would justify their speculative figures. However, in the final report of the NZ Inquiry only 2,300 people came forward (RCIHAC, 2024, Part 3). In the light of their own argument underpinning their expectation that at least tens of thousands of complainants would come forward can we not now conclude that the number of instances of abuse is likely to be only a few thousand? Certainly, this discrepancy suggests that their estimated figures are spectacularly incorrect. Interestingly, the Executive Summary of the final report is still claiming the veracity of the high number (RCIHAC, 2024, Part 3). This is notwithstanding that this high number is only one amidst a suite of estimated numbers, but now we discover it did not even meet its own criteria of justification – that a substantial number of the missing 253, 700 would appear to the inquiry at some point in time.

Shortly, in this section the discrepancy between the actual figures and the estimated figures will be discussed. However, before discussing how the 256,000 figure, in particular, was created it is worth noting that this indicative estimate is already being treated in the worldwide press as an actual number rather than a high-end estimate based on a contestable, indeed speculative, methodology with a factual basis of 6,500 complaints. For example, on December 16, 2020, Reuters online ran with the headline, "New Zealand child abuse inquiry finds quarter of a million harmed in state and faith-based care" (Menon 2020). This article begins by making a, supposed, factual claim that 250,000 people were abused in state and faith-based care in NZ. Moreover, the only institution that is named in the article is the Catholic Church, leaving the misleading impression that, *as*

a matter of fact, tens of thousands (at least) were abused in Catholic institutions. Clearly, the figure of a "quarter of a million harmed in state and faith-based care" that the Commission has provided to the media is not a fact and, indeed, as we will see, it is at best a highly contestable speculation.

3.3.2. Martin Jenkins Report

The inquiry commissioned Martin Jenkins & Associates Limited to provide indicative estimates of the number of people who: (1) were in state care from 1950- today; (2) were in faith-based care from 1950- today; and (3) the numbers of people who were abused in state-based/faith-based institutions from 1950 – today. This task was commissioned to satisfy clause 35.1 (b) of the terms of reference of the commission (RCIHAC 2020, 3).

Martin Jenkins is a consulting firm that advise clients in the public, private and not-for-profit sectors. Yet, they seem not to be prepared to stand by their own research findings. For example, in their report to the inquiry they remark,

> no responsibility is accepted by Martin Jenkins or any of their officers, employees or agents for errors or omissions however arising in the preparation of this report, or for any consequences of reliance on its content, conclusions or any material, correspondence of any form or discussions arising out of or associated with its preparation (RCIHAC 2020, preface).

Furthermore, the Royal Commission made the odd comment that the work of the Martin Jenkins group, which the Royal Commission endorsed, "was not an academic or theoretical exercise. The purpose was to provide high-level estimates to help inform our planning for the work ahead" (RCIHAC 2020, 1). Does the Jenkins group, or the Royal Commission, stand by these research findings as reliable, factually based, estimates based on a sound methodology, or is it merely a set of speculations loosely connected to the facts by way of a dubious methodology which they don't stand by and, as such, it should not be taken seriously, let alone relied upon by the Royal Commission to "inform planning of the work ahead"?

Let us now turn to a discussion of the methodology and findings of the Martin Jenkins Report. We note in advance two general deficiencies which call both the methodology and the findings, and therefore the entire report, into question, especially when these two general deficiencies are taken together. The first general point is that there are major gaps in the factual data upon which the Martin Jenkins group based its estimates. According to the peer review:

> As noted above, there are major gaps in the data on the numbers in care in the different settings… [For example, an] area where there are major gaps in the data is state-based boarding schools, where Martin Jenkins reports that almost no data is available prior to 2000. Martin Jenkins therefore had to estimate most of that cohort between 1950 and 1998 by extrapolation (p. 28). It is not obvious to us from the Martin Jenkins report that efforts have been made yet to obtain

> information from the schools directly. Some schools may no longer exist and some may exist but no longer offer boarding schools. Nevertheless, there are a limited number of such schools and a direct approach could well yield some result (TDB Advisory 2020, 6-7).

The second general point is that the Martin Jenkins group made many contestable, even dubious, assumptions in the creation of their estimates. Many of these are outlined in the peer review. We discuss these in detail below. This is especially the case in relation to its so-called "top-down" method which it states is its most reliable method (more reliable than its other "bottom-up" method).

In short, Martin Jenkins group utilize a methodology to estimate the numbers of survivors of abuse in state and faith-based care that comprises two different methods. The primary estimate uses the "top-down" method. The secondary estimate uses the "bottom-up" method. The two different methods produce alternative indicative estimates. This methodology is explained below.

> The top-down approach starts with the number of people in State and faith-based care settings between 1950 and now – 'the Cohort' – and uses data on prevalence of abuse (from New Zealand and international studies) to estimate the percentages of the Cohort who may have been abused. The bottom-up approach starts with the number of people in State and faith-based care (in a range of settings) between 1950 and now who have identified that they have been abused in care – the 'known' claimants of abuse…The additional 'suspected' survivors of abuse are then estimated using assumptions about the level of under-reporting, based on the proportion of crime that goes unreported in New Zealand (RCIHAC 2020, 5-6).

Utilizing the top-down method the report estimates that 655, 000 people passed through state and faith-based care between 1950 and 2019. This number comes with a warning that the true figures could be higher and hence the true number of abused persons could also be higher. The cohort from faith-based settings is estimated to be one of the largest groups at over 254,000 people (about 31 percent of the total) (RCIHAC 2020, 7). The top-down approach estimates that between 114,000 and 256,000 children in care may have been abused between 1950 to 2019. This is 17 – 39% of the cohort.

Of note, the researchers used, mostly, studies that focused on sexual and physical abuse and, therefore, the assumption is that these numbers are heavily weighted towards the same kinds of abuse (RCIHAC 2020, 8). Indeed, one of the studies used by the Martin Jenkins researchers was the Australian Royal Commission (see section 3.2 of this book for a full commentary on this inquiry). Yet, the findings of the Australian Royal Commission largely concern unsubstantiated complaints. Furthermore, unlike the NZ Inquiry the Australian Inquiry did not make a distinction between serious and less serious cases of abuse, and certainly did not make allowances for changing social norms and laws, as the NZ Inquiry declared it would do. Therefore, the findings of the Australian Royal Commission cannot be relied upon as a guide to estimate abuse numbers for the NZ Royal Commission.

What are we to make of the top-down method and the findings it generates more generally? The estimates arrived at by the top-down method, and the figure of 256,000 "survivors" in particular, relied on the findings of overseas research. However, much of that research is contestable, e.g. the idea that a time lag of decades between the offence and its reporting can be reliably used to make projections (see section 3.2.12), and in any case overseas findings are not necessarily transferable to NZ, e.g. to Māori in NZ child welfare systems (RCIHAC 2020, 3). Most important, its favoured top-down method ignores completely the NZ complaints data, i.e. the 6,500 complainants, and relies exclusively on overseas research and extrapolates from this to generate estimates for NZ child abuse and, in particular, the estimate of 256,000 "survivors".

Remarkably, the Martin Jenkins researchers are of the view that in order to reliably determine the extent of child abuse in NZ it is unnecessary to make use of what is ultimately the only directly factual basis available upon which an estimate of the quantum of child abuse in NZ could be made, namely, that over the period 1950 to the present i.e. in 70 years, there have been 6,500 persons who complained of child abuse in faith-based and state care institutions in NZ. As we have seen in the Irish, UK, US and Australian inquiries, the principal basis used for estimating the extent of child sexual abuse in the relevant institutions in the country in question has been the complaints made by persons in that country of members of those institutions. Thus, in order to determine the extent of child sexual abuse in the Catholic Church in the US, the John Jay Inquiry relied, obviously, on US complaints data rather than, for instance, NZ data, research and extrapolations therefrom. We conclude that the top-down method is highly unreliable, and the findings generated by it, notably its high-end figure of 256,000 "survivors", fanciful.

A specific problem with the indicative estimates, generated by the top-down approach, of particular interest to our focus, in this work on child sexual abuse, concerns the estimates of the gender of the abused. For example, the estimates rely on evidence that claims females, in faith-based institutions, are more likely to experience child sexual abuse than males (RCIHAC 2020, 61). However, the evidence in the commissions into the Catholic Church clearly indicate that the prevalence of male-on-male abuse is far greater than male-on-female, or female-on-female abuse. Hence, it is likely that this estimate will not be relevant for the Catholic Church in NZ. Moreover, this estimate is in conflict with the allegations that were made to the NZ Royal Commission. Regarding the gender of those who made allegations to the Royal Commission up to July 2020, 760 were men (57 percent) and 572 were women (43 percent) (RCIHAC 2020, 79).

What of the bottom-up method and its findings? At least its starting point consists of facts about child abuse in NZ and, therefore, its findings – notably, its high-end figure of 65,000 "survivors" – are more likely to be plausible (other things being equal). The bottom-up approach, is an alternative approach which offers a different indicative estimate and, as mentioned above, is considered by the Martin Jenkins group to be inferior to the top-down approach. The bottom-up approach utilizes as its foundation, as mentioned above, actual NZ data

concerning abuse, i.e. 6,500 people have made claims of abuse while in state and faith-based institutions in NZ from 1950 to 2019 (RCIHAC 2020, 79). As mentioned above, this aligns it with the other national inquiries analysed in this book (except for the French and Spanish inquiries). However, it diverges sharply from these other inquiries by seeking to use unreported-crime multipliers from NZ and abroad to move from complaints data to estimated numbers of actual offences. The means used to create this estimate or estimated range (the unreported-crime multipliers) is open to question. We return to this issue below.

At any rate the Martin Jenkins group's application of unreported-crime multipliers suggest that the number of people who have been abused in care is between 5.6 and 10 times higher than the reported number of 6,500. Therefore, they estimate that 36,000 to 65,000 people have been abused in care between 1950 and 2019. This is between 5.5 and 9.9 percent of the total cohort in care, after adjusting for the overlap between settings. It is noted above that the number in the bottom-up estimate is much less than the number in the top-down estimate. The researchers argue that the reason for the discrepancy is due to the fact that the data that was collected for the project did not "capture" all the reported claims of abuse, i.e. they focus on sexual and physical abuse and not emotional abuse, for example. Moreover, it is argued that the multipliers used in this approach also do not cover all forms of abuse that are within the definition of the inquiry. Hence, the Martin Jenkins group favour the larger number, that is, the top-down estimate (RCIHAC 2020, 9). Yet, as mentioned previously, the Australian Royal Commission, whilst not examining all forms of abuse, was more permissive than the NZ Inquiry regarding the severity of the abuse it allowed in its data. Hence, the distinction here is not as great as the Martin Jenkins group imagines. The obvious alternative explanation for the discrepancy is that the top-down approach is deeply flawed, not the least because it ignores the only direct factual basis for estimates of child abuse in these institutions during this period in NZ, namely, the complaints data (i.e. the figure of 6,500).

What are we to make of the bottom-up method and its findings? Let us first consider the reliance on unreported-crime multipliers. Unreported-crime multipliers vary greatly from one crime-type to another, from one jurisdiction to another and across time. Moreover, any credible projection of actual crime numbers of a particular crime type in a given jurisdiction at a particular short period, e.g. one year, has to be based on numerous contextual factors. The proposition that this could reliably be done for a suite of types of offences, e.g. child sexual abuse, physical abuse, across a wide range of institutions over a 70-year period using a smorgasbord of unreported-crime multipliers is an illusion. In the first place, the unreported–crime multipliers are themselves guestimates at best. In the second place, there are inevitably complex context specific factors in play which render the application of imported (from other countries or other crimes or other times) unreported-crime multipliers speculative at best.

Further, more specific points of criticism in relation to the bottom-up approach and its findings are made in the peer review. For example, the peer review mentions that the actual data used by the Martin Jenkins group shows

that complaints have decreased over time. Yet, the researchers, while applying the method to the actual figure of 6,500, make the assumption that rates of abuse are constant over time, given the delay in reporting (TDB Advisory 2020, 6). Yet, as is shown in the body of this work, sexual abuse in the Catholic Church has demonstrably decreased. We might also assume other forms of abuse have reduced because of safe-guarding measures that have been introduced in the Catholic Church, i.e. in some cases adults are not permitted to be alone with children. Moreover, we would expect abuse to have decreased in the Catholic Church because less children are in the care of the Catholic Church than was the case historically, especially in the 70s. We assume similar arguments can be made for state-based care and other forms of faith-based care given changes in legislation relating to child sexual abuse and an increased awareness of the harm of child sexual abuse. Furthermore, we would expect that mandatory reporting schemes would influence the reporting of crimes.

As we concluded in respect of the top-down approach, the bottom-up approach while it has the virtue of using NZ child abuse complaints data as its starting point does not offer a reliable method to generate its estimates; accordingly, its findings should not be accepted. They are, at best, guestimates, albeit considerably less fanciful than the ones generated by the top-down approach.

3.3.3. Conclusion

By way of conclusion let us return to the major findings in the NZ Commission's report of interest to us in this book, namely, the extent of child abuse, and child sexual abuse in particular, in faith-based care institutions. A total of 2,300 people, out of the total of 6,500, alleged to the Royal Commission that they were abused in faith-based care settings. 1,513 of these complaints concerned faith-based care institutions, homes, facilities, schools and 827 concerned, what has been called, wider faith-based care settings (RCIHAC 2020, 38). According to the preferred method of the Martin Jenkins Report, the top-down method, it is estimated that between 53,000 and 106,000 people may have been abused within faith-based care settings (RCIHAC 2020, 39). In the light of the above discussion, we conclude that these estimated figures in the Martin Jenkins Report are fanciful and, as such, should be rejected out of hand by faith-based organizations and other relevant bodies.

CHAPTER 4

France, Spain, Italy Inquiries

4.1. Introduction

In this chapter we discuss the most recent of the European inquiries into child sexual abuse. The French Inquiry is discussed at length because some of its key findings are completely inconsistent with those of the other inquiries. Importantly, it argues that child sexual abuse in the Catholic Church in France is not decreasing. This conclusion is inconsistent with the conclusion on this matter of every other inquiry analysed in this book. Furthermore, there are some lesser points that need discussion. For example, the French Inquiry sets the age of a child as anybody under the age of 21. This is contrary to the age of a child as anybody under the age of 18 in the other inquiries. We discuss the Spanish Inquiry in less detail but do focus on the differences between the Ombudsman's report and the report that the Church in Spain commissioned into child sexual abuse. Lastly, we discuss the Italian Inquiry conducted by the Catholic Church in Italy. This inquiry is currently underway and is of particular importance, given the central role that Italy has in the worldwide Catholic Church. Moreover, the Vatican currently faces an important question; should it endorse an independent inquiry into child sexual abuse in the Catholic Church in Italy? We discuss this dilemma in some detail.

4.2. *Commission indépendante sur les abus sexuels dans l'Eglise* /The Independent Commission on Sexual Abuse in the Catholic Church (CIASE) (The French Inquiry)

4.2.1. Introduction

On November 2018 the *Conférence des évêques de France*/French Bishops Conference (CEF) and *La Conférence des religieux et religieuses de France*/ Conference of Sisters and Brothers of France (CORREF) decided to create an

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independent commission into child sexual abuse in the Catholic Church (CIASE 2021, 11) and sent a mission statement to Mr Jean-Marc Sauvé, honorary vice-president of the *Conseil d'État* (Council of State) who formed the Commission (CIASE 2021, 17). The Commission's mandate was to cast light on child sexual abuse in the Church from 1950 to the present time. The Commission focused on child sexual abuse and vulnerable adults. We primarily discuss the findings in relation to children.

There were four distinct stages of the inquiry, which are outlined below.

(1) Socio-demographic

Nathalie Bajos, from Inserm (French National Institute of Health and Medical Research), headed this significant aspect of the inquiry (it is from the Inserm research that we have the controversial estimated figures of child sexual abuse). This research consisted of: (1) an appeal for testimonies from the 3rd June 2019 to the 31st October 2020. (There were 6,471 contacts from the appeal for testimonies that were processed by a team at France Victims); (2) an anonymous online questionnaire, managed by the polling and market research group IFOP (*Institut français d'opinion publique*), was sent to these contacts (1,628 questionaries were completed which led to 69 interviews); (3) and finally a general population survey which was conducted between the 25th of November 2020 and the 28th of January 2021. This survey was based on quota samples (a non-probability sampling method that is not random in its selection of participants) of 28,010 persons aged 18 and over. The survey was managed by IFOP (CIASE 2021, 18).

(2) Archival and Socio-historical

An archival and socio-historical research project was led by Philippe Portier from the *École pratique des hautes études* (EPHE). This research was based on five different sources: (1) the answers to a questionnaire sent to all bishops and superiors of institutions affiliated with CORREF. This questionnaire concerned the contents of the Church's archives relating to matters of interest to CIASE (CIASE 2021, 18); (2) public archives (principally from the Ministry of Justice, the Ministry of the Interior (the legal branch of the police force)) and the *gendarmerie nationale*; (3) a survey of forty-eight members of the clergy and of religious orders that focused on the evolution of training with respect to chastity; (4) all of the testimonies addressed to CIASE and others that were publicly available, and; (5) further sources that were publicly available, such as public statistics (CIASE, 2021, 19).

(3) Socio-anthropological.

Laëtitia Atlani-Duault was the lead researcher of the team from the *Fondation Maison des sciences de l'homme* (FMSH). This research was divided into two parts. Firstly, they did a close study of all of the victim testimonies that were received by CIASE. This included transcripts of 153 hearings from victims that were made to CIASE and transcribed the content of 2,819 letters and emails that were sent to CIASE (presumably from victims). After studying the material, the team chose representative quotes to include in the report. The second phase of the research concerned an analysis of the media coverage of child sexual abuse

in the Church in France from the 1950s to the present day. This work was based on two sources: (a) news programmes on French television aired between 1990 and 2020 and (b) articles from the daily press published between 2016 and 2020.

(4) Interviews with predator clerics

Philippe Portier (EPHE) conducted a series of eleven interviews with clerics who had committed acts of child sexual abuse. Florence Thibaut (Professor of psychiatry at the University Hospital Cochin-Tarnier) was the lead researcher of the team that studied the psychiatric reports of predator clerics contained in 35 judicial files. There were an additional twenty interviews with priests and seminarians led by Alice Casagrande (Director of Training, Innovation and Associative Life at the Federation of Private Non-Profit Hospitals and Personal Assistant Establishments).

In addition to these distinct stages there were also ancillary teams, such as a team that looked into the differences in civil law and canon law, etc. (CIASE 2021, 19).

4.2.2. Definition of Child Sexual Abuse

Before discussing the definition of child sexual abuse that is used by CIASE it is necessary to state the legal definition, Article 222- 22 of the [French] Criminal Code, that "inspired" CIASE's definition. It states, "sexual assault constitutes any sexual violation committed with violence, coercion, threat or surprise or, in the cases provided for by law, committed on a minor by an adult" (CIASE 2021, 282). The Law of the 21st of April 2021 includes offenses without violence, coercion, threat or surprise against children under the age of 15. Presumably the age of 15 was chosen because the age of consent is 15. Here it is important to note that some children, namely children over the age of 15, are legally permitted to have consensual sex, notwithstanding they have not reached the age of majority, i.e. the age of legal adulthood which in most countries is 18 years of age. This is a point that is consistently ignored by these inquiries into child sexual abuse in the Catholic Church analysed in this book. Concerning the seriousness of the offence of child sexual abuse, it may be considered a misdemeanour or a crime. The statute of limitations varies from ten to thirty years (depending on the seriousness of the offence) from the date that the victim reaches the age of majority. In civil cases the statute of limitations is twenty years (CIASE 2021, 282).

As mentioned earlier, the definition of child sexual abuse that is used by the Commission is "inspired by the Criminal Code" but nevertheless it is not consistent with it. A striking difference here is the age of a minor. The law in France, as far as it relates to sexual abuse considers a minor to be anybody under 18, whilst acknowledging that the age of consent is 15. The French Inquiry considers the age of a child (for its purposes of investigating child sexual abuse) to be anybody under the age of 21 and it does not take the age of consent into consideration (more on this in the next section). Accordingly, a 20-year-old who engages in consensual sex with an older person is not a victim of the crime of child sexual abuse as far as the criminal code is concerned but may be the victim

of child sexual abuse as far as the inquiry is concerned. We also note below that the other inquiries into child sexual abuse consider the age of a child for the purposes of identifying child sexual abuse as anybody under the age of 18 (rather than under the age of 21 favoured by the French Inquiry).

Furthermore, the French Inquiry is inconsistent with the criminal code in relation to the matter of power imbalances in the context of determining whether a sexual act is an instance of child sexual abuse and, more specifically, is consensual. For example, within the scope of a power imbalance the Commission includes power that "can be imposed on others" for example, by virtue of one's sexual category, including the category of man vis a vis the category of woman. This is significant because the Commission argues that a power imbalance may well invalidate consent (CIASE 2021, 54). Accordingly, the mere fact that a person is a man might enable this person to impose his will on a woman in which case the woman might not be able to consent to his sexual advances; it would then be a case of non-consensual sex, i.e., potentially rape.

Otherwise, the definition provided by the Commission at this point is, seemingly, consonant with the Criminal Code. The Commission's definition here is, "…any sexual assault committed with or without violence, constraint, threat or surprise (rape, sexual assault other than rape, incest, exhibitionism, sexual harassment), any sexual exploitation (procurement) or any abuse of children (corruption of children, sexual propositions made to children, sexual abuse of children, the fixing, recording or transmitting of an image of a pornographic nature of a child)" (CIASE 2021, 53). However, in a different section of the CIASE inquiry the term "sexual violence" is used to refer to actions standardly described as instances of non-violent sexual abuse (CIASE 2021, 17). For example, a caress is considered sexual violence by the Commission. The designation of violence was deemed to be accurate because of the presence of a power imbalance and not in terms of the violence that may have been committed during the act (CIASE 2021, 54). However, this calls into question the content of its above definition. Specifically, what does the phrase "sexual assault with or *without violence*" [our emphasis] mean if instances of sexual 'assault' (including instances of sexual abuse according to the above definition) are necessarily instances of sexual violence? After all, if instances of sexual assault and, therefore, instances of sexual abuse [our emphasis] are necessarily instances of sexual violence then there are, and cannot be, instances of sexual assault or sexual abuse without violence. Moreover, this conflation of the concepts of sexual abuse, sexual assault and sexual violence is inconsistent with the criminal code.

4.2.3. Age of Consent

As mentioned in the previous section, CIASE defines a child as a person under the age of 21. This age was chosen because up until 1974 the age of majority in France was 21. (In other words, the Commission chose to use an outdated definition that was in place half a century ago. The age of majority in France is currently 18). This decision puts them at odds with all of the other inquiries into

child sexual abuse (CIASE 2021, 52-53). Generally, inquiries into child sexual abuse set the age of a child as 18 because this concords with the UN definition of a child (which is based on the age of majority in most countries). Yet, as we have argued in this book (see sections 2.2.13.1 and 3.2.8), the age of consent in the countries surveyed is often under 18 years of age. This also applies to France. The current age of consent in France is 15 years of age. The age of consent has been stable for heterosexuals since 1945. From 1942 the age of consent for homosexuals was set at 21, in 1974 it was lowered to 18 and in 1982 it was further lowered to 15 (Legifrance 2024). It is currently statutory rape to have sex with a person who is under the age of 15, or under the age of 18 if there is a power imbalance as defined by law (Age of Consent. n.d.).

Interestingly, most of the cases of child sexual abuse documented in CIASE are homosexual and historical in nature. So, setting the age of a child at 21 might be thought to have some merit, given the higher age of consent for homosexual sexual acts historically. However, it could also be argued that this higher age of consent for homosexual acts than for heterosexual acts was unfair. Because of this injustice the age of consent was lowered to 15. Indeed, since 1982 the age of consent for everybody in France, whether homosexual or heterosexual, is 15 years of age. However, notwithstanding this speculation, the French Inquiry, like the other inquires in this book confuse the age of majority with the age of consent. Thus, by the standard of the French Inquiry, and the other inquiries, anybody under the age of majority (or in the case of the French Inquiry, an outdated age of majority) who has sex with an adult is necessarily a victim of child sexual abuse. This is inconsistent with the law. By the standard of the law, a person who is above the age of consent and below the age of majority is only a victim of child sexual abuse if they do not, or cannot consent to sex (for instance, because of a significant power imbalance), or if they did not consent to the act for other reasons.

The legal age of consent is 6 years lower than the de facto age of consent that CIASE is committed to for the purposes of defining child sexual abuse, i.e., 21 years of age. On CIASE's definition of child sexual abuse the following example is a case of child sexual abuse. A 20-year-old divorcee who already has one child and is sexually mature goes to a bar in the hope of finding a sexual partner. She engages in flirtation with a man at the bar who is 24. He touches her on the thigh in a misguided courting gesture. The gesture is unexpected and unwelcome; indeed, it causes in her a distinctly unpleasant feeling. By the lights of the Commission's definition, this is an instance of *child* sexual abuse. However, most people would consider calling this act child sexual abuse to be completely absurd.

A further interesting point arises in relation to Bajos – the head researcher on the Inserm arm of this Commission. She is known for advocating lowering the age of consent to 13, which is almost a decade lower than the age of a child (conflated with the age of consent) that is set in this inquiry (Viot 2022, 63). However, perhaps we should assume that she does not agree with setting the age at which a person reaches adulthood at 21 (at least for the purposes of determining child sexual abuse) given that in the general population survey, which she

headed, the people who were surveyed were 18 years and over. Presumably, the reason for targeting those who were 18 years and older was that contra the Commission (or, at least, contra the dominant voices in the Commission) Bajos and her team deemed 18-, 19- and 20-year-olds to be adults. One might reasonably conclude, therefore, that there were dissenting voices within the Commission itself regarding the age at which one becomes an adult. The problem is further compounded when one considers that the legal age of consent is 15 years of age.

Apart from illustrating the inconsistencies within the Commission itself, this discussion draws attention, once again, to a fundamental problem with all of the inquiries (albeit the problem exists in a more acute form in the French Inquiry). While the focus of all of these inquiries is on the nature and extent of child sexual abuse (in the Catholic Church), they never consider the legal age of consent. The consequences of this are twofold. Firstly, by the lights of the inquiries someone who has reached the age of consent (but is under the age of 18 or, in the case of the French Inquiry under the age of 21), and engages in consensual sex (including, for instance, sexual acts of kissing) with an adult person (someone over the age of 18 or, according to the French Inquiry, over the age of 21) is necessarily the victim of child sexual abuse, notwithstanding that they may have engaged in a perfectly lawful act. Secondly, this definitional move of these inquiries is not only inherently problematic, it has had the effect of greatly inflating these inquiries' recorded numbers of child sexual abuse allegations against priests, member of religious orders and the like in the Catholic Church and, thereby, greatly inflating these inquiries' estimates of the extent of child sexual abuse in the Catholic Church.

4.2.4. Unsubstantiated Claims

A significant problem with the inquiries into child sexual abuse, dealt with in this book, is their unqualified acceptance of the veracity of all complaints. We have discussed the problems with unsubstantiated claims, in relation to these inquiries, extensively (see sections: 3.2.3; 5.2). The most serious problem identified is the existence of false claims and the harm done to those who are falsely accused of child sexual abuse. It is worth keeping in mind that a fundamental moral principle, that these inquiries explicitly or implicitly rely on, is that of protecting people from harm. Naturally, their avowed main focus is on protecting children from harm. Nevertheless, it is reasonable to ask, why don't these inquiries feel the need to protect people from the serious harms caused by false allegations; allegations that are made not by victims of child sexual abuse but rather by persons falsely claiming to be victims of child sexual abuse.

Regarding the 6,471 contacts that were made in relation to Inserm's call for testimonies there is no mention of any attempt to ensure that these allegations (which are contained in the report) are at least credible, much less that they have been investigated, scrutinised and verified. We are told that in some cases the people who were making the allegations to CIASE were making the allegations for the first time. We do not know if the remaining allegations pertain to cases

that were reported to the police. We can assume, given that CIASE makes much of the underreporting of child sexual abuse (it claims that underreporting in relation to the general population survey is 96%), that many of these cases have not been reported to authorities and investigated. However, we are told, "very few hoax or fantasist calls were received" (we are not told if these hoax or fantasy allegations were removed from the final count) (CIASE 2021, 56).

Yet many such calls might be prima facie credible, although false. In any case how would CIASE know that there were only a very small number of false allegations without the benefit of, at the very least, an investigation into the truth/falsity of the allegations? As is now widely accepted, to simply assume that those claiming to be the victims of child sexual abuse are making false allegations and, therefore, to refuse to conduct an adequate process of investigation and adjudication of these allegations is to seriously wrong these complainants. But equally, to simply assume that those claiming to be victims of child sexual abuse are making true allegations and that, therefore, their accused are in fact guilty of child sexual abuse, notwithstanding that no adequate process of investigation and adjudication has taken place, is to seriously wrong these accused persons. Surely, one ought to be taken to be innocent until proven to be guilty.

The negligence of CIASE in this regard becomes obvious when one considers that there have been multiple instances of false claims of child sexual abuse, and when one considers the acute evidential problems and political pressures confronting those engaging in the process of verification/falsification of claims of child sexual abuse. Regarding the evidential problems and political pressures, recall the case of Cardinal George Pell. As we saw in the case against him, the false claims were deemed to be compelling by many jury members and two members of the Supreme Court in Victoria, Australia – who were all functioning in an incendiary media environment that was extremely hostile to Pell and, arguably, influenced the adjudicative process – before the unanimous decision by the High Court to dismiss the charges. The High Court dismissed the charges because the allegations of abuse were proven to be, in effect, impossible on closer scrutiny. Please see section 3.2.16 for a full discussion of the Pell case.

Now consider the case of the fantasist Carl Beech. Beech alleged to the police in the UK that he was the victim of an elite paedophile ring operating in the late 1970s and early 1980s. Beech is now in prison for perverting the course of justice. However, before discovering that Beech was lying, the police, who *were* conducting an investigation, were fooled. As mentioned earlier this led to Sir Richard Henriques' (2016) report, *An Independent Review of the Metropolitan Police Service's Handling of Non-Recent Sexual Offence Investigations Alleged Against Persons of Public Prominence*. It is worth repeating here that Henriques cautioned against describing complainants as victims from the outset of an investigation. He argued that this designation is only appropriate after the claims have been tested and he warned that to do otherwise is inconsistent with the presumption of innocence that ought to be afforded to defendants and those otherwise accused of crimes or serious moral transgressions. In addition to these high-profile cases, the dangers of false allegations are well-known in the literature concerning child

sexual abuse (Please see Rosalie Burnett (2016) *Wrongful Allegations of Sexual and Child Abuse*. Oxford University Press). In closing, CIASE should have been aware of the potential for false claims and should have put in place safeguards to prevent this injustice. They did not.

4.2.5. General population survey

4.2.5.1. Introduction

Researchers from Inserm conducted a general population survey with the intention of estimating the prevalence of child sexual abuse in mainland France and in the Catholic Church in particular. The internet survey was conducted between the 25th of November 2020 and the 28th of January 2021 and surveyed 28,010 people. The sample came from a panel created by a company working with the polling and market research group IFOP (CIASE 2021, 153-154). The questionnaire included socio-demographic questions, questions about the alleged abuse, and questions on the respondent's "rapport with religion" (CIASE 2021, 153). Based on the data from the general population survey of adults, the researchers estimated that in France, 14.5% of all women and 6.4% of all men aged 18 and over were sexually abused as children (CIASE 2021, 10). Hence, these percentage figures from the 28,010 respondents to the general population survey were then extrapolated to the adult population of France. The assumption here is that the percentages of men and women who responded to the general population survey and claimed that they had been sexually abused as children were representative of the actual adult population of France and that the allegations were true.

We note that both of these suppositions are questionable, at least in respect of child sexual abuse, the ultimate concern of the survey. Here are some of the reasons why. Firstly, the definition of child sexual abuse is vague, lacking in precise boundaries, contested and open to different interpretations, including by survey respondents (e.g., an adult sexually gazing at a naked 17-year-old female with her consent might count as child sexual abuse on some definitions or interpretations but not others – see, for instance, 4.2.2 and 4.2.3 above), unlike, for instance, the definition of voting relied on by voting polls. Moreover, the definitional waters are further muddied by CAISE when it conflates, implausibly, the concept of sexual *abuse* and the concept of sexual *violence*; specifically, CAISE holds, at least implicitly, that child sexual abuse is necessarily a species of sexual *violence*. An adult male engaged in a sexual act of cuddling a willing and responsive 12-year-old child is engaged in child sexual abuse but not, presumably, in sexual violence.

Second, those who undertake surveys are often biased in various ways and the possibility of quite different interpretations of questions provides space for them to exercise their bias. Thirdly, given that child sexual abuse consists not only of very serious crimes, such as rape, but also of much less serious wrongdoing, e.g., an adult kissing a 17 year old on the cheek without his consent, it seems

inevitable that very large numbers of adult members of the French population will have had some experience of child sexual abuse at the less serious end of the spectrum and prior to the age of 18. However, CIASE does not provide a taxonomy of categories of child sexual abuse, as some of the inquiries, e.g., the John Jay Inquiry, do, that distinguishes serious from less serious forms of child sexual abuse. Accordingly, it is unclear whether the vast number of instances of child sexual abuse alleged by the survey respondents were at the less serious end of the spectrum (we are only told a percentage number for rape – 32% in the case of clerics and members of religious orders, 38% for persons who are not clerics or members of religious orders) (CIASE 2021, 167)). If many of the allegations were at the less serious end of the scale the impression gained from the published general population survey numbers with respect to the nature and extent of child sexual abuse in France will very likely be a misleading one. Fourthly, the veracity of historical allegations of child sexual abuse (i.e. allegations made many years after the alleged abuse) are, notoriously, contested, given the lack of available evidence to verify them. This evidential problem is compounded in the case of allegations made anonymously by people who know that they will not be identified and that their allegations will not be investigated.

The overall effect of the above-described suppositions made in the general population survey are likely to have had the effect of inflating the percentage of supposed victims of child sexual abuse; at the very least the survey's findings cannot be regarded as reliable. At any rate, the initial effect of an inflated percentage would be an inflation in the projected total number of victims of child sexual abuse in France's overall population. The ultimate effect of this inflated percentage would be an inflation, perhaps a significant inflation, in the projected total number of those who allegedly suffered child sexual abuse at the hands of priests and other members of the Catholic Church.

That said, proceeding in the manner described above, Inserm estimates that 3,900,000 women and 1,560,000 men in France were victims of child sexual abuse (CIASE 2021, 10). Regarding the social setting of the alleged child sexual abuse (of Catholic and non-Catholic adults i.e. all French adults) it is alleged that: 3.7% of all persons in mainland France were sexually abused by a family member; 2% were allegedly sexually abused by a family friend; 1.8% were allegedly sexually abused by a friend or acquaintance; 1.16% were allegedly sexually abused in a Catholic Church setting (0.82% by members of clergy and religious orders); 0.36% were allegedly sexually abused in youth holiday camps; 0.34% were allegedly sexually abused in state school; 0.28% were allegedly sexually abused in sports clubs and 0.17% were allegedly sexually abused in the context of cultural and artistic activities (CIASE 2021, 23). With respect to the alleged child sexual abuse in the general population survey (Catholic and non-Catholic) 93.2% of the predators were men while 6.8% were women (CIASE 2021, 157).

Regarding the results of the survey, as it pertains to members of the Catholic Church as perpetrators of child sexual abuse, 0.17% of women who undertook the survey and 0.69% of the men who undertook it alleged that they were sexually abused during their childhood by Catholic clerics or members

of Catholic religious orders (CIASE 2021, 156). Based on the (questionable) assumption that the percentages in the survey can be extrapolated to the adult population in France – and the further (questionable) assumption that children in Catholic Church settings are as vulnerable to child sexual abuse as they are in other non-Catholic settings – the estimated figures are that 216,000 people are alleged victims of sexual abuse by Catholic priests or members of religious orders. This figure climbs to 330,000 alleged victims when lay members of the Catholic Church are included in the figures (CIASE 2021, 22-23). The assumption regarding the relative vulnerability of children in Catholic Church settings is questionable at least in relation to the period of time commencing in the early 1990s up until the present day. For in the early 1990s, as discussed extensively in other sections of this book (see sections 1.2.6; 2.28; 3.2.10), the Catholic Church began putting in place a wide array of child safety measures. Moreover, since the early 1990s the Catholic Church has implemented child safety measures to a greater extent than most other institutions and, certainly to a greater extent than has occurred in the family home or among friendship groups. Moreover, as argued in sections 1.26, 2.2.8 and 3.2.10, these measures have evidently been effective.

Regarding the ages of the alleged victims at the time of their alleged abuse by priests and other members of the Catholic Church there is a discrepancy between the general population survey and the testimonies provided to Inserm. According to the general population survey the average age when an alleged victim was first abused was 10 years old and this was stable over time. For example, the average age was 10.8 years old prior to 1970, 10.3 years old between 1970 and 1990, and 10.5 after 1990. By contrast, the average age of first abuse of the alleged victims in the victim testimonies increased over time. This rising average age is consistent with the other inquiries analysed in this book. On this front, CIASE has the following to say:

> This data [the data from the general population survey] contrasts sharply with that resulting from the appeal for testimonies which shows a sharp decrease over time in the group of victims first abused between the ages of 10 and 13 which drops from 55% to 31%, while that of people aged 14 to 17 when first abused increases from 15.8% to 34.4% and that of people aged 18 to 20 jumps from 1.7% to 21% (CIASE 2021, 103).

At any rate, the inconsistency between the general population survey, on the one hand and, and on the other hand, the Commission's testimonies and the findings of other inquiries, renders the claim of stability over time in respect of the average age of first abuse unreliable.

4.2.5.2. Underreporting

As might be expected in light of the assumptions (including questionable assumptions) made in the general population survey, its extrapolated numbers of child sexual abuse are far larger than the counterpart numbers based on

actual cases of child sexual abuse that were reported to the Church and the justice system, or from the actual allegations that were made in response to the questionnaires that were sent to dioceses, orders and congregations. The number of alleged victims that were made in response to these questionnaires and that were made to the Church and the justice system totalled 4,832 (CIASE 2021, 156). It is argued by the Commission that the very significant discrepancy between the figure of 4,832 i.e. the number of actual allegations made of specific acts of child sexual abuse perpetrated by specific priests or other individually identifiable members of the Catholic Church and the extrapolated figure of 216,000/330,000 arrived at from the general population survey is because victims of child sexual abuse often do not report abuse. Indeed, it is argued by the Commission that only 4% of the respondents who claimed that they were abused to the general population survey reported their alleged abuse to the relevant institution.

However, this argument is unconvincing. Firstly, the figure of 216,000/330,000 is not an actual number of allegations; it is an extrapolation based on questionable assumptions, as we saw above. The actual numbers of respondents to the survey were 28, 010 and the number of those who made an allegation of child sexual abuse concerning a priest or member of a religious order was 118 (52 people claimed to have been abused by a lay person). Accordingly, the number of 216,000/330,000 allegations is not a fact in need of explanation; rather it is an extrapolated figure based on questionable assumptions. Secondly, the fact that only 4% of the respondents, who alleged that they had been abused to the survey, reported their alleged child sexual abuse to the Church or another authority (CIASE 2012, 175) should cause one to question the veracity of, at least, some of the allegations of abuse in the survey. Indeed, in the context of the questionable assumptions underpinning the extrapolated figure of 216,000/330,000 alleged victims, this percentage figure of 4% adds weight to the proposition that the methodology of the general population survey and its results ought not to be taken seriously. By contrast 60% of the people who provided testimonies to the Truth Project in the IICSA inquiry had reported the alleged abuse to the police (albeit there were few testimonies) (IICSA Research Team, 2019, 41). 24% of the larger number of allegations in the John Jay Inquiry were reported to the police (section 2.2.2). Of the testimonies that were made directly to CIASE 28.6% of the allegations were made to the Church (CIASE 2012, 175).

The Commission fails to adequately acknowledge that the scale of under-reporting of child sexual abuse is a highly controversial topic and their own figures commit them to a view at the extreme end of the spectrum of views; indeed, a view that lacks credibility. Interestingly, this figure of 4% of reported abuse did not correspond with the documents in the Church archives leading the researchers to conclude that 13,000 allegations of child sexual abuse should have been found in there (which is more than double the actual figure). They argue that the discrepancy is likely due to the fact that the Church has not recorded or retained the reports of many allegations of child sexual abuse that were reported to it. The Inserm researchers do not allow for the possibility of

inaccurate reporting from the respondents of the general population survey, or that their methodology is flawed (CIASE 2012, 157).

In light of the significant discrepancy, mentioned above, with respect to the figures, it is important to note that most media reports of the inquiry often only report figures at the higher end, that is, they report figures which are the most sensational ones but the least credible; indeed, as we have seen, they frequently report figures that are simply incredible. The following news story from the BBC is a typical, inaccurate, report of the findings of CIASE. The title is as follows, "French Church abuse: 216,000 children were victims of clergy". It goes on to say,

> Some 216,000 children – mostly boys – have been sexually abused by clergy in the French Catholic Church since 1950, a damning new inquiry has found. The head of the inquiry said there were at least 2,900-3,200 abusers, and accused the Church of showing a "cruel indifference towards the victims" (Schofield 2024).

This report, wrongly, gives the impression that the number of victims of child sexual abuse in the Catholic Church is *known* as are the number of abusers. What it does not say is that both of these numbers are extrapolated estimates i.e., constructions rather than discoveries of the researchers and that they are considered by many to be highly unreliable, including for the reasons elaborated in this book. It is rightly argued by Armogathe et al. that this figure is the sum total that most people will take away from the inquiry (Armogathe et al. n.d. 1). Knowing this, it is worrying that the Commission's first mandate was to release the figure of 216,000/330,000 victims well in advance of the release of the report itself. Why would they do this? Armogathe et al. argue that a significant consequence of this high number is to suggest that the problem is too great for the Church to solve on its own and that it must subject itself to outside 'reforms' in order to eradicate, what the CIASE report has deemed to be "systemic" problems of child sexual abuse (Armogathe et al. n.d. 4).

4.2.5.3. Alleged Numbers of Perpetrators

Further speculative estimates made by the Commission concern the alleged number of perpetrators amongst members of the clergy and religious orders in the relevant period. Research conducted by EPHE put the figure at between 2,900 and 3,200 perpetrators. Or, in percentage terms, between 2.5% and 2.8% of members of clergy and religious orders from 1950 to today (approximately 115,000 in total) (CIASE 2021, 23). Yet, this figure proved to be problematic because it netted a very high number of victims per abuser, assuming the total number of child sexual abuse victims is 216,000 as claimed by CIASE (CIASE 2021, 24). For example, if the number of perpetrators is 3,200 then the number of victims of child sexual abuse of each single perpetrator, i.e, victims per perpetrator would be 63. This number is too high according to the benchmark number of victims per perpetrator identified in the medical and psychiatric studies that Inserm sought. It is also too high according to the benchmark number derived from the analysis of the archives and replies to questionnaires

sent to the Church. This latter number was set at three victims per perpetrator (CIASE 2021, 158). It is also out of keeping with the research of the John Jay Report. There it is argued, contrary to CIASE's claim, that church-offenders are more likely to abuse less children than non-church offenders. Yet, it also claims, as is generally known in the literature, that a small number of offenders can have a high number of victims. The perpetrators who are known to have a high number of victims are, more often than not, paedophiles who are attracted to male children (and being paedophiles, by definition, attracted only to pre-pubescent children).

According to the Commission's general population survey the average age of the victims was 10 or 11 years old which means that the majority are in the prepubescent age range. Hence, as CIASE argues, if the offenders were paedophiles, it is more likely they would have greater numbers of victims (CIASE 2021, 160) and the number of victims per perpetrator might notionally, albeit remarkably, be 63. However, if all or most of the predators were paedophiles this would put the findings of the general population survey considerably, at odds with the findings of the other inquires dealt with in this book. In these inquiries there is a mix of ages of victims (with the ages of victims generally increasing over time) ranging from pre-pubescent, to pubescent, and then to post pubescent; and consistent with this there are a range of sexual offenders ranging from paedophiles to those who abuse15, 16 or 17-year-olds.

We must conclude that the Commission's findings regarding the number of predator priests and members of religious orders is a highly speculative estimate; certainly, it is unreliable speculation. Consider the following example as evidence of the highly speculative nature of the Inserm analysis. Inserm also offer the following possibilities regarding victim numbers.

> Three hypotheses are presented, corresponding to rates of 2.8%, 5%, and 7% of perpetrators among the population of priests and members of religious orders, which would indicate approximately 3,200, 5,800, and 8,100 perpetrators respectively. Each of these hypotheses corresponds to an average number of victims per perpetrator of 63, 35 and 25 respectively (CIASE 2021, 162).

But what of the other research team in the CIASE Report – the EPHE team? Their research led to a maximum number of 7.5 victims per abuser according to estimates of comparative studies used by the Commission's psychiatrist (CIASE, 2021 148). What are we to make of these multiple above-mentioned very significant discrepancies? How are we to choose between the inconsistent estimates of victims, perpetrators, and of victims per perpetrators? Evidently, we ought to reject all of them, given that they are not only inconsistent with one another but, for the most part, not adequately anchored in the actual hard empirical facts.

4.2.5.4. Criticisms

Given the suite of inconsistent estimated figures of child sexual abuse and the "findings" that are inconsistent with the results of other inquiries, CIASE, and

particularly Inserm (which was responsible for the general population survey) has unsurprisingly encountered significant adverse criticism. Importantly, a critical letter from ex-members of *l'Académie catholique de France* (the Catholic Academy of France) calls into question the scientific rigor of the research. Regarding the general population survey, they argue that the base figures in the survey used to estimate the actual number of victims are too low to be statistically significant. For example, in the survey 118 people claimed to have been abused by a priest (0.42%) and 53 people said they had been abused by a layman (0.19%). The figures 0.42% and 0.19% are well below the percentage of 15% which is, according to Armogathe et al., the minimum figure required to achieve statistical significance. Furthermore, they argue that due to the low starting figure and the significant biases of the survey, which are inevitable with quota sampling surveys applied to somewhat indeterminate issues, such as the extent of historical child sexual abuse (as opposed to, for instance, current voting intentions), it is not legitimate to extrapolate these small figures to the scale of the French adult population (47 million people) (Armogathe et al. n.d. 2).

CIASE responded to the concerns of the letter of criticism. However, in our estimation the response does not adequately address the concerns we have raised in this work regarding the very high extrapolated numbers. For instance. CIASE's estimated number of victims of child sexual abuse in the Church ultimately rests on its estimates of very high numbers of child sexual abuse in the population at large (according to the general population survey) (CIASE 2022, 2). But the veracity of these findings of the general population survey, of very high numbers of child sexual abuse in French society at large, are themselves in question; indeed, unreliability vitiates CIASE's findings regarding the extent of child sexual abuse in the Catholic Church in France.

Furthermore, and in a separate criticism of Armogathe et al's letter François Héran argues that it is legitimate to use figures of less than 1% to extrapolate to an entire population. Here he gives the example of political polling (Héran 2022, 4). However, to re-iterate it is often argued that quota sampling should not be used to make generalizations of the kind that CIASE makes in relation to child sexual abuse and, with respect to the number of Catholic predator priests in particular. Regarding political polling, and as mentioned above, there is a considerable difference between this type of polling and the use that CIASE makes of the method of a general population survey. Importantly, we know whether political polls are accurate. For example, in the poll people are asked who they will vote for or who they did vote for which yields a prediction of the election outcome. The actual votes are then counted, and the poll's degree of success or failure is now known. Moreover, successive polling together with knowledge of the outcome of the elections in question, enables fine-tuning of polls, including in terms of ensuring representative samples. In the case of Inserm's general population survey we cannot check to see if the extrapolated number of persons alleging that they are victims are accurate, let alone whether this extrapolated number of alleged victims are actual victims. Indeed, as we have seen, there are some very good reasons to believe these extrapolations are unreliable.

Of course, the extrapolated number of persons alleging that they are victims could be verified if that number of persons actually came forward to make allegations to the relevant authorities. However, only a tiny fraction has done so; less than 4% (see above). Accordingly, if we were to insist on the similarity between the general population survey and political polling, we would be forced to conclude that the general population survey was hopelessly inaccurate. Moreover, as we mentioned earlier, the figure of 4% of reported abuse did not correspond with the documents in the Church archives. Hence, if we are using Héran's example we might conclude that Inserm's figures are not correct.

Furthermore, there are other differences with political polls and a general population survey regarding child sexual abuse. For example, the question "Do you intend to vote for X, Y or no one next week?" is a very clear and precise question about one's present intention with respect to a very clear-cut, concrete event in the very near future to which there is a very simple, straightforward answer. Moreover, the predictive accuracy of such polls has been empirically established by recourse to the actual numerical results in elections. By contrast, as we have seen with claims of child sexual abuse there is an unclarity about what constitutes child sexual abuse: there are many cases where people are unsure whether they have been abused (he cuddled me and I think he may have been sexually aroused); claims of abuse are often the products of recovered repressed memories in which people are unsure if the abuse occurred or not; there are also false claims in this domain due to mental health reasons, anger at the Church, and so on. This is not to say that there are no allegations of child sexual abuse that can be verified or that those who make allegations of child sexual abuse ought not to be trusted; certainly, these strong claims are false, and many such allegations have been verified and victims of child sexual abuse have suffered greatly in the past due to a lack of trust in their allegations. However, it is to say that the high level of accuracy of political polls cannot be used to claim that the general population survey of child sexual abuse likewise has a high level of accuracy.

Moreover, we note that the extrapolated numbers of alleged victims and perpetrators are, more often than not, portrayed in the media as actual numbers and not merely as estimated numbers; indeed, they are even frequently portrayed in the media as being the numbers attaching to actual, identified victims and perpetrators of child sexual abuse as opposed to numbers of alleged victims and alleged perpetrators. Yet, the argument is often made; given the known underreporting of child sexual abuse that the so-called actual number is not realistic. This is correct. However, the answer to the problem of underreporting is not to create a sensational speculative number that is not firmly anchored in empirical reality. Rather, the responsible course of action is to state the actual numbers of allegations with a caveat that we do not know the number of unreported cases.

A further point concerns the seriousness of allegations. We know that serious crimes of sexual abuse are more often reported than less serious crimes or misdemeanours. We also know from the data provided in other inquiries that the nature of allegations of child sexual abuse in the Church varies significantly, from violent rape of a pre-pubescent child to voyeurism of a 17-year-old swimming.

It is a serious shortcoming of the Inserm report that it does not provide figures relating to the various categories of child sexual abuse on the spectrum of more serious through to less serious. The inquiry only gives a percentage number for rape – a crime at the most serious end of the scale.

4.2.6. Cases of Child Sexual Abuse in the Church are not Decreasing?

A notable inconsistency between CIASE and the other inquiries in this book[1] concerns CIASE's claim that child sexual abuse in the Church is not decreasing. Regarding data from the other inquiries, a general trend has emerged concerning the temporal distribution of cases of child sexual abuse, with cases declining from the 1990s onwards. This is consistent with the introduction of safeguarding mechanisms in the worldwide Catholic Church, the creation of laws concerning child sexual abuse, and a growing awareness of child sexual abuse in the community at large and in the Catholic Church in particular. Yet, unlike the other inquiries the executive summary of CIASE claims that there was a resurgence of cases in the early 1990s and most likely the decline from 1970 to 1990 has ceased (from the figures generated by the general population survey) (CIASE 2021, 21). This claim, which would make the Church in France an outlier, relies, in large part, on the "findings" of the general population survey and requires a more detailed analysis.

According to the general population survey 55.9% of the alleged child sexual abuse committed by clerics or members of religious orders is alleged to have occurred in the years 1940-1969 (CIASE 2021, 85). 22.1% is alleged to have occurred in the years 1970-1990 (CIASE 2021, 86). 22% is alleged to have occurred in the years 1990 onwards (CIASE 2021, 88). According to Inserm the number of alleged child sexual assaults committed in the Church since the 1990s, has stabilised, but is still at a significant level (this is contrary to the claim that there has been a "resurgence" of cases from the 1990s onwards, as is claimed in the executive summary). However, notwithstanding Inserm's decision to cluster child sexual abuse cases into periods of differing lengths in terms of years (e.g. 30 years versus 20 years), it would seem that case numbers are reducing, even by the findings of their survey. For example, 13.3% in the 1990s and 8.7% from 2000-2020. Yet, CIASE argues this does not take into account a lower number of serving priests at these later times. Accordingly, it seems that Inserm's concern is not with the downward trend of alleged instances of child

[1] All of the inquiries in this book, excluding the Australian and the French inquiries, acknowledge that cases of child sexual abuse in the Catholic Church have reduced. In section 3.2.9 we argue the contrary claim in the Australian Inquiry is erroneous. It argues that due to the 30-year delay in reports of child sexual abuse, that were made to the Royal Commission, we cannot know if cases are reducing or not. However, cases in the 1980s (more than 30 years ago) in Australia are low. Furthermore, we argue that there is less likely to be such a large delay these days because of calls from these inquiries for testimonies and compensation payouts. Hence, this argument does not stand up.

sexual abuse in the Catholic Church in France *in absolute terms* (there is clearly such a downward trend) but rather with the question of whether or not there has been a downward trend in the number of alleged instances of child sexual abuse *relative to the numbers of priests, members of religious orders and the like* (certainly there has been a decline in the latter numbers). Let us first consider the matter of the *absolute decline* (or not) in instances of child sexual abuse allegations in the Catholic Church in France.

The figures in respect of allegations of child sexual abuse in the Catholic Church arrived at by the French Inquiry are, in light of their methodology, questionable estimates, as we have argued. Moreover, they are inconsistent with the figures provided by the other inquiries in a number of respects. Thus, according to all of the other inquiries there was a wave of cases of child sexual abuse peaking in the mid-1960s 1970s and/or 1980s but reducing from the mid-90s onwards. CIASE's figures do not show the peak in the 1970s and 1980s. For example, if we were to compare the figures from CIASE with figures from the USCBC (over this particular period) which is representative of the temporal distribution of cases of child sexual abuse worldwide, we see a considerable discrepancy. For example, according to the USCBC, 28.9% of cases of child sexual abuse – as opposed to Inserm's 55.9% – are alleged to have occurred in the period 1940-1969 and, according to USCBC, 53.9% of cases of child sexual abuse – as opposed to Inserm's 22.1% – are alleged to have occurred in the period 1970-1990. Here we see that the findings of Inserm are the inverse of the findings of the USCBC. This should have been a cause for concern for Inserm researchers given that the USCBC figures, notwithstanding that they are the figures for the US, are similar in terms of the temporal distribution of allegations of abuse of the major inquiries analysed in this book and given that France is similar in relevant respects to the other countries in which inquiries into child sexual abuse in the Catholic Church have been conducted. Furthermore, given that the figures in the other inquiries (excluding the NZ, and Spanish inquiries) are based on actual complaints data, which are stronger than essentially speculative estimated figures, we are entitled to conclude that the results of the general population survey are unreliable.

Furthermore, according to EPHE and the data derived from church records of child sexual abuse in the Catholic Church in France, child sexual abuse is also on the decline in the Catholic Church in France. EPHE gives the following reasons for this decline: the decline in the number of clergy and members of religious orders; the withdrawal of clergy from institutions which were dominant in the previous period; the decrease in the number of boarding schools; the closure of petit seminaries; and the reduction of funds for the Catholic educational sector from 1963 onwards (CIASE 2021, 86). Although not mentioned in the report, safeguarding measures introduced by the Church in the 1990s must also play a part in reduced cases of child sexual abuse. Hence, the findings of EPHE directly call into question the claim of CIASE that there has been a recent resurgence of child sexual abuse cases in the Catholic Church in France in absolute terms and, thereby, also indirectly call into question the reliability of the general population

survey. Furthermore, there are figures from other countries that indicate that contemporary allegations of child sexual abuse against priests, hence factoring in the decline in the numbers of priests, is low. In the USA in 2018 0.07% of priests had contemporary allegations of child sexual abuse made against them, i.e., less than one in a thousand (Donohue 2020). During the period 2000-2010 0.1% of Catholic priests in Australia were the subject of a first allegation of child sexual abuse (RCIRCSA 2017a, 22).

4.2.7. Non-Reporting/Delay in Reporting

In the other chapters we have discussed problems with delayed reports of child sexual abuse (see 2.2.13.2 and 3.2.12). This, and non-reporting of crimes, is also relevant to the French Inquiry. According to the general population survey, only 4% of the alleged victims reported their crimes to the Church (CIASE 2021, 155). However, as mentioned previously, the Church does not have any record of many of these allegations. Furthermore, according to the general population survey 96% of people who alleged that they were abused by a church-member, did not report the abuse before the survey, and did not report the crime after the survey either.

According to the allegations that were made directly to CIASE, 83% (out of a total of 1,448 testimonies) had already spoken to another person about the alleged abuse before talking to CIASE. Yet, only 21% of the group allegedly spoke about the alleged abuse "straight away" or at the time of the alleged abuse (CIASE 2021, 126). Of this group of alleged victims, the first person who was said to have been told of the alleged abuse, in the majority of cases, was a family member. However, in most instances the revelation was allegedly not acted upon. The Church and/or the State justice system were only allegedly informed in less than a quarter of the total number of instances of alleged abuse (the Church was said to have been informed in 413 cases). The response of the Church was deemed to be unsatisfactory in most of these instances. For example, it was alleged there was no action taken by the Church in regard to 44% of the allegations (CIASE 2021, 127). However, we are told that the "average reaction time" was 10 to 15 years at the beginning of the period under study, to 5 to 7 years by the end of the period (CIASE 2021, 91). From the context of the surrounding discussion, we conclude that "reaction time" means the time it allegedly took to tell somebody of the crime. Hence, the problem with delayed reporting and evidence gathering is as relevant to this inquiry as it is to the others.

CIASE makes much of the silence of victims. It is the justifying reason for the need to conduct the general population survey – to try to estimate the true, very high number, of instances of child sexual abuse. It is emphasized, in regard to this survey, that due to the silence of alleged victims, a very low percentage number (4%) of alleged victims reported these crimes to the Church. Hence, the Church and general public are misinformed about the true extent of child sexual abuse, or so CIASE would have us believe. Yet, interestingly, CIASE does not allow the Church to utilise this same evidence to make the claim that it was

unaware of the crimes. For example, CIASE states, "This idea of silent victims allows the Church authorities to excuse, to some degree, their lack of action when faced with a new scandal. They can divert the blame to the victims of abuse; it is their fault for never having reported it" (CIASE 2021, 34). Yet, being unaware that a crime has been committed is, other things being equal, surely a legitimate excuse for not dealing with the alleged offender, and from the fact that the victim may not be blameworthy for failure to report it does not entail that the Church (or the child's parents or the police?) must be blameworthy.

Of course, this lack of knowledge due to non-reporting is distinct from knowing of the general potential for such crimes and distinct also from neglecting to put in place adequate safeguarding and reporting mechanisms. On this front, CIASE rightly identified lack of oversight as a concern (CIASE 2021, 21). This is consistent with the findings of inquiries in other parts of the world. It can be stated with confidence that institutions without safeguarding mechanisms, reporting mechanisms and adequate oversight are more often susceptible to crime, corruption and abuse of all kinds, including child sexual abuse. However, as we have argued elsewhere in this work, knowledge that crimes are taking place is essential in terms of ensuring an adequate reaction. Moreover, if a crime is reported after significant time has lapsed since the offense took place, it still may be difficult to adequately ensure justice due to the loss of evidence. The alleged failure of the Church to take action in 44% of the cases reported directly to CIASE (not the general population survey) was most likely due in large part to delayed reports and insufficient evidence. This leads us into a discussion of the statute of limitations.

4.2.8. Statute of Limitations

For further discussion on the statute of limitations see section 2.3.4.1. Like other inquiries that call for the statute of limitations to be ignored, changed, or abolished, CIASE's recommendations are one-sided and disregard the rights of accused persons. The Commission argues the following, "… that two main avenues should be explored: that of so-called restorative justice, and that of the introduction of provisions making it possible to establish the truth, irrespective of how long ago the acts were committed." Yet, the Commission claims that the only way restorative justice can be had for victims is by way of an investigation that is not a criminal investigation. That said, the proposed investigation should bring recognition of the crimes and prevent future abuse. We are unsure how the identification of alleged offences as crimes can be had without a criminal investigation.

This proposed non-criminal restorative justice avenue was regarded by the Commission as preferable to increasing the time-period of the statute of limitations because of the uncertain outcome of criminal trials in cases with historical allegations (CIASE 2021, 27). However, the rejection of criminal trials and the termination of the statute of limitations overlooks the defendant's right to protect him or herself against false claims. For example, the statute of limitations protects the accused from an unfair trial due to the difficulty of gathering exculpatory evidence well after the alleged crime allegedly took place.

CIASE's recommendations would lead to a downgrading of this right to protect one's-self against false claims. Moreover, the Commission is seemingly sceptical about the value of criminal trials in relation to the crime of child sexual abuse. For example, they have the following to say, "…it feels more important to devote time and resources to recognising the status of the victim through appropriate procedures that may lead to compensation, rather than trying to obtain an uncertain and random conviction" (CIASE 2021, 299). However, compensation in the context of civil trials together with convictions in the context of criminal trials have always been mainstays in terms of ensuring justice for both victims and suspects. Furthermore, a "random conviction" will keep a sexual predator off the streets and prevent children and potentially adults from being molested. Let us now turn to a further problem that has arisen in the course of the French Inquiry; a problem to do with the requirement to report the crime of child sexual abuse.

4.2.9. Reporting Crimes

Here we discuss Inserm's decision not to report its knowledge of crimes of child sexual abuse to the police. Of interest the Commission, like other individuals, was subject to Article 434-1 and Article 434-3 of the French Criminal Code. Hence, the Commission was required by law to report preventable crimes, especially "the ill-treatment, assault or sexual abuse of children or vulnerable persons in cases where the perpetrator is known and is alive" (CIASE 2021, 55). The punishment for not complying with 434-1 is a maximum of three years' imprisonment and a fine of 45,000 euros. Article 434-3 complements Article 434-1 by the addition of the crime of non-reporting of sexual assaults on minors under 15 years of age.

Regarding the testimonies CIASE received, these legal requirements were not problematic. 21 reports of child sexual abuse were made by the Commission to the public prosecutor and 42 to the Church (CIASE 2021, 55). However, our interest is with Inserm and the question of whether Inserm should report allegations of child sexual abuse made in the general population survey to the police. Here Article 40-1 is also relevant. It reads:

> The public prosecutor shall receive complaints and denunciations and shall assess the action to be taken in accordance with the provisions of Article 40-1. Any constituted authority, public officer or civil servant who, in the performance of his duties, acquires knowledge of a crime or offence shall be required to notify the public prosecutor without delay and to transmit to that magistrate all information, reports and documents relating thereto.

The Commission believed that Article 40 should be respected. This would seem to be the correct decision particularly given the inquiry is strongly critical of church-leaders who failed to report allegations of child sexual abuse to the police. It should also be respected because it is the law. However, Bajos takes a contrary position concerning allegations of child sexual abuse that came to her attention in the course of her own research. She does not think it is necessary or

desirable to report the many allegations of child sexual abuse that were received in the conduct of the general population survey, including some allegations of recent, and potentially ongoing, instances of child sexual abuse. Instead, she claims that the details of the people who presented for interviews as victims of child sexual abuse should *not* be passed on to the authorities, because to do so would compromise her research. In an interview of her that took place after the release of the report and after the controversy that ensued because she did not report child sexual abuse victims or instances of child sexual abuse to the authorities, she had the following to say,

> Informing people who had not filed a complaint in advance that their situation would be reported to the prosecutor jeopardized their participation in the investigation and/or could lead them not to report certain facts. From the moment the interviews were conducted, I could not see myself reporting offences to the prosecutor even though I had not informed the respondents. At the time, I contacted the French Sociological Association, which did not have a recommendation on this point. I have therefore proposed to the Commission that, at the end of the interviews, people should be given the contact details of an association, in this case France victims, which can provide them with free legal and psychological support, without adopting a normative position of injunction to the complaint. The problem is far from being resolved, since what we have done seems to me to be ethical, but it does not comply with Article 40 of the CCP (Bessin 2023).

We note here that reporting the alleged victims and allegations to the police would not only have been an act of complying with the law, and consistent with the recommendations of the CIASE report as a whole, it would also have helped Bajos' research. For example, if the base number of allegations in the general population survey were verified as true allegations her extrapolations would have been made on a far more solid empirical foundation.

4.2.10. Situational/Male homosexuality

Inserm, like the John Jay Inquiry, addressed the predominance of male-on-male child sexual abuse in the Catholic Church. However, unlike the John Jay Inquiry which relied on a single explanation, they offer a range of possibilities to account for the higher number of male-on-male allegations. Firstly, Inserm argue, as did the John Jay Inquiry, that the predominance of male-on-male abuse was likely the result of greater opportunities afforded to priests and members of religious orders to sexually abuse boys than to sexually abuse girls. Furthermore, they propose that the predominance of male-on-male child sexual abuse might be the result of a clerics' psychological fixation on pre-adolescent boys. It is argued that the development of a priest's sexual personality often stops when his vocation is first experienced and hence, is fixed on pre-adolescent boys. It is also argued that this choice demonstrates an idealisation of childhood and the rejection of women (CIASE 2021, 104). Lastly, it is claimed that an atypical psychological

profile with a paraphilia of sexual inclination towards male children is also a possibility (CIASE 2021, 167). A difficulty arises here when we consider the large number of male-on-male offences that were allegedly committed by lay people.

Furthermore, it is relevant to ask: why is homosexual orientation never entertained as a possible explanation of, *at least some*, male-on-male acts of child sexual abuse? Perhaps we should conclude that all of these inquiries are fearful of this inconvenient truth at a time when criticism of the LGBTQI + movement can bring with it severe condemnation, social ostracism, 'cancelling' and the like. In light of this, it is fair to say the inquiries side-step these social sanctions by not ascribing a homosexual identity to *any* of the abusers. However, in doing so, these inquiries reasonably attract the criticism that their reports are ideologically biased.

Regarding the Inserm report, in particular, it is striking that homosexuals are categorised as vulnerable to child sexual abuse in pastoral care but never, at least explicitly, as having the role of the abuser. We agree that homosexuals have been vulnerable to child sexual abuse, particularly in instances of historical child sexual abuse when a homosexual orientation was illegal or highly stigmatized. Here the commission highlights the vulnerability of homosexuals to predatory priests and members of religious orders who offered charitable services to the vulnerable (CIASE 2021, 110), and to priests in therapeutic settings (CIASE 2021, 126). However, it is unbelievable that none of these acts of child sexual abuse concern a homosexual orientation. That said this criticism relates to the Inserm inquiry only. It would seem that different parts of the CIASE inquiry were put together without harmonisation. In the EPHE report, another section of the CIASE inquiry, it is reported that nearly half of the predators who were interviewed identified as homosexual (80% for those who only assaulted male children), and one third of the total number of predators identified as bisexual. All of the predators who only abused female children identified as heterosexual (CIASE 2021, 149). Thus, we have another important instance of an internal inconsistency in the French Inquiry; an inconsistency which taken in conjunction with the other inconsistencies already mentioned, serves to undermine the credibility of the French Inquiry as a whole.

4.2.11. Ideology

It is often argued that inquiries into child sexual abuse in the Church must be independent of the Church to free the inquiries from bias. However, more often than not, the inquiries *are* free of untoward Church influence. Certainly, the ones analysed in this book were not improperly influenced by the Catholic Church; to the contrary, the views and interests of the Church were heavily discounted. Regarding the CIASE Inquiry Michel Viot argues that no effort was made to ensure that the Commission was not only independent of church influence, but also independent of ideology that is anticatholic (Viot 2022, 31). Here he notes numerous public statements that demonstrate the principal investigators of the Commission have an animus against the Catholic Church (Viot 2022, 61). For

example, Bajos who oversaw the team who ran the general population survey had the following to say in a column in September 2018 (two months before CEF and CORREF decided to create an independent commission) concerning abortions (and relatedly deaths associated with backyard abortions),

> How can the leader of the Roman Catholics, at the head of one of the world's most important institutions with more than a billion faithful, attack abortion so violently in good faith, at the risk of contributing to the legitimization of feminicides?… Should we see in this escalation of verbal violence a diversion against the pedophilia scandals that affect the Church. Probably…Whatever their moral and political justifications, the Pope's words are a very serious attack on all women and all people, including many Catholics, who reject this position that leads to the death of women and this hindrance to their fundamental right to control their bodies (Bajos 2018).

Furthermore, what do we make of CIASE's comments in the inquiry about the "school form" which is described as being a dangerous Catholic creation. They argue,

> School abuse is part of a continuum of pedagogical violence which has characterised the "school form" of the process of socialisation…the "school form" emerged in the classical age (around the seventeenth century) and became a place of mass socialisation which replaced the old mode of learning by hearsay, by observation and by doing alongside others. This form of socialisation was initiated by the Catholic Church as a counter-reformist measure as it fought to win back souls faced by the "Protestant peril"… this "school form" has been imposed on our society for over three hundred years, from the pre-industrial age to our industrial society. It is easily recognisable by a coherent set of traits, at the forefront of which are the constitution of a separate and entirely dedicated universe; the establishment of a specific power relationship between a teacher and the children (who are, in this context, "pupils") – otherwise known as a "pedagogical relationship"; the rational organisation of time and space; the serial division of knowledge; the gradual introduction and multiplication of exercises with no other function than to learn… (CIASE 2021, 112).

In order to emphasise, as it views it, the sustained, pervasive and systematic, *institutionally induced* character of child sexual abuse, the Commission devotes an entire subsection (CIASE 2021, Section 1: IV: C: Patterns of Abuse and Means of Control, 109-126) to what it refers to as "the many institutional patterns of power construction by the clergy-perpetrator" (CIASE 2021, 109). The existence of these powerful, malign, historical and ongoing, institutional forces have supposedly been identified on the basis of 45 semi-structured interviews of victims and "verified statistically" by the responses to the 1,428 respondents to their questionnaire. These interviews and questionnaire responses yielded, supposedly, six forms of institutionally induced abuse, four of which corresponded to four different kinds of Catholic institution, namely, the parish, the school, charitable and related institutions, and the family. Thus,

parish abuse is described as: "embodied by the almighty priest. This pattern is linked to the power conferred on the parish priest within the "parish civilisation", i.e. within the centuries-old system set up by the Church with a priest in the role of the head of the community who accompanies the faithful on a daily basis while inspiring and controlling his parishioners' practices" (CIASE 2021, 109).

The remaining two forms of supposed institutional abuse were therapeutic abuse and prophetic abuse. Thus, therapeutic abuse is described as follows:

> …embodied by the priest-therapist. This pattern is linked to the reemergence of a spiritual approach which had been devalued by the psychological approach. Currently, one can even see the two merged in certain pastoral practices which play on the vulnerability of those in "search of meaning" (CIASE 2021, 109).

There are two points to be made here. Firstly, these characterisations of priests, schoolteachers and members of other occupations in Catholic institutions were not deduced or inductively inferred from the content of a handful of interviews of victims. How could they be, given that the Catholic Church in France over the best part of a century has consisted of thousands of institutions and hundreds of thousands of priests, members of religious orders and the like, and given, that most of these victims were not historians of the Catholic Church or possessed of sociological/psychological expertise (and therefore, not repositories of the historical, sociological/psychological generalisations, quasi-theory and other such content evident in these characterisations) but rather sources for the acquisition of knowledge of their personal experience? Rather these characterisations, like the above characterisation of the 'school form', were interpretations of the content of these interviews and were reflective of the prior quasi-theoretical (or, more likely, ideological – see below) commitments of the researchers. Indeed, some of the 'interpretations' of the empirical content provided by victims, in particular, flatly contradicts the theoretically (ideologically?) informed interpretations of the researchers. For instance, victims' reports contradict the researcher's claim that acts of sexual abuse of children are necessarily acts of sexual violence, e.g., that a sexually motivated gentle *caress* by a priest of a child is in and of itself an act of sexual *violence* (see below). Thus according to CIASE's own account: "[some alleged victims were uncomfortable with the term sexual violence]…(for example, when the abuse consisted of caresses, sometimes accompanied by tender words); although the Commission is clear that, in its opinion, there is absolutely no doubt that such acts do indeed constitute violence" (CIASE 2021, 54). Apparently, victims' self-understanding of their experiences of sexual abuse is to be overridden if it conflicts with the Commission's prior ideological perspective. So much for CIASE's avowed commitment to respecting the veracity of victims' reports.

Secondly, a questionnaire of this kind could not possibly verify these characterisations of the roles of priests, teachers et al. in Catholic institutions; 1,428 questionnaire responses do not demonstrate widespread child sexual abuse over a 70 year period in an institution as large as the Catholic Church in France, let alone powerful, malign, historical, and ongoing, institutional forces

centred on institutional roles and causing a pattern of sustained, widespread child sexual abuse. Accordingly, the Commission has not in fact verified its prior characterisations.Clearly, the overwhelmingly negative characterisations provided by the Commission of the institutional roles of priests, schoolteachers and other occupations in Catholic institutions are not in fact based on empirical evidence. What are they based on? The inevitable conclusion is that they are ideologically driven characterisations. It might be argued against this that the Commission has demonstrated the pervasive and systematic, *institutionally induced* character of child sexual abuse in the Catholic Church by recourse to its estimates of the extent of child sexual abuse in the Catholic Church (based on its general population survey). However, as we have argued (see section 4.2.5), these estimates are grossly inflated or, at the very least, unreliable. In any case, by the Commission's own account, only a small fraction of Catholic priests and members of religious orders were or are child sexual abusers, i.e., 2.5-2.8% (CIASE 2021, 157); a number that is not sufficient to underpin this very strong claim that a principal cause of child sexual abuse in the Catholic Church is to be located in the nature of the institutional role of priest et al., as these characterisations imply.

Another aspect of the French Inquiry that displays its ideological commitments is in its definition of child sexual abuse as a form of sexual violence against children. Thus, the questions in its general population survey were:

> questions about the type, number and function of the perpetrators of sexual violence, the type of violence suffered, the duration of the violence, the age of the respondent at first incident of abuse; and questions on the respondent's rapport with religion. This general population survey made it possible to estimate the number of people who have been sexually abused (CIASE 2021, 153).

On the relation between sexual abuse, power and sexual violence, the Commission has this to say: "Sexual abuse thus conventionally refers to maltreatment or abuse of a sexual nature, i.e. an abuse of power expressed in the sexual domain, or even "a seizure of power through sexuality." Therefore, any threshold which may be crossed in the case of sexual abuse, is, first of all, that of the power conferred on an individual by society or by an institution – in this case by the Church on its official representatives. It is, therefore, a question of relationships of power expressed though sexuality but which are generally part of a continuum with other forms of violence expressed in other fields.

According to CIASE, what is the difference between sexual violence and sexual abuse? Sexual violence encompasses situations in which one person imposes on another unsolicited acts or propositions of a sexual nature. "This expression covers forced or attempted sexual intercourse, touching of the private parts or forced kissing, exposing oneself naked, or sexual harassment. Sexual abuse specifies the setting in which the violence occurs" (CIASE 2021, 53-54). Despite its avowed intention to offer clear definitions of child sexual abuse, there is very considerable conceptual unclarity in evidence here. That said, it seems that the Commission is committed to the following: Instances of child sexual

abuse are necessarily expressions of a relationship of power and, in addition, constitute instances of sexual violence. Moreover, given the Commission's characterisation of the Church as an institution engaged in the establishment of "specific power relationships" between priests and members of their parish, including children, between teachers and their pupils, and so on – and given the inherently institutionally-based character of the "clergy-perpetrator" – the phenomenon of child sexual abuse (aka sexual violence directed at children) perpetrated on a large scale, would seem to be more or less inevitable in the Catholic Church. In short, apparently according to the Commission, the Catholic Church is an institutional incubator of clergy-perpetrators.

Aside from the utter failure of the Commission to provide adequate empirical evidence for its (admittedly often unclear) claims there is the matter of incoherence of its theoretical perspective. Consider the following three glaring theoretical confusions in play here. Firstly, the concept of abuse, including but not restricted to abuse of authority, is simply not the concept of violence. Therefore, the concept of sexual abuse is not the concept of sexual violence. Abusing one's authority by requiring sexual favours of one's employees is not necessarily to engage in violence. Insisting that it is merely unhelpfully expands the meaning of the term, "violence", and ultimately obliterates important distinctions. For an elaboration of these somewhat elementary conceptual points see, for instance, the entry in a standard encyclopedia of philosophy (Coady 1998).

Secondly, one can engage in sexual abuse, indeed sexual violence, without standing in any relationship of institutional power, as happens frequently in cases of rape perpetrated by strangers. Nor is a relationship of institutional power typically the fundamental driver in instances of child sexual abuse. In particular paedophiles will use and create opportunities to abuse pre-pubescent children whenever and wherever they can; and, of course, they will use institutional positions of power, including positions in churches, schools and so on to do so. But the idea that it is the institutional position rather than their prior sexual disposition, indeed, sexual addiction, that is the principal causal driver of their acts of child sexual abuse confuses the causal driver with one of the opportunities for its expression. Thirdly, those in positions of institutional authority and, in particular, Catholic priests, do not necessarily or even typically engage in abuse of their authority, let alone perpetrate acts of sexual violence against children. Or, at least, if they do the Commission has not shown this and, more specifically, has not established, as it seems to think, either an empirically based or a theoretical or quasi-theoretical link between the institutional role of Catholic priest and that of child sexual abuser. The conceptual confusion here seems to stem from a failure to grasp or acknowledge the distinction between legitimate authority and power. Those with legitimate authority have power but their power is justified and constrained, unlike those with power but without legitimate authority.

One source of these confusions among many sociologists, including feminist sociologists, in France and elsewhere is the influential work of Michel Foucault. Foucault and those influenced by him often view social power as, more or less,

constitutive of all relationships and, in particular, at work in institutions in the form of a *coercive* process of 'normalisation' in which individuals are controlled, indeed constructed. Thus says Foucault: "The individual which power has constituted is at the same time its vehicle" (Foucault 1980). This conception of human relationships, including between men and women, and of institutions in terms of coercive power relationships is wildly overstated and ultimately incoherent. There are many relationships between human beings that are not essentially relationships of power, and many human institutions provide collective goods and are principally reliant on the voluntary, rational action of individuals rather than coercion.

Importantly, for our concerns in this work, the Catholic Church as an institution, while it concedes the importance of power (and its potential for harm as well as good), is committed to a worldview that posits an objective morality and the inherent moral and spiritual value of human beings. As such, the worldview of the Catholic Church is diametrically opposed to this Foucauldian conception and like conceptions. However, the ideology that is apparently at work in the French Inquiry has a number of the features of this Foucauldian conception, as we have just seen. Or, at least, these features are on display in its essentially antagonistic standpoint towards the Catholic Church. Moreover, these untoward features have evidently infected the Commission's analysis of child sexual abuse in the Catholic Church.

It is evident that the French Inquiry's description and analysis of the nature and extent of child sexual abuse in the Catholic Church reveals its ideological bias. However, it would also seem that the Commission has an ideologically based, activist intention. Certainly, it seems to want to initiate, what it regards as, church-reform through the inquiry. For example, the commission is critical of the fact that no decision has been made regarding the diaconate of women (CIASE 2021, 314). The Commission argues this is relevant because most child sexual abuse is committed by men. Therefore, they claim that the strong presence of women in the Church would protect against sexual assault (CIASE 2021, 315). This may be true. However, it does not follow from this that the presence that is required is the ordination of women. Moreover, we might add that the use of the term "sexual violence" instead of "sexual assault" is indicative of activism and ideology (please see section 5.3 for a full discussion of CIASE's decision to call all acts of child sexual abuse acts of violence). For example, according to the Commission it is a term that is used by political activists and feminists. However, it is not used to describe sexual assault in the other inquiries or in law (CIASE 2021, 53). It is also argued by the Commission that it found no causal link between celibacy and sexual abuse. Yet, it still makes a recommendation (number 4) regarding celibacy. For example, it argues, that it is necessary "…to identify the ethical requirements of celibacy devoted to the gaze, in particular, of representation of the priest and the risk of conferring on him a position of heroism or domination" (CIASE 2021, 149) (Armogathe et al. n.d. 5).

Finally, the inquiry also made some suggestions regarding canon law. For many in the Catholic Church it might be a welcome change to see an inquiry

that was prepared to engage with canon law. However, the Commission has come in for significant criticism for their recommendations. For example, it is argued the inquiry made suggestions relating to doctrine and the nature of being a priest without the competence to do so or without regard for the gravity of the proposed changes. Regarding the recommendations it is argued that seven are of a doctrinal nature: R3, R4, R7, R10, R11, R34 and A43 (Armogathe et al. n.d. 4).

4.2.12. Catholic Church's Response to Victims/ Historical Context

This section concerns the Catholic Church's response in France to victims of child sexual abuse in as far as it is reported in the CIASE report. We note here that the sections titled "Measures that were put in place by the Church" (to combat child sexual abuse) (see 1.2.6; 2.2.8; 3.2.10) in the other chapters in this book, in countries other than France, contain detailed information regarding the many child safety measures that the Church has put in place in these countries to address the problem of child sexual abuse. Unfortunately, there is not much that is positive in the French Inquiry concerning the Catholic Church's response to child sexual abuse in France. However, contra CIASE's view of the matter, there is reason to doubt that the Catholic Church in France is an outlier in respect of the implementation of child safety measures. Of interest is annex 3 which claims to show the evolution of child safety measures including legislation concerning child sexual abuse in French society in parallel with the evolution of such measures in the Catholic Church in France (CIASE 2021, 82). It is claimed that unlike the Catholic Church in the other countries discussed in this book, that were the subject of child sexual abuse inquiries, the Catholic Church in France lagged behind French society more generally. Let us now look at some of the evidence presented in the report to determine whether the Church really was completely behind the rest of society in this respect.

The Commission rightly claims that in France from 1960-1970 there was, what they are calling, a "pro-paedophile movement" that considered a child to be a sexual being capable of making his or her own decisions (CIASE 2021, 81). We have already discussed this in section 2.2.7. However, it is worth repeating some of the points here. The seventies saw the influence of French postmodern theorists who argued in favour of child/adult sex. For instance, Michel Foucault, along with other French intellectuals, including Jacques Derrida, Jean-Paul Sartre and Simone de Beauvoir, signed a petition in 1977 in response to the imprisonment of three men for sexual crimes against 12-and 13-year-olds. The petition states,

> French law recognises in 12-and 13-year-olds a capacity for discernment that it can judge and punish but it rejects such a capacity when the child's emotional and sexual life is concerned. It should acknowledge the right of children and adolescents to have relations with whomever they choose (Francoise Dolto n.d.).

Regarding this case, there were clearly laws in place to protect children from sexual abuse, and the premise that many French people were in favour of child/

adult sexual relationships must be rejected. However, the influence of Foucault and other French intellectuals in the gay community was/is significant.

In this same period CIASE argues that the Catholic Church focused on protecting predator priests and ignored alleged victims of child sexual abuse. Here it is important to keep in mind that delays in reporting mean that most cases of child sexual abuse would likely not have been known to the Church in this period. Regarding the general population survey, 96% of people who made allegations did not ever inform the Catholic Church of their alleged sexual abuse. It is further claimed by CIASE that the Church began to recognise the rights of child sexual abuse victims after the 1990s and, therefore, became aware of the problem. However, according to CIASE it was only from 2010 onwards that the Church began reporting cases to the judicial system and imposing canonical sanctions (CIASE 2021, 24).

Yet, in evidence that might be inconsistent with the criticism that the Church in France was lagging behind society as far as child sexual abuse measures were concerned, CIASE claims, in a different section of the report, that it is only in the 1980s that paedophilia began to be understood as, what it calls, a "social problem" and it was at this time that awareness levels of child sexual abuse in French society began to change in this respect. They remark, "Indeed, in the early years of the period studied by the Commission, French society as a whole did not show any sustained interest in sexual violence in general or sexual violence in the Church in particular" (CIASE 2021 209). They also remark,

> Similarly, the Church does not appear to be completely out of step with other civil institutions or religions when it comes to taking onboard the seriousness of child sexual abuse. The hearings conducted by the working group responsible for evaluating the Church's response to reports of sexual violence, suggest that its reaction was comparable to that of other institutions of the time – the major difference being the sheer prevalence of the phenomenon in the Church compared with the other institutions considered (CIASE 2021, 259).

Yet, what is the "sheer prevalence" of child sexual abuse that the Church had to cope with during the period in question? Here we need to remind ourselves that most instances of child sexual abuse were either not reported or only reported after decades long delays. To reiterate: 96% of people who alleged in the general population survey that they were abused by a member of the Catholic Church have *still* not reported these allegations to the Church or the police. Of the figures from the testimonies that were made to CIASE the reporting of alleged crimes happened in less than a quarter of the allegations, and there was a significant delay (at times over a decade) before the crimes were reported to the Church. This very important point concerning the significant time gap between the alleged offence and the reporting of it is often lost in discussions of child sexual abuse in the Catholic Church (CIASE 2021, 208). Indeed, the John Jay Inquiry was right to stress that the Church needs to educate the public and, for that matter, members of inquiries into child sexual abuse, on the temporal distribution of allegations of child sexual abuse and, in particular, on the decades long time-

gap between the date of the alleged offence and the date that it was reported to the Church or the police.

Here are some notable later developments the CIASE report mentions concerning the Church's response to child sexual abuse. In 2000 the General Assembly of the Bishops took place in Lourdes in France. At this assembly the institutional response to child sexual abuse was discussed by the French bishops who committed to improving their responses to allegations of child sexual abuse, particularly concerning the reporting of crimes to police (CIASE 2021, 208). The inquiry claims that from 2000-2015 many safeguarding features were instituted in the Church in France (CIASE 2021, 250). In 2016 diocesan Listening Units were instituted following the Bishops' Plenary Assembly (CIASE 2021, 251).

4.2.13. Concluding Remarks

As demonstrated in this analysis there are significant problems with the CIASE inquiry. Most importantly, it provides unreliable, indeed inflated, figures in respect of the nature and extent of child sexual abuse in the Catholic Church in France. Here follow some of the main problems that we have identified with the general population survey that generated these inflated numbers: (1) The definition of child sexual abuse is too broad; (2) The survey did not sufficiently take into consideration participant bias; (3) The survey did not take into consideration the possibility of false allegations. We argued that this problem is compounded in the case of allegations made anonymously; (4) The survey's rejection of a decrease in absolute numbers of child sexual abuse over time is incorrect (which has been established in all of the other inquiries); (5) The average age of alleged victims in the general population survey remained stable. Yet, this is not consistent with the data from other inquiries which show an increase in the age of alleged victims over time. It is also not consistent with the data from the victim testimonies that were made directly to CIASE; (6) The figure of 4% of reported abuse did not correspond with the documents in the Church archives; (7) The estimated number of victims alleged in the general population survey, when cross-tabulated with its estimated number of perpetrators produced a number of victims per perpetrator that is implausibly high; (8) The percentage number of alleged victims of child sexual abuse at the hands of clerics is arguably too low to be statistically significant (less than 0.1%); and (9) Due to the low initial starting number of survey respondents, especially with respect to allegations of child sexual abuse in the Catholic Church, and the biases of the survey, which are inevitable with quota sampling surveys in relation to complex matters such as child sexual abuse, it is not legitimate to use these low numbers to extrapolate reliable estimates of the extent of child sexual abuse in the French adult population as a whole, let alone the Catholic Church in particular. Moreover, the figures and analyses in the different reports of the inquiry are often at odds with one another, resulting in an inquiry that is overall internally inconsistent.

Furthermore, regarding the Catholic Church's response to child sexual abuse, the inquiry ignores or understates: (1) The difficulty of responding to instances

of child sexual abuse when most victims, who actually reported the abuse, only reported the abuse decades after it had allegedly occurred and; (2) The extent of the child safety measures that were put in place by the Catholic Church in France many decades ago. In addition, the inquiry has come under fire for analyses that are ideologically based or ill-considered and inappropriate. For example, notwithstanding their lack of expertise, they boldly make recommendations that concern changing Catholic Church doctrine. Not surprisingly, the inquiry has been criticised and its findings have been challenged. Surprisingly, the response to even measured criticism has been extreme in some quarters. For example, the letter of criticism that is mentioned in the report from Armogathe et al. had the extraordinary result that all of the participants of the letter were removed from their academic positions.

4.3. Informe sobre los abusos sexuales en el ámbito de la Iglesia católica y el papel de los poderes públicos / Report on Sexual Abuse within the Catholic Church and the Role of Public Authorities. (Spanish Inquiry)

4.3.1. Introduction

On the 10th of March 2022 the *Congreso de los Diputados* (Spanish Congress of Deputies) requested that the *Defensor del Pueblo* (Spanish Ombudsman) organise a commission to investigate allegations of sexual abuse in the Catholic Church (Defensor de Pueblo 2023a, 41). The Commission commenced in July 2022 and concluded in September 2023 (Defensor de Pueblo 2023a, 43). The principal source for the numbers of allegations of child sexual abuse came from a general population survey of 8,013 people (Defensor de Pueblo 2023a, 48). This survey is discussed in more detail in the following section. However, for now it is useful to state some relevant figures. 1.13% of the adults who took part in the survey alleged they were abused in a religious environment. This percentage number (1.13%) was then considered to be representative of the Spanish population, and the Commission concluded that 1.13% of all adults in Spain were sexually abused in a religious environment. According to the survey 0.6% of the people who took part in the survey alleged they were abused by a Catholic priest or member of a religious order (Defensor de Pueblo 2023a, 49).

Additional information concerning alleged church-related child sexual abuse came from the *El País* newspaper investigation and the Victim Support Unit (which was established for the sake of the Commission) (Defensor de Pueblo 2023a, 50). 487 testimonies of alleged victims were provided to the Victim Support Unit. Of this number 334 of the alleged victims were interviewed in person. Information on the remainder of cases was obtained through, what the commission are calling, indirect testimonies. (Defensor de Pueblo 2023a, 51).

Regarding the total number of 487 alleged victims, 410 were men (84.19%) and 76 were women (15.61%). The majority of the alleged victims were between

30 and 75 years of age at the time of the interview. 186 of the alleged victims or 39% were between 50 and 65 years of age at the time of the interview. 97.2% of the alleged victims of sexual abuse were under the age of 18 when the abuse allegedly occurred (decades earlier in most cases) (Defensor de Pueblo 2023a, 52). Regarding the nature of the alleged abuse, the most common type of child sexual abuse was fondling, which allegedly occurred in three out of four cases. What the commission considers "passive masturbation" allegedly occurred in 22 % of alleged cases and active masturbation in 16.2 % of alleged cases. There were 115 allegations of rape. Specifically, 51 allegations pertain to anal penetration (10.47%), 46 allegations pertain to oral penetration (9.45%). 18 people claimed to have been subjected to vaginal penetration (3.7%) (Defensor de Pueblo 2023a, 52).

4.3.2. Survey

The Commission argued that it was necessary to conduct a general population survey of sexual abuse in the Catholic Church in order to obtain, what they are calling, "a solid empirical basis" of the prevalence of child sexual abuse in Spain, that they could, in turn, compare with the results of other European inquiries into child sexual abuse in the Catholic Church, and non-Catholic areas of childhood socialization (Defensor de Pueblo 2023b, 166). However, by definition a "solid empirical" result is one that is anchored in empirical reality, i.e., in facts that can be observed and measured, it is not something that arises from speculation. As mentioned previously in relation to the general population survey in the French Inquiry, the results from this kind of survey of child sexual abuse are unreliable and in this respect are different from other kinds of surveys using a similar methodology but with respect to much less complex phenomena such as, for instance, market research in relation to preferences for consumer goods and voting polls (see 4.1.6 for details).

Accordingly, we argue that the Commission is not on solid empirical grounds in large part because child sexual abuse is a complex, contested phenomenon that is not well-suited to surveys of this kind. One of the many problems with such surveys pertains to the representativeness of those surveyed in relation to the larger group about which inferences are being made. More specifically, a survey of this kind of 8,013 people in relation to child sexual abuse is not necessarily representative of an entire population of many millions. The Commission remarks, "according to this survey, child sexual abuse in religious environments is an issue that has affected 1.13% of adults in Spain" (Defensor de Pueblo 2023a, 49). Yet, this is not true. According to the survey 1.13% of the survey respondents, i.e., 90 respondents said they had been sexually abused as children in a religious environment. Indeed, the solid empirical base in relation to the survey is as follows: they conducted a survey, 8,013 responded, 1.13% i.e., 90, said they had been sexually abused as children in a religious environment, period. The claim that therefore 1.13% of adults in Spain have been sexually abused in a religious environment is an entirely speculative estimate.

Moreover, comparing the unreliable results of one survey with the unreliable results of a second survey is not a helpful practice for those interested in getting at the truth; the fact that two sets of unreliable results are similar does not confirm either one or both sets. Nor, of course, is it helpful to replicate a methodology that generated unreliable results. Yet, as we saw earlier in relation to the NZ Inquiry, these inquiries often utilise the flawed methodologies and findings of other inquiries. Notably, the NZ Inquiry was influenced by the Australian Royal Commission. Specifically, it utilized the figures of the Australian Inquiry notwithstanding they were unsubstantiated and largely incompatible with the stated aims of the NZ Inquiry (for example, the NZ Inquiry stated that it was only interested in serious forms of child sexual abuse and that it would take into consideration the socio-historical context of the time – the Australian Inquiry utilised all allegations in its data, notwithstanding that many instances of alleged abuse were of the less serious kind and were not crimes at the time of the alleged acts). We now see this in relation to the French and Spanish inquiries – in particular, the Spanish Inquiry compares its "findings" with the "findings" of the French Inquiry.

A somewhat detailed description of the figures provided in the Spanish Inquiry is as follows. 8,013 people were surveyed. 4,802 people were surveyed by means of a telephone call. 3,211 people were surveyed using an online platform (Defensor de Pueblo 2023b, 167). Regarding the telephone surveys, 113,126 calls were made seeking participants, and of this number 23,991 people were contacted. Of the 23,991 people who were contacted, 4,802 people (20% of the people contacted and approximately 4% of calls made) agreed to participate in the survey. The other people who were contacted either refused, or did not meet the representation quotas, or the call was cut off (Defensor de Pueblo 2023b, 168). This last point is significant given that many of the people who were contacted may have hung up the phone because they were offended, potentially for the reason that they suspected that they were being asked to participate in a survey about child sexual abuse in the Catholic Church. If so, this might undermine the claim that the survey had identified a representative sample of the population.

Regarding the people who agreed to participate in the survey, as mentioned above, 11.7% alleged they had suffered sexual abuse before they had reached the age of 18 (Defensor de Pueblo 2023b, 170). 34.1% of the respondents who claimed to have been abused alleged that the abuse occurred in the family setting, 17.7% in a public institution, 9.6% in a non-religious educational setting, 9.5% in a non-family social setting, 7.5% in a work setting, 7.3% on the internet, 5.9% in a religious educational setting, 4.6% in a non-educational religious setting, 4% in a leisure setting, 3% in a sports setting and 2.6% in a health setting (Defensor de Pueblo 2023b, 172). Here a pertinent question arises, why not a Commission into familial abuse, or abuse in non-religious settings?

As mentioned previously 1.13% of all the survey respondents alleged that they had been abused in a religious environment. 0.6% of all the survey respondents alleged that they were sexually abused as children by a Catholic

priest or a member of a Catholic religious order. This amounts to 6.1% of all people who alleged that they were abused. Yet, this figure is not consistent with the figures of people who alleged they were abused in a Catholic setting (5.9%). The Commission concludes that this inconsistency can be accounted for by including in the group of alleged abusers, people who were in the religious settings but had a lesser connection to the institution. Furthermore, they argue that some of the respondents may have been confused about the denomination of the institution where the alleged abuse took place. In other words, they claimed that the abuse occurred in a Catholic religious setting but, in fact, it occurred in a non-Catholic religious setting (Defensor de Pueblo 2023b, 176). Certainly, many of these allegations have inconsistencies in them. Furthermore, men accounted for 53.8% of all people who alleged they were sexually abused in a religious setting. Men account for 64.6% of all people who alleged that they were sexually abused by a Catholic priest or a member of a Catholic religious order (Defensor de Pueblo 2023b, 183). We note here these figures are different from the actual figures in this report. As mentioned previously, in the actual figures 84.19% of alleged victims are men. This is more in keeping with global trends on this topic.

Most of the alleged victims of child sexual abuse did not report the alleged abuse to an adult or to the Church or other authority. Those who did (43.5%) told their parents and to a lesser degree their friends or other family members. 0.4% claim that they reported the alleged abuse to the Church. This near 100% non-reporting to the Church seems unbelievable (Defensor de Pueblo 2023b, 179).

4.3.3. Historical Problem

The Commission argues that the data resulting from the general population survey suggests there has probably been a decrease in child sexual abuse in Spain over the last few decades. They also argue that this conclusion is consistent with the results of most of the other inquiries (Defensor de Pueblo 2023a, 49). In the Spanish Inquiry it is argued, based on the general population survey, in particular, that there is a probable decrease in cases of alleged child sexual abuse in the Catholic Church in Spain because the prevalence of allegations of child sexual abuse are higher as the ages of the participants increase. For example, in the religious education setting 2% of people who alleged they had been abused were in the age group between 18 and 29. Whereas, in the same category 11% of people who alleged they were abused were aged 65 and over. The same trend is evident in the category called "religious setting". In this category 3% in, what has been called, the younger respondent group made allegations of abuse compared to 10% in the 65 and over age group (Defensor de Pueblo 2023b, 173). It is argued the global trend of child sexual abuse in the Catholic Church show the majority of cases of abuse occurred in the 1960s and 1970s (Defensor de Pueblo 2023a, 49). They argue the reason for this decrease is because of an increased awareness of the prevalence and damage of child sexual abuse and the effectiveness of safeguarding mechanisms that were introduced into the Church

(Defensor de Pueblo 2023b, 191). That said, for reasons mentioned earlier the results of this inquiry, based on the general population survey, cannot be taken seriously, given the flaws in their methodology.

4.3.4. Miscellaneous problems

In the Spanish Inquiry we see the same problems that are evident in the other inquiries. To begin with there is a reliance on unsubstantiated claims. For example, and as mentioned earlier, it is impossible to substantiate the estimated figures of child sexual abuse produced in the general population survey. Moreover, the testimonies provided to the Victim Support Unit were also unsubstantiated (Defensor de Pueblo 2023b, 29). Furthermore, the age of consent was not taken into consideration. The age of a child, as defined by the Spanish Inquiry is conflated in the inquiry with the age of consent. The age of a child is defined as under 18 years of age: this is five years higher than the age of consent in Spain during the 1960s-1990s period when most of the alleged child sexual abuse occurred. The age of consent was 13 years of age. For example, consider this remark in the inquiry (author's translation):

> This trend was intensified by the legal reforms of 2003, 2010 and 2015. In the latter, the minimum limit of so-called "sexual consent" was raised from 13 to 16 years, so that any sexual conduct involving a minor of this age became considered a crime, unless the court granted an exemption from criminal liability if it considered that the minor freely consented to the relationship and the perpetrator was a close person by age and degree of maturity (Defensor de Pueblo 2023b, 53).

Another concern is the Spanish Inquiry's somewhat extreme secularist perspective; a perspective which displays a lack of understanding of the nature and purpose of the Catholic Church and, indeed, an antagonism to it. For example, the Spanish Inquiry argues that being born into a very religious Catholic family is a risk factor in respect of child sexual abuse (Defensor de Pueblo 2023a, 54). Certainly, blind obedience or excessive deference to religious leaders or, for that matter, other leaders may mean a child is at greater risk of sexual abuse, supposing these leaders are sexual predators themselves or are willing to conceal the acts of child sexual abuse of others. However, deeply held religious beliefs ought not to be conflated or confused with blind obedience or excessive deference to religious leaders. Moreover, it could be argued that moral and spiritual formation, such as that provided by Christian, including Catholic, institutions can help protect a person, including a child, from victimisation. Furthermore, the inquiry argues that the nature of the priest as mediating God's presence creates a power-imbalance that puts children and vulnerable adults at risk of sexual abuse (Defensor de Pueblo 2023a, 50). This claim overlooks the spiritual nature of the relationship between God, the priest and the child and, more generally, manifests a naïve view of the relationship between adults and children and, in particular parents and children, and priests and children.

Parents, teachers and priests, indeed adults in general, necessarily stand in an authority relationship to children; to refuse to stand in this relationship would be an abnegation of responsibility, given their responsibility to educate children and induct them into a moral community; and, in the case of priests into a Christian community, supposing their parents wish this to be the case. However, authority is not the same concept as power, although it involves some exercise of power. Moreover, in the case of priests, the authority is in large part moral authority and a constitutive principle of the priest's mediating role is that of love. In short, as is the case with any authority relationship, including those of parents and priests vis a vis children, there is a risk of that authority being abused. But the implication of the claim made by the inquiry is that because of this risk authority relationships should be emasculated rather than, say, subjected to monitoring and oversight mechanisms. This would be unwarranted and in any case would entail the inquiry going well outside of its remit.

A familiar aspect of these inquiries is the anger directed at the bishops who challenge the inquiries and who are committed to protecting the interests of the Church in the face of, as they see it, unfair misrepresentation of their responses to child sexual abuse. There is a general tendency to paint these bishops as overly concerned with the reputation of the Church at the expense of victims of child sexual abuse. Certainly, this criticism has been true in some instances in the past and even in some instances today. However, as has been remarked earlier in this book, it does not follow from this that the remedy for this problem is that the Church should divest itself of any interest in its reputation. No institution can reasonably be expected to ignore an unjust portrayal that undermines its reputation. The Spanish bishops collaboration with the commission was characterised by the commission in the following way:

> The response of the Conferencia Episcopal Española [Spanish Episcopal Conference] to a request for information from the Advisory Commission continues to reflect an attitude characterised by caution and reticence. In spite of having communicated its desire to collaborate, the data was presented in such a way that it tends to minimise the phenomenon and relegate it to a marginal standing at the heart of the institution, emphasising the social dimension of the issue and bypassing the internal factors that could favour abuse and concealment dynamics (Defensor de Pueblo 2023a, 55).

The Spanish bishops were right to be cautious especially given the ensuing sensationalistic and misleading media reports of child sexual abuse in the Catholic Church in Spain that were based on the findings of the inquiry. For example, the findings of the general population survey lends itself to the following style of media report, "Investigation estimates that there are more than 440,000 living victims of sexual abuse that took place within the Spanish Catholic Church" (Domínguz and Núñez 2023). Let us now turn, for a contrasting view of child sexual abuse in the Catholic Church in Spain, to an independent report that the Spanish Bishops Conference commissioned regarding child sexual abuse in its ranks.

4.3.5. Informe de Auditoría Sobre Los Abusos Sexuales en el Ámbito de la Iglesia Católica en España/Audit Report on Sexual Abuse in the Catholic Church in Spain.

4.3.5.1. Introduction

On the 22nd of February 2022, the Spanish Bishops' Conference commissioned the law firm Cremades & Calvo-Sotelo to carry out an independent audit on cases of child sexual abuse in the Catholic Church in Spain (Cremades and Calvo-Sotelo 2023, 3). Its motive was to get a better understanding of the instances of child sexual abuse that had occurred and the allegations that had been made, to get a description and analysis of its safeguarding mechanisms and related procedures, and to get advice regarding the creation of a reparation scheme (Cremades and Calvo- Sotelo 2023, 13). Importantly, the law firm responsible for the report made it clear that they would not use survey instruments or other methods favoured by the Spanish and other inquiries to generate extrapolations from the actual empirical data available or make recommendations of a theological or canonical nature. The objective of the report was, solely, to study the best institutional response to child sexual abuse and the sexual abuse of vulnerable adults (Cremades and Calvo-Sotelo 2023, 12). At the outset of the report the firm stated that it was confident that it could make a credible approximation of the dimension of the problem. Moreover, it claimed that this was all that was needed in order to achieve its objective (Cremades and Calvo-Sotelo 2023, 39).

To locate the necessary data the firm identified all of the sources outside the Church with considerable information within the remit of the audit. For example, it analysed the data from the newspaper *El País*, which it considered to be the most extensive database ever made public on the topic in Spain. It also analysed the following material: media reports, the report of the Spanish Ombudsman outlined previously in this section; data from State institutions, such as the General Council of the Judiciary, the Attorney General's Office, the Ombudsman and the Ministry of the Interior; data from victims' associations; and data and analyses resulting from academic research. The second task was to interview members of Catholic institutions and, among other things, to discover whether they had records of the data collected from the other sources and if not, to ask why not (Cremades and Calvo-Sotelo 2023, 148). Furthermore, a whistleblowing channel was opened using a confidential email account (Cremades and Calvo-Sotelo 2023, 150).

4.3.5.2. Numbers

95 people contacted the whistleblowing service. Of these people 55 made allegations of child sexual abuse or the sexual abuse of vulnerable people within the Catholic Church. 37 allegations fell within the scope of the report (Cremades and Calvo-Sotelo 2023, 150). Regarding the database that is maintained by *El País* newspaper, there were a total of 1,014 reports of alleged child sexual abuse with 2,104 alleged victims (Cremades and Calvo-Sotelo 2023, 198). 186 allegations were submitted to diocesan offices or to the offices of religious congregations. 70 allegations were made to diocesan offices and 116 to the

offices of religious congregations (Cremades and Calvo-Sotelo 2023, 200). The complaints known to the Child Protection Offices of the Spanish Bishop's Conference since 1945 total 927 alleged victims who filed complaints regarding 728 alleged perpetrators in the Catholic Church (Cremades and Calvo-Sotelo 2023, 202). Most of the cases of alleged abuse were between the decades 1960-1990 (Cremades and Calvo-Sotelo 2023, 203). The other sources were said to have provided a small number of complaints (Cremades and Calvo-Sotelo 2023, 341). After analysing the complaints, the firm made some adjustments to the numbers. For example, they found duplications of complaints in the newspaper reports (Cremades and Calvo- Sotelo 2023, 348). They concluded that the total number of allegations of child sexual abuse in the Catholic Church in Spain was 1,383 and that the minimum number of alleged victims was 2,056. The number of alleged victims was difficult to determine given that many of the complaints related to multiple victims and 300 of the allegations related to an indeterminate number of alleged victims (Cremades and Calvo-Sotelo 2023, 362).

4.3.6. Closing remarks

The inquiry from the Spanish Ombudsman contains many of the problems that we have discussed at length in regard to the other inquiries, such as the use of unsubstantiated claims, the use of a general population survey to estimate numbers of abuse etc. Yet, unlike the NZ and the French inquiries the Spanish Inquiry makes the erroneous claim that its estimation of figures of child sexual abuse is "a solid empirical basis". However, as we said in the discussion, a "solid empirical" result is one that is anchored in empirical reality, i.e., in facts that can be observed and measured, it is not something that arises from speculation. A further concern with the Spanish Inquiry is its excessively secularist perspective, even to go so far as to belittle Christianity regarding some of its findings and recommendations. On the other hand, the inquiry from Cremades and Calvo-Sotelo is not ideologically driven and more reliable in terms of its findings. For example, Cremades and Calvo-Sotelo claim that there have been 2,056 allegations of child sexual abuse in the Catholic Church in Spain from 1950 to the present day with a caveat that this number is likely to under-represent cases of child sexual abuse – the Ombudsman's Inquiry netted a number of 440,000 cases of child sexual abuse in the Catholic Church in Spain in the same period (although they did not state the full number in the inquiry only the percentage number, this number of 440,000 was calculated by *El País* newspaper).

A final point, in taking the approach of concentrating on actual cases (but also acknowledging underreporting), Cremades and Calvo-Sotelo were able to invest more of their time in the creation of recommendations that would address child safety mechanisms and compensation. By contrast, inquiries that utilise general population surveys expend much of their analysis trying to justify the typically extraordinarily high estimated numbers extrapolated from their surveys. We believe this time could be better spent addressing current concerns in safeguarding.

4.4. Italian Reports

4.4.1. Introduction

Unlike the other inquiries in this book the Church in Italy has not, thus far, released a report of historical cases. It has produced two reports. The first report, *Proteggere, prevenire, formare. Primo Report sulla rete territoriale per la tutela dei minori e delle persone vulnerabili* (Protect, prevent, train. First report on the territorial network for the protection of minors and vulnerable people) concerns the years 2020-2021. The second report *Proteggere, prevenire, formare. Seconda rilevazione sulla rete territoriale per la tutela dei minori e degli adulti vulnerabili* (Protect, prevent, train. Second survey on the territorial network for the protection of minors and vulnerable adults) concerns the year 2022. The Church has stated it will write a report in respect of alleged instances of child sexual abuse that have allegedly occurred during the period 2000-2020 in the Catholic Church in Italy. Furthermore, it has remarked that the process is ongoing and evolving. However, the decision to concentrate on contemporary cases has provoked the ire of victim lobby groups who wish to see an inquiry in Italy that is similar to other high-profile inquiries with a full report of historical allegations. For example, consider this headline at Reuters in response to the release of the Italian Report, "Victims call Italy Church's abuse report 'shamefully' limited" (Pullella 2022). Due to this dissatisfaction victim lobby groups, lawyers and members of the Church are calling for an independent inquiry. Much of this section will discuss the merits of the approach taken by the Catholic Church in Italy as opposed to so-called independent inquiries. However, first we discuss details of the two reports that have been released.

4.4.2. First Report

In 2014 the Catholic Church in Italy issued its first guidelines regarding all types of abuse of children and vulnerable adults and in the years that followed child safety and the safety of vulnerable adults became a primary concern. In 2019 statutes were approved by the Permanent Council that led to the establishment of diocesan and regional services to combat abuse in the Catholic Church in Italy. The first task was to appoint an expert contact person in each diocese to raise awareness in the Church and in church-agencies. In the following months 226 diocesan representatives were appointed. Of these, there was an even mix of priests and lay people. These representatives are often supported by a group of experts. At the time the report was published 73% of dioceses had begun the safeguarding activities that were approved by the Permanent Council. Also, in 2019 the National Service for the Protection of Minors (NSPM) was established by the Italian Bishops' Conference (CEI *Conferenza episcopale italiana*). In the following year the NSPM proposed the creation of Listening Centres. The Listening Centres were designed to be places solely devoted to responding to abuse in ecclesial settings (but primarily sexual abuse in ecclesial settings). For example, they provide information to anybody on the topic of abuse, hear

allegations of abuse, and refer people to specialists. At the time of this report 98 Listening Centres were established which covers two-thirds of the dioceses (CEI, 2022 *premessa*).

A further development of the 76th General Assembly of the Italian Bishops was the adoption of an action plan in May 2022. One of the requirements of this action plan was the creation of an annual report. The aim of the report was to inform the CEI of the work of the *Servizio Diocesano o Inter-diocesano per la tutela dei minori*/Diocesan or Interdiocesan Service for the Protection of Minors (SDTM/SITM), the Listening Centre and the *Servizio Regionale per la tutela dei minori*/Regional Service for the Protection of Minors (SRTM) in the Italian dioceses (CEI 2022, Introduction). The goal of the report is to outline the structure, and the activities of the parties with respect to the prevention of and response to abuse, and to present and analyse the data collected (CEI 2022, 10-11). The foci of this discussion are the figures concerning abuse that were collected at the listening centres. However, a brief overview of the report is provided below for completion.

4.4.2.1. Diocesan and Interdiocesan services for the protection of minors

As mentioned previously the report discusses the structures of the groups. For example, it outlines that the diocesan representatives are most often priests (51.3%) or lay people (42.4%) (CEI 2022, 14). Their expertise is often in psychology (27.7%) or as educators (18.1%) (CEI 2022, 15). The report also details the activities of the diocesan representatives. The principal role of the diocesan representatives in the years covered was to coordinate diocesan activities related to the protection of minors. These activities are 80.4% of their work (CEI 2022,23). The principal role of the SDTM/SITM is to host training meetings (90.3%) (CEI 2022,24).

4.4.2.2. Listening Centres

The listening Centres are primarily staffed by lay people (77.8%) (CEI 2022, 44). The professionals with the highest level of representation are psychologists (24.7%) and educators (20.2%) (CEI 2022, 45). 86 people utilised the services of the listening centres in the two-year period of the report. 38 people contacted the centres in 2020 and 48 in 2021. 54.7% of the contacts were from women and 45.3% were from men. 52.3% of the contacts were made by alleged victims (CEI 2022, 49). The reason for the contacts were as follows: reporting to the ecclesiastical authority (53.1%); request for information (20.8%); request for specialist advice (15.6%); and, suspicion of abuse (10.4%) (CEI 2022, 50). The data concerning the ages of the alleged victims, at the time of their alleged abuse, that was provided to the Listening Centres over the two-year period are as follows: 15-18 years (37.1%); 10-14 years (31.5%); vulnerable adults over 18 years (18%); and 5-9 years (13.5%) (CEI 2022, 51). The alleged acts of abuse were as follows: inappropriate behaviour and language (43.3%); touching (24.4%);

harassment (14.4%); sexual intercourse (10.0%); showing pornography (4.4%); online solicitation (3.3%); acts of exhibitionism (2.2%); and, other (3.3%). Of these allegations 52.8% relate to recent acts while 47.2% relate to historical acts (CEI 2022, 52). 44.1% of the alleged offenders were clerics, 33.8% of the alleged offenders were lay people and 22.1% of alleged offenders were members of religious orders (CEI 2022, 53).

4.4.3. Second Report

The second report pertains to the year 2022. It follows the same format as the first report. However, it also compares and contrasts its results with those in the first report. In doing so, it is evident that overall, the work of safeguarding in the Catholic Church in Italy is increasing. For example, the main activities of the SDTM/SITM increased in scale. Meetings have tripled from 2020 to 2022 (from 272 to 901) (CEI 2022b, 25) and the number of participants in training has increased (from 7706 to 21188) (CEI 2022b, 26). Regarding the data from the Listening Centres, we also see an increase in their activities. Notably, the number of people contacting the centres increased. For example, the number of people who contacted the centres in 2022 was 374 compared to 34 in 2020 and 48 in 2021 (CEI 2022b, 55). Other differences in Listening Centre trends have emerged. Importantly, more people who were not victims of abuse contacted the Listening Centres and the prevailing motive for contacting the centres was to obtain information. For example, in 2022 the number of non-victim contacts was 87.7% compared to 47.7% for the two-year period of the first report (CEI 2022b, 57). Furthermore, in 2022, 81.9% of the people contacting the centres did so in order to obtain information as compared to 20.8% in the combined 2020/2021 report. 18.1% contacted the centres in 2022 to lodge a formal complaint of abuse as compared with 53.1% in the preceding report (CEI 2022b, 58).

There were 32 allegations of abuse made to the Listening Centres in 2022. By contrast there were 89 complaints made in the combined two-year period 2020-2021. 18 of the allegations of abuse made in 2022 concerned allegations of historical abuse, while 14 of the complaints concerned recent acts of abuse (CEI 2022b, 59). Most allegations of abuse described in the second report concerned events that allegedly occurred in the parish setting (17 out of 29). The types of abuse alleged in the second report are consistent with the earlier report. For example, the most common complaint is of inappropriate behaviour or language (20 complaints), followed by touching (14 complaints). There are 3 complaints of sexual intercourse. Single complaints sometimes refer to multiple victims and instances of abuse. Hence, the 32 complaints refer to 54 alleged victims (CEI 2022b, 61). Regarding the age of the alleged victims, 25 out of the 54 or 46.3% are in the 15-18 age range. Moreover, 19 out of the 54 or 35.2% are vulnerable adults (CEI 2022b, 63). Accordingly, only 10 of the 54 or 20% are 14 years old or younger.

We note that the age of consent in Italy is 14 years of age, or 16 years of age if the person who engaged in a sexual act with the child is held to have a relationship

of authority and, therefore, power over the child, as would be the case with priests or lay educators etc (Diritto.it). This is not to say that an adult or youth over the age of consent cannot also be abused. However, we note that, as is the case with the other inquires, the Italian Inquiry defines a child as being anybody under the age of 18. Yet, caution is called for when discussing allegations of the sexual abuse of children (i.e. those under the age of 18) whose age is above the age of consent and who have consented to the acts in question. We note here that children are legally permitted to engage in sex if they have reached the age of 14, i.e., 14, 15, 16 and 17-year-olds. Moreover, in Italy, children who have reached the age of 16, i.e., 16 and 17-year-olds, are legally permitted to engage in sex with those who stand in an unfavourable power relationship to them. (Naturally, there might be other considerations in play, e.g., Catholic priests have made a vow of celibacy, so they are not free to engage in sexual relations with 16- and 17-year-olds or, for that matter, with anyone else.).

Further, an adult who has had sex with a consenting child who has reached the age of consent, cannot be required to pay compensation to the child on the grounds of having sexually abused a child; nor can the child subsequently as an adult make a legal complaint of child sexual abuse. See the discussions in sections 2.2.13.1; 3.2.8; 4.2.3. We note, therefore, that being labelled a child sexual *offender* in these instances of lawfully engaging in sex with a post pubescent youth- ('child') is false, strictly speaking, or, if it is meant that the person in question is a moral rather than a legal offender then, at the very least, it is highly misleading. Moreover, in many of these instances the adult 'offender' who is usually, but by no means universally, an adult male, is wrongly referred to in the media and elsewhere as a paedophile. This is not only completely false (since paedophiles by definition engage in sex with pre-pubescent children), but also a serious injustice, and potentially dangerous, to the 'offender' in question, given that to label someone a paedophile automatically carries with it a severe stigma. Indeed, those rightly or wrongly believed to be paedophiles typically suffer massive, irreparable reputational damage and, not infrequently, violent attacks; and those who are wrongly believed to be paedophiles typically suffer, in addition, psychological trauma.

Concerning the gender of the alleged victims referred to in the allegations of child sexual abuse made to the Listening Centres in 2022, there are 44 females and 10 males (CEI 2022b, 63). Concerning the gender of the 32 alleged offenders, 31 of the 32 are men and there is one woman. The average age of the alleged offenders is 43 (CEI 2022b, 65). Of the 32 alleged offenders, 10 are clerics, 10 are members of religious orders and 12 are lay people (CEI 2022b, 64).

4.4.4. Conclusion

As is evident from this commentary the Italian Inquiry is taking a very different approach from, say, the French Inquiry. For example, it is focused on recent and actual allegations. Moreover, the presentation of the data is clear and not clouded by ideological language, such as by calling a caress "sexual violence". Furthermore, the Italian reports only focus on topics within their remit. For

example, they do not comment on issues such as the ordination of women. Yet, notwithstanding the professionalism of these reports they have been criticised in the media and many people are now demanding, what they are calling, an independent inquiry into child sexual abuse in the Catholic Church in Italy.

4.4.5. Independent Inquiry?

As mentioned previously, the Italian Inquiry is committed to providing annual reports. Furthermore, there will be a report on cases dating back to 2000 (Staff writer 2022). The Church is focusing on cases pertaining to instances of child sexual abuse that are alleged to have occurred in recent years, i.e. contemporary rather than historical cases, because there is a much higher probability than with historical cases that these involve allegations concerning people who are alive and capable of reoffending. Moreover, recent cases are more likely to be able to be adequately investigated and adjudicated, given that the evidential problems that arise in historical cases are much less pronounced in recent cases. At any rate, although it is important to try to somehow ameliorate past instances of child sexual abuse that cannot be undone, in focusing on recent cases there is the opportunity to actually prevent instances of child sexual abuse, something the contemporary Catholic Church is very much concerned with and able to do something about. Furthermore, this presentation of recent allegations is more representative of the Church in Italy as it is now.

As we have seen in this book, there have been numerous inquiries into child sexual abuse in the Catholic Church, notably the inquiries in the US, the UK, Ireland, Australia, New Zealand, France and Spain analysed in this book. (Note that there have been various other inquiries, such as those in Germany and the Netherlands, that have not been analysed in this book). Leaving aside, the questionable findings of the French Inquiry, all of these inquires have established that most allegations of child sexual abuse in the Catholic Church, in the countries that have held inquiries, are historical in nature. Moreover, it has been established that there has been a significant downward trend in instances of child sexual abuse in the Catholic Church since the early to mid-1990s and, indeed, recent instances are very few in number. In short, in the Catholic Church in these countries child sexual abuse is essentially an historical problem. Moreover, there is currently an inquiry underway, as we have seen, in Italy; its results are thus far consistent with this claim of the historical nature of child sexual abuse in the Catholic Church.

Yet, notwithstanding this there have been many calls for, what is referred to as, an independent inquiry into the Church in Italy, i.e. independent of the Catholic Church, including from Hans Zollner (leading safeguarding expert in the Catholic Church). He says, "We can have the best intentions but as long as we do it in-house nobody is going to believe us" (Pullella and Amante 2022). Evidently, Zollner is suggesting that while people trust independent inquiries, they do not trust the Church to conduct an inquiry. Here we need to ask: independent of who or of what? The assumption is that it is only independence

of the Catholic Church that is in question. However, we need to ask the wider question. Should a potential independent inquiry into the Catholic Church not only be independent of the Catholic Church but also of other organisations, groups or ideologies with an interest in an inquiry's findings, who might seek to influence an inquiry in a manner that might undermine the objectivity of its findings? For instance, would such an inquiry be independent of pressure emanating from those with an anti-Catholic ideological agenda, e.g., Bajos (the lead researcher in the French Inquiry who has accused the Pope of contributing to the legitimization of feminicides). Or independent of those with a strong financial interest in these findings, such as organisations seeking to maximise payouts from the Catholic Church to alleged victims of child sexual abuse in the context of redress schemes with very low evidential standards (payouts which, incidentally, now amount to billions of dollars worldwide)? For example, as we have previously mentioned in section 2.2.14 a former employee of the Survivors Network of those Abused by Priests (SNAP) claimed in a lawsuit that SNAP exploits victims of child sexual abuse by treating them solely as potential litigants who might financially boost SNAP and who might financially benefit lawyers who are intimately connected to SNAP (Circuit Court of Cook County 2017). Furthermore, consider the following quote in relation to where the money made in large payouts might be going, in this case relating to payouts to Indigenous people in Canada:

> Most, if not all, of the 12,000 plaintiffs' have been handled by lawyers on a contingency basis, so that their lawyers' fees are taken out of whatever money is awarded to the plaintiffs. Of the $5 million spent by the Anglicans by mid-2021, barely 1% had reached plaintiffs in the form of settlements. The remaining 99% went to lawyers, the courts, and public-relations efforts (Thomas 2003, 336).

More of this below. Here we need initially to distinguish between an independent inquiry in the sense of one that is commissioned and funded by the Catholic Church but not conducted by the Catholic Church, e.g., the US-focused John Jay Inquiry, the French Inquiry and the inquiry conducted into the Catholic Church in Spain by the law firm Cremades & Calvo-Sotelo, and an inquiry which was wholly independent in the sense that it was commissioned, and funded by non-Catholic organisations, e.g., the Australian Inquiry and the Spanish Inquiry commissioned by the governments of the respective countries. Notice that findings of inquiries that the were independent in the sense of being commissioned and funded but not conducted by the Catholic Church exist on a spectrum at one end of which child sexual abuse in the Catholic Church in the country in question is characterised as systemic and not decreasing (French Inquiry) and at the other end as essentially historical (John Jay Inquiry). Moreover, the French Inquiry casts the Catholic Church in a worse light than some of those that were wholly independent of the Catholic Church, e.g. the wholly independent Irish Inquiry concedes that the actual numbers of child sexual abuse in the Catholic Church in Ireland have been in sharp decline for a few decades. The proposition that the extent of child sexual abuse in the Catholic

Church in France is far greater (and not decreasing) than in Ireland, Australia (or the US or the UK etc.) is not credible.

However, the more general point is that most of these independent inquiries in either sense of that term have been found to be deeply flawed in various ways and, in particular, many, e.g., the NZ, French and Spanish inquiries, have generated unreliable, indeed fanciful, figures pertaining to the extent of child sexual abuse in the Catholic Church in their respective countries. In short, the fact that an inquiry is independent of the Catholic Church in either sense is no guarantee that it will conduct a credible, methodologically sound, objective study of child sexual abuse in the Catholic Church. Indeed, many of these so-called independent inquiries (i.e., so-called independent because independent of the Catholic Church) have manifested a complete lack of objectivity and an alarming antagonism to the Catholic Church. So much so that it has become clear that politicians, policy makers and members of the public, not to mention Catholic bishops, priests and lay people, ought not to put their trust in the findings of these inquiries, and certainly not in the sensationalist media reports on the findings of these inquiries. Indeed, the trajectory across the years regarding the degree of unreliability of these inquiries is itself alarming. That trajectory is from the reasonably reliable, i.e., the John Jay Inquiry held in 2002 to the unreliable, e.g. the Australian Inquiry in 2013 to the fanciful, e.g. the French Inquiry in 2018.

At this point a question needs to be asked: Who are the people who are calling for an independent inquiry? Are they themselves independent or do they have an axe to grind? Often the pressure here comes from victim lobby groups working in conjunction with lawyers. In Italy the head of the victim lobby group *Rete L'Abuso* Francesco Zanardi has spoken to the press in favour of an independent inquiry, often mentioning there are an estimated 1 million victims of child sexual abuse in Italy (Staff writer 2022b). However, disappointingly, the mention of this figure is disingenuous. For example, on the *Rete L'Abuso* website Zanardi explains in detail how Mark Vincent Healy came to this figure. This is a description of the methodology:

> The following data provide estimates of varying percentages of priests who may be pedophiles at this time. The resulting figures representing the estimated number of pedophile priests in a number of different countries are then multiplied by the estimated number of victims per pedophile priest. From this we can estimate the total number of unreported victims (Zanardi 2018).

Healy does not only have one figure. Based on the figure of 50,148 priests in Italy, Healy multiples 2%, 4%, 6%, and 8% of the 50,148 figure by two estimates of victims of child sex offenders. In the first instance he uses Andrew Greeley's prediction of 50 victims for each offender. In the second instance he uses Richard Sipe's estimate of 250 victims for each offender priest. On his website Zanardi argues the minimum number is 200,000 possible victims and the maximum number is 1 million (Zanardi 2021). Hence, he knows the estimate he gave to the media is incorrect, or at least heavily biased.

However, it is not even a correct assessment of this highly speculative exercise. The range of 200,000 to 1 million is based on Sipe's much higher estimate of victims per offender priest, i.e., 250 victims per priest. On the basis of Greeley's figure, which is utilised in the same estimate, the minimum figure is 50,148 and the maximum number is 200,592 (Zanardi 2018). Yet, there are further problems with these figures. The projected victim count is based on paedophile offenders who can have a very high number of victims, i.e., 250. Healy does not take into account child sexual abuse that is not committed against pre-pubescent children. That is, it is based on the assumption that the alleged offending priests are *all* paedophiles. However, many of the offenders are not paedophiles; rather they fall into the category of offenders who target pubescent and post-pubescent children (children being defined as under 18 years of age), or they may not have a demonstrated fixation on pre-pubescent children. Note that these offenders, by contrast with paedophiles, tend to have a much lower rate of victims per offender; unlike paedophiles, many of these offenders are not in the grip of a de facto form of sexual addiction. Thus, recent figures in the Italian report, mentioned previously, show that the majority of cases of alleged sexual abuse do not fall into the prepubescent category. Moreover, we would expect contemporary allegations to be much higher if, as Zanardi suggests, 8% of currently serving priests in Italy are paedophiles or, at least, are offenders with a very high number of victims per offender.

Furthermore, this analysis does not allow for the general temporal distribution of cases of child sexual abuse, that shows cases peaked in the 1960s, 1970s and 1980s, and sometimes early 90s, and generally declined in the mid- 90s to the present time. In short, it assumes cases have been steady over time. According to Zanardi, the lobby group has identified 178 accused priests, 165 priests who were convicted by Italian law enforcement and 218 new cases (Carlo 2022). A jump from 396 actual cases to 1 million cases, even taking into consideration possible unreported cases, would be remarkable; indeed, given that the 1 million cases are not actual cases, but merely guestimates based on a flawed methodology, it is quite literally unbelievable. The problems with estimated figures of unreported cases of child sexual abuse have been discussed in sections 3.3.2; 4.2.5; 4.3.2.

In brief, while we know that the numbers of alleged child sexual abuse in the Catholic Church do not represent all actual instances of child sexual abuse in the Catholic Church, we cannot know the scale of this unreported abuse especially if the process of estimating unreported cases is based on unsubstantiated allegations, as these inquiries rely on. That said, we can choose to proceed to make estimates using a sound methodology and reasonable assumptions; alternatively, we can irresponsibly use methodologies and assumptions that generate inflated numbers. Certainly, it is estimated figures, effectively guestimates, based on unsubstantiated allegations that are often reported in the media as actual instances of child sexual abuse and many people reading these reports falsely believe these figures to refer to known actual cases of child sexual abuse. This damages the reputation of the Church considerably and unjustly. Here, to reiterate, the Church ought not divest itself of all concern for its reputation, doing so, perhaps in part, as a result in the

past of placing its reputation and the reputation of abusive priests above justice and the wellbeing of victims of child sexual abuse.

Let us now undertake a brief survey of some of the processes and outcomes of the independent inquiries analysed in this book to form a view of what might be the consequences, if the Catholic Church in Italy decides to commission and fund an independent inquiry or if it decides to support an inquiry funded and undertaken by some external organisation, such as the Italian Government. We have already elaborated in detail the general problem that so-called independent inquiries have a tendency (although the John Jay Inquiry is an honourable exception) to inflate (in the case of the NZ, French and Spanish inquiries, grossly inflate) the numbers pertaining to the nature and extent of the problem of child sexual abuse in the Catholic Church (and in the case of some inquiries, e.g. the French Inquiry, downplay its essentially historical character). In one or more of these respects many so-called independent inquiries have shown themselves to be unreliable. Accordingly, the Catholic Church would be well advised to proceed with extreme caution; indeed, very possibly not proceed to establish or support an independent inquiry on pain of its likely lack of objectivity. Moreover, there have been significant other problems with respect to violations of the natural rights of priests and members of the religious orders by a number of these inquiries. We note that the Catholic Church has a particular obligation to ensure that the rights of Catholic priests and members of its religious orders are not violated. Here, criticism of the Irish Inquiry is instructive. For instance, the Irish Inquiry did not accept that the Catholic Church in Ireland was on a "learning curve" regarding child sexual abuse, notwithstanding, that there is significant evidence to show that the Catholic Church's response to child sexual abuse was, in many cases, in line with that of other institutions and the broader community, and in some cases, even ahead of it. Here, we note that in 2000 the Catholic Church in Ireland requested police checks for candidates for the priesthood and was told that it was not eligible for this service. Furthermore, in Judge Sweeney's investigation into the report of the Irish Inquiry he found that the inquiry went outside its mandate in unacceptable ways in its zeal to build cases against priests accused of child sexual abuse.

Importantly, Sweeney observed that the inquiry dismissed the accused clerics' exculpatory evidence and did not use reasonable standards of proof. For example, if there were different recollections of events the inquiry chose the alleged victim's testimony without justifying its reasons for doing so. Furthermore, in its final report the inquiry did not include letters of response from priests who were accused of child sexual abuse. Sweeney remarked that in going outside its mandate the inquiry did not observe minimum rights of natural and constitutional justice. Importantly, the accused priests were not accorded the protection of their constitutional right to retain their good name as accused persons who had not been found guilty of the offences in question after an appropriate process of investigation and adjudication (Sweeney 2013, 15). As we saw in Chapter Two (section 2.3) the Supreme Court of Pennsylvania also made these criticisms of the Pennsylvania Grand Jury Inquiry. Indeed, the Supreme Court of Pennsylvania ordered those parts of the Grand Jury Inquiry to be permanently redacted in order

to protect the appellants' (Catholic priests) constitutional rights that the inquiry had violated (Saylor 2018, 1). The likelihood of further such rights violations is another reason against establishing or supporting an independent inquiry; and certainly, one of a similar kind to those just discussed.

Furthermore, we can assume that an independent inquiry in Italy would also make recommendations concerning standards of evidence to be used in redress schemes, as other inquiries have done. We have described the low standard of evidence that is required for the Australian Government Redress Scheme (i.e. there is no requirement for corroborating evidence (see section 3.2.15). Should the Catholic Church in Italy be prepared to comply with a redress scheme that requires that a payment be made to almost every applicant without effective scrutiny? Leaving aside the extraordinary financial cost there is the matter of the implications of guilt associated with making a payment. The implication of these payments is that the allegations made by the payee were true and, therefore, the accused priest (or member of a religious order) a sexual abuser of children or, often, if the media acquire the information, a paedophile. Yet the allegation is in many cases essentially untested; it is simply an allegation.

Moreover, what of criminal cases? Recall that the Australian Inquiry pushed for the following amendment concerning criminal cases i.e. cases in which the accused could be sentenced to a term of imprisonment, if found guilty.

> Legislation should provide that the judge must not direct, warn or suggest to the jury that it is 'dangerous or unsafe to convict' on the uncorroborated evidence of the complainant or that the uncorroborated evidence of the complainant should be 'scrutinised with great care' (RCIRCSA 2017, Vol. 16, *Recommendations,* 110).

This comment should be of particular concern in the light of the case of Cardinal George Pell who was wrongly imprisoned of child sexual abuse on the basis of the testimonial evidence of his alleged victim (testifying as an adult decades later). (Fortunately, Pell's conviction was later overturned by the High Court – see section 3.2.16). Importantly, the alleged victim's demeanour was said to have been so compelling that the jury were prepared to set aside the exculpatory evidence of 23 people. If George Pell himself, had not later provided proof that the prosecution's case rested on an inconsistency that made the allegations impossible he would have died in prison. Should this be worrying to the Church in Italy? Yes, because these inquiries and the negative media attention they receive often coincide with a strong desire for a "scalp" or a scapegoat.

In Canada we have seen specific allegations of what were called "horror" crimes made against church-workers that ultimately were proven to be false. Yet, these allegations from Pine Creek residential school were only proven to be false because the basement of a church, that was built on the site of a residential school, was excavated and the bodies that were expected to be there were not found (Malone 2023). Yet, other allegations relating to residential schools in Canada cannot be proven one way or the other. Recall the consequences for the Catholic Church in Canada after the announcement of the "discovery" of 215 graves at Kamloops residential school: – nearly 100 churches were destroyed by

arsonists evidently acting from a motive of revenge. The situation in Canada is illustrative of the incendiary effect (literally in the case of Canada) of unproven allegations that are widely reported in the press, often as facts.

We might also remember that the public are inflamed by sensationalistic media reports that are based on the executive summaries of these inquiries, that are given to the media. For instance, it is highlighted in the executive summary of the Australian Inquiry, without much clarification that 7% of Australian priests are predators. Yet, this is an erroneous claim that, if it is to be released to the media, should be released with considerable warnings about the speculative nature of the claim. Furthermore, the executive summary of the French Inquiry highlights its estimation that 330,000 people in France are victims of child sexual abuse at the hands of priests and church-workers – another highly speculative estimate. Yet, as we have argued in this book, these estimates are rarely reported as speculative estimates in the media; they are, more often than not, presented as facts about instances of actual child sexual abuse (or, at least, as actual documented allegations). These inquiries are well-aware of the impact their media releases will have, and yet do not ensure that this kind of misleading reporting is corrected. Here, we note the Australian Royal Commission had a media department. Should this media department not have corrected the many falsehoods in the media that are supposedly derived from its media releases? It was irresponsible of it not to do so. Do we hear from the French Inquiry when the media reports that the 330,000 estimated cases of child sexual abuse in the Catholic Church mentioned in the inquiry are actual instances of child sexual abuse or, at least, of actual documented allegations? We do not.

This book has provided a comprehensive account of these inquiries and their flaws in this and other respects. In doing so, we take ourselves to have provided, in effect, sufficient reason to cast very serious doubt on the justification for, or wisdom of, the Catholic Church in Italy establishing or supporting an independent inquiry. Some claim that the Catholic Church will not be trusted to have unearthed the truth if it conducts its own inquiry. However, the more appropriate question might be: Could an independent inquiry, at least of the kind established in other countries, be trusted to establish the truth? In the light of recent so-called independent inquiries, the answer is surely in the negative, at least at this point in time, in the current climate, and in the context of the likely lack of de facto independence of such an inquiry, given the ideological and financial interests in play.

That said, victims have the moral right to be heard and also to receive compensation for crimes committed against them by clerics, members of religious orders and church-workers. Moreover, regarding the transnational justice of compensation, the question will inevitably be asked, why should a victim of clerical child sexual abuse in, say, Australia, receive a redress payment when a victim in Italy is denied a payment merely because he or she experienced abuse in Italy where no compensation scheme exists? It is morally wrong to silence victims of child sexual abuse and refuse to redress the wrongs done to them where this is possible. Accordingly, we believe that victims of child sexual

abuse should be compensated financially and provided with other means of support, as appropriate. However, this can be achieved without an independent inquiry and potentially, without a redress scheme depending on the legal costs to victims to make use of civil courts and the effectiveness of these courts in obtaining justice for victims. If there is to be an inquiry, whether undertaken entirely independently of the Catholic Church or not, then it is imperative that this inquiry be genuinely independent, including with respect to any potential ideological bias it might have or any potential financial interests that might exert undue political pressure on its work and, thereby, skew its findings. Moreover, such an inquiry must not only be competent in relation to its research activities, and in respect of any investigative and adjudicative functions it might have, but it must also be subject to significant oversight to ensure that this competence is in fact exercised appropriately to ensure the integrity, reliability and credibility of its methods and findings.

Moreover, safeguards must be put in place not only for victims, as has been widely and loudly proclaimed by recent inquiries, but also for those who are accused of sexual abuse and whose rights have frequently been sacrificed in the rush to acknowledge and compensate alleged victims; the accused also have moral and legal rights, notably the right to be held to be innocent until proven guilty. Moreover, the financial resources of the Catholic Church are not inconsequential; they are not something to be squandered on those making false allegations and, on the lawyers, and other non-victim beneficiaries of what some are suggesting has become, in the context of billions of dollars of redress and civil payouts by the Catholic Church, a de facto child sex abuse 'industry'.

Church leaders must be responsible stewards of the Church's finances. Thus any future redress scheme for the victims of child sexual abuse, if it is to be implemented, needs to function in accordance with reasonable standards of evidence, e.g. on the balance of probabilities, applied in the context of an adequate process of investigation and adjudication, and it should only make compensatory payments to those who have suffered significant adverse effects, e.g., a one-off instance of over the clothing touching (especially if the touch was not understood to be sexually motivated at the time, e.g. the offender touched the child on the knee for sexual gratification on a single instance) is unlikely to cause significant harm and, therefore, does not warrant compensation. Similarly, the statute of limitations should not be extended for minor crimes. Thus, such a redress scheme ought not to operate with the minimal standard of evidence required by the redress scheme in Australia established as a result of the Australian Inquiry; in this scheme no corroborating evidence is necessary for a payout and the alleged victim is nearly always taken at his or her word.

Furthermore, any future inquiry into child sexual abuse in the Catholic Church in Italy should call for penalties to be in place for people who make false allegations of child sexual abuse. Moreover, the Catholic Church may need to become more active in its use of civil courts to extract compensation from those making false allegations; the reputation of the Catholic Church is fundamental to its moral and spiritual authority and, therefore, its leadership needs to ensure that

neither the Church as an institution nor its innocent priests and other members suffer unjustified serious reputational loss (such as that resulting from falsely being labelled a paedophile). Further, the Church should undertake the necessary investigative work to determine whether an allegation is false or, at least, such preliminary investigative work as would trigger the police to undertake such an investigation. We note that there was no penalty built into the Australian Government Redress Scheme for false claims for six years. Only in September 2024 did the redress scheme announce on its webpage that people who made fraudulent claims would be prosecuted. Up until this time the redress scheme had paid out a total of $1.31 billion dollars (Ransley 2024), without a deterrent to those who would make false child sexual abuse allegations. Nor is the argument that there are few, if any, false allegations sustainable, at least in the context of a redress scheme with large payments and a low standard of evidence.

In short, while it goes without saying a victim of serious child sexual abuse in Italy is entitled to compensation, as is one in Australia and elsewhere, it does not follow from this that a redress scheme in Italy should replicate the ones established in Australia and elsewhere. Here it is not only a matter of the moral responsibility to victims and to the accused, but also of ensuring that the Catholic Church can continue to pursue its mission, including to finance its charitable work. Consider this quote from Joseph Lee (2022):

> Dioceses are sued because plaintiffs and their lawyers apparently see 'deep pockets,' compared to those of clergy perpetrators. Yet, those pockets are not as deep as some assume – for example, chapels and shrines are not easily convertible into liquid assets. Civil litigation arises probably because of anger of victims and church members at bishops: however, a lawsuit against a diocese punishes more the Church's charitable programs and social outreach rather than the bishop.

4.4.6. Concluding Remarks

As far as the recent European inquiries are concerned, we see an alarming rise of sensationalistic 'findings'; findings of large-scale, ongoing, child sexual abuse in the Catholic Church. Furthermore, as Armogathe et al. claim, it is likely that these sensationalistic 'findings' are all that members of the public are likely to be aware of and remember as a result of these inquiries. Armogathe et al., were talking about, in particular, the 330,000 estimated victims of child sexual abuse in the Catholic Church that came from the French Inquiry. However, the same can be said for the 440,000 figure that is derived from the Spanish Inquiry. If Italy has an independent inquiry, the figure of 1,000,000 might enter the public mind – this will certainly be the case if the local victim's lobby group has a strong influence on it. Importantly, we stress it is very difficult to overcome these grossly misleading figures. We have argued that the general population surveys in the French Inquiry and the Spanish Inquiry are deeply flawed. Furthermore, we have argued that the speculative figure of 1,000,000 victims that comes from *Rete L'Abuso* is fanciful. However, it would take a sustained and very public denial of these 'findings' to even come close to changing the minds of the average person who listens to the news.

Indeed, it could be said the Church, perhaps unsurprisingly, is failing adequately to address the erosion of its moral authority by virtue of failing to address the reputational damage arising from these various inquiries into child sexual abuse in the Catholic Church. Based on some of the findings of some of these inquiries it is evident that, at times in the past, the Church prioritized its reputation over the rights and needs of victims/survivors of child sexual abuse, including their right to justice. However, faced with massive and ongoing reputational damage, as a result of these inquiries and, in particular, the often sensationalistic and misleading media coverage of the findings of these inquiries, the Church, no doubt shocked, ashamed and, perhaps, fearful of provoking an even greater backlash, seems to have lost the will to defend its reputation against disinformation and defamation (as opposed to damning facts and justified criticism).

For example, the Church has not responded adequately to the recommendation of the John Jay Report that it educate the public regarding the nature and scope of child sexual abuse in the Catholic Church, rather than allowing the general public to rely on, the often, inaccurate sensationalistic reports in the media. Thus, many members of the general public believe that contemporary cases of child sexual abuse are at the same rate as they were in the peak periods during the 1970s. However, in the USA and other places, the Church implemented significant safeguarding programs in the 1990s (which have been refined over the decades) that were evidently successful in reducing child sexual abuse. In the USA in 2018 0.07% of priests had contemporary allegations of child sexual abuse made against them, i.e., less than one in a thousand (Donohue 2020). Many members of the general public believe the number to be much higher. For instance, the media in Australia has put the figure at 7% or seven in a hundred[2]. What will the general public believe in Italy if an independent inquiry goes ahead?

[2] Stephen Johnson, 2017 "Shocking Church data finds SEVEN per cent of all Catholic priests are accused paedophiles – and in some orders the number jumps to more than one in five." Mail Online. http://www.dailymail.co.uk/ne

CHAPTER 5

Conclusion

5.1. Introduction

It is evident that members of the Catholic Church perpetrated child sexual abuse crimes on a large scale in the 1960s, 1970s, and early 1980s. For example, inquiries into child sexual abuse have discovered allegations of child sexual abuse in most dioceses of the countries of interest. In data from the John Jay survey instrument sent to all US Catholic dioceses 4,392 priests had been the subject of an allegation of child sexual abuse in the period 1950-2002 (Terry et al. 2004, 27). Moreover, there is evidence to suggest the Church covered up crimes of child sexual abuse and acted unjustly to victims of child sexual abuse.

Regarding the inquiries, most of the inquiries performed valuable tasks in so far as they aggregated data on child sexual abuse allegations in the Catholic Church, thereby, demonstrating that child sexual abuse is a serious problem, provided a voice for those who had been sexually abused, and recommended reform measures. Furthermore, the commissions of inquiry raised many valid concerns regarding the Church's handling of complaints of child sexual abuse. For example, canon law processes were found to be defective in some instances. Many of these concerns have now been addressed or are currently being addressed. Importantly, in 2019 Pope Francis released the letter *Vos Estis Lux Mundi* which issued clear and effective standards for complaints handled, as far as they relate to ordained members, or those within the Catholic Church who are professed religious, including nuns and monks. On 16 July 2020 the DDF released *Vademecum. On Certain Points of Procedure in Treating Cases of Child*

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Sexual Abuse of Minors Committed by Clerics. This handbook provides church leaders with clear directions regarding complaints handling.

In the Introduction we stressed that child sexual abuse in the Catholic Church has had horrendous effects on many of its victims and that the Catholic Church must take full responsibility for its many failures in this regard. Nevertheless, there is a need for objective analysis as a corrective to the current media-driven, one-sided characterisation of child sexual abuse in the Catholic Church today, at least in the UK, the USA, Australasia, and Europe. Contrary to many media reports on the subject, the evidence provided by the major commissions of inquiry demonstrates that the problem of child sexual abuse in the Catholic Church is essentially an historical problem. (The French Inquiry is the outlier in this respect. However, it relies on speculative estimates – see 4.2.5). Moreover, the evidence suggests that safeguarding mechanisms put in place in the Church, and a general awareness of the pervasiveness of child sexual abuse and the harms it causes, have resulted in a dramatic reduction in the rate of child sexual abuse in the Catholic Church.

For example, the industrial schools which were the subject of the Ryan Report were closed by the mid-1970s and many of the allegations related to events that occurred 40 years prior to the mid-1970s. The major finding of the John Jay Inquiry is that the "crisis" of child sexual abuse in the Catholic Church is an historical problem. Similarly, the claims in the Australian Inquiry concern allegations of child sexual abuse that were, on average, alleged to have occurred 30 years ago, i.e. 90% of the allegations concerned events that were alleged to have occurred before 1990 (RCIRCSA 2017, Vol. 16, Book 1, 17). The Spanish Inquiry's number and pattern of actual allegations paints a similar picture of declining rates of child sexual abuse. The NZ Inquiry even called its Commission the *Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions.* Indeed, the John Jay Inquiry, as mentioned earlier, recommended that the Catholic Church educate the public regarding the nature and extent of child sexual abuse in the Church today.

The mandates of the inquiries analysed in this book were different in a number of respects from one another. For example, the John Jay Inquiry was more interested in analysing the nature and causes of the problem of child sexual abuse in the Catholic Church in the USA, whereas the Irish Inquiry and the Australian Inquiry were more concerned with complaints handling in Ireland and Australia (respectively). The Pennsylvania Inquiry primarily presented case studies. The French Inquiry sought to get an overview of the nature and extent of child sexual abuse in France, albeit in part by recourse to a controversial survey methodology. Notwithstanding these differences, there were many commonalities in the approaches that these inquiries took in respect of their analyses of complaints and other data, albeit with different degrees of success. In relation to the conclusions reached, again there were both commonalities and differences. In this concluding chapter inter alia, we outline some of these commonalities and differences.

Regarding the number of resources each had at its disposal and, other things being equal, one might have expected the best resourced of the inquiries to do substantially better than the less well resourced. Certainly, the French Inquiry suffered from a lack of financial support (it cost 2.6 million euros). However, it might also be expected that in terms of the criteria of intellectual depth and utility of findings the John Jay Inquiry would suffer greatly by comparison with the Australian Inquiry, in particular, given that the former generated a report in 2 volumes and cost US$3 million (roughly equivalent to AU$4 million) while the latter generated a report in 16 volumes and cost AU$500 million. However, for reasons to be given below, this is not so; indeed, the John Jay Inquiry is superior to the Australian Inquiry in a number of important respects, notwithstanding the huge resources expended on the latter. Hence, inquiries that are less well-funded can produce good reports, assuming they limit the scope of their inquiry (e.g. do not perform general population surveys at significant cost for little or no benefit).

The Canadian Inquiry cost the government of Canada 72 million dollars (Government of Canada n.d.). The Irish Inquiry cost substantially more than the John Jay Inquiry but less than the Australian Inquiry. Its costs were as follows: Ryan Inquiry (126-136 million euros); Murphy Inquiry (3.6 million euros, not including third party legal costs); Ferns Inquiry (2.3 million euros); and the Cloyne Inquiry (1.9 million euros, not including third party legal costs) (Age of Inquiry n.d.). The Irish Inquiry has been criticised for the cost of the inquiry – a cost it is now asking the Catholic Church to pay half of. The following commentary compares the processes and findings of the inquiries.

5.2. Unsubstantiated Claims

A common feature of all of the inquiries in this book is the presence of large numbers of unsubstantiated allegations of child sexual abuse. That said, the Australian and Irish inquires (particularly the Ferns Inquiry, Murphy Inquiry and Cloyne Inquiry) claimed that the focus of their inquiries was complaints handling and not the veracity of the allegations made. However, notwithstanding this, these inquiries published statistics regarding the number of allegations they received and the percentage numbers of priests who were subjects of allegations of child sexual abuse etc. These figures play a central role in these inquiries. Moreover, notwithstanding what the commissioners might say, they are intended to play a central role and are provided to the media so that they will in fact be widely disseminated and occupy a central place in the minds of the public, policymakers and so on. These figures were often reported in the media without appropriate qualifiers and, thereby, created the impression that large numbers of currently serving priests were guilty of child sexual abuse. This cavalier, indeed, misleading, reporting of allegations of child sexual abuse has been extremely and unfairly damaging to the reputation of the Catholic Church and horrendous for those bishops and priests who are, in fact, innocent of the crimes and misdemeanours that they have been accused of. Moreover, it has occurred in spite of persistent warnings from academics and lawyers about the

possibility, indeed likelihood, of false allegations. For instance, in 2016 Rosalie Burnett edited a book published by Oxford University Press, *Wrongful Allegations of Sexual and Child Abuse,* in which it is argued that false claims of child sexual abuse are quite common.

It was only the John Jay Inquiry that excluded what the study called, "an implausible allegation" (Terry et al. 2004, 20). The other inquiries did not exclude implausible allegations from their data; so, their aggregated data includes instances of implausible, indeed presumably false, allegations. The quantum and percentage of false allegations in all of the inquires (albeit especially the inquiries that failed to discard implausible allegations) is unclear. For very large numbers of allegations not only concerned events alleged to have occurred in the distant past, they were based on recovered repressed memories and lacked corroborating evidence and/or were untested. Therefore, it cannot simply be assumed that the quantum and percentage of false allegations aggregated in the Irish and Australian inquiries, for example (and to a lesser extent the John Jay Inquiry, given it discarded implausible allegations) is very small. Furthermore, the John Jay Inquiry had a clearer process of identifying the targets of allegations of child sexual abuse than the Irish and Australian inquiries. For example, all of the allegations in the John Jay Inquiry were against a person with a name and a birth date (Terry et al. 2004, 4), as opposed to the Australian Inquiry's allegations from the private sessions where identities were often unclear, including cases where the gender of the target of the allegation was unknown.

However, the most striking problem here concerns inquiries that did not even rely on unsubstantiated claims but created their own figures. Here, the NZ Inquiry is relevant for its use of crime multipliers that suggest that 1 in 3 people who attended residential schools in NZ were abused. This is significant given that the NZ Inquiry declared that it would take into consideration the context of the time, and hence, acts such as caning would not be considered abuse. Furthermore, the French and Spanish inquiries created figures from general population surveys of the sort that are ordinarily used in marketing to determine, for instance, consumer preferences for particular goods. Such surveys are highly unreliable if used to try to estimate the extent of complex, historical phenomena such as child sexual abuse in a large, multi-faceted institution such as the Catholic Church in France over many decades. We discuss the problems with these surveys in section 5.6.

5.3. Ambiguous Language

A further, and related, comparison can be made regarding the language used in the inquiries. The language used in a forensic commission of inquiry is important. However, all of the inquiries excepting the John Jay Inquiry and IICSA struggled with the use of consistent and precise language. For example, they failed to consistently use the word "alleged" in reference to unsubstantiated claims. Take for example, the section in the final report of the Australian Inquiry titled, "Perpetrators of Child Sexual Abuse". This section begins by speaking

of alleged perpetrators, and then, moves into calling all alleged perpetrators simply perpetrators (RCIRCSA 2017, Vol. 16, Book 1, 18-19). Similarly, the Irish Inquiry failed to consistently specify the nature of a claim. For example, "The failure to repeat the phrase "it is alleged" throughout every paragraph of this Chapter must not be taken as indicating that the inquiry has accepted that the allegations or complaints are, or any of them is, true" (The Ferns Inquiry 2005, 70). However, there are significant differences between an alleged act of child sexual abuse and a substantiated allegation of child sexual abuse. In the case of an alleged or untested allegation of child sexual abuse we cannot be confident that the alleged child sexual abuse happened or that it is an act of child sexual abuse whereas in the case of a substantiated allegation we can.

The Australian Inquiry was often guilty of using inconsistent and confusing language with reference to the people who made allegations of child sexual abuse. For example, the Australian Inquiry decided to call all of the people who made unsubstantiated allegations of child sexual abuse in the private sessions "survivors". However, the term "claimant" is used in the interim report in relation to allegations in the claims data from the Catholic Church and not the term "survivor" (RCIRCSA 2017a, 6). This inconsistency is misleading as it could reasonably be assumed that if the terms "survivor" and "claimant" are both used, as they are, then the term survivor would refer to substantiated complaints and the term claimant would refer to unsubstantiated complaints; however, this is not the case. Unfortunately, this confusing language made its way into media reports without a warning that survivor's claims were unsubstantiated. In contrast to both of these inquiries the John Jay Inquiry used consistent and forensically correct language. Similarly, IICSA distinguished between substantiated and unsubstantiated cases. For example, if a complaint was not substantiated by the Church or by a court trial the person making the allegation was called a "complainant" if an allegation was substantiated the person making the allegation was called a "victim" or "survivor" (IICSA 2020, 7).

Moreover, there is a disparity between the Australian Inquiry's definition of a perpetrator and the people who have been included in this category. For example, in the section of the final report that lists key terms it clearly states that a perpetrator is "an adult who has sexually abused a child" (RCIRCSA 2017, Vol. 16, Book 1, 130). Yet, 13.4% of the claims in the private sessions concerned child on child sexual abuse (RCIRCSA 2017a, 216). Similar problems occurred with the Irish Inquiry. For example, an Irish Times editorial reported that the Murphy Inquiry had found that, "the vast majority of uninvolved priests turned a blind eye" to child sexual abuse. Yet, the Murphy Report made the following claim, "Some priests were aware that particular instances of abuse had occurred. A few were courageous and brought complaints to the attention of their superiors. The vast majority simply chose to turn a blind eye." Hence, the vast majority of those priests who were aware of the abuse were said to have turned a blind eye, which was a minority of priests. Certainly, the wording that the "vast majority" of "some priests" is poor expression which could easily lead to the misunderstanding outlined above. Pádraig McCarthy argues, this comment

taints, without foundation, a large number of priests (McCarthy 2013, 89). Furthermore, McCarthy (n.d.) has the following to say regarding the claim that child sexual abuse was widespread throughout the Diocese of Dublin,

> The report claims (1,7) that abuse of children by priests was "widespread" in the diocese. Diocesan statistics (November 2009) show that 5 per cent of priests between 1940 and 2009 have had allegations made against them. This is 5 per cent too much, but 5 per cent is not "widespread". If 5 per cent of journalists had such allegations against them, and an official report described this as "widespread" abuse, journalists would protest strongly.

That said, child sexual abuse was widespread in as much as it occurred in many parishes and was not limited to a small geographical area. Hence, we also use the description widespread in this commentary. However, McCarthy does have a point. We also take issue with the cavalier language in the Pennsylvania Grand Jury Report. Recall the quote, "…all of them [victims of abuse] were brushed aside, in every part of the state, by church leaders who preferred to protect the abusers and their institution above all" (40th SIGJR 2018, 1). Yet, we have evidence in the report that this is not true, including letters from victims of child sexual abuse who thank Bishop Trautman for his pastoral care.

A further area of ambiguous language concerns the French Inquiry's decision to use the terms "sexual violence" and "sexual abuse" in non-standard ways. Notably, the inquiry chose to use the term "sexual violence" to refer to actions standardly described as instances of non-violent sexual abuse (CIASE 2021, 17). The designation of violence was decided to be accurate because of the presence of a power imbalance and not in terms of the violence that may have been committed during the act (CIASE 2021, 54). For example,

> Sexual violence encompasses situations in which one person imposes on another unsolicited acts or propositions of a sexual nature. This expression covers forced or attempted sexual intercourse, touching of the private parts or forced kissing, exposing oneself naked, or sexual harassment. Sexual abuse specifies the setting in which the violence occurs" (CIASE 2021, 54). Hence, "The choice has been made to use both expressions in this report. The survey conducted by Inserm concerns acts of sexual violence committed against children or members of women's religious orders in the Roman Catholic Church. Because these acts of sexual violence took place within an established relational framework, in which one person, in a position of institutionalised power over another, abused this power by extending it to include the sexual realm, the term sexual abuse is used when dealing specifically with the relational context in which the sexual violence was committed (CIASE 2021, 54).

However, the concepts of violence and power are different although sometimes related. A person can have power without being able to engage in violent actions, e.g., by virtue of being wealthy or sexually attractive, and a person can be violent but relatively powerless, e.g., a violent child who hits an adult but to no effect other than a minor bruise. In the case of child sexual abuse,

an adult might caress a willing child in a sexual manner. This is not violence per se but is likely an exercise of power. Further some victims and perpetrators of child sexual abuse did not agree with the usage of the term "sexual violence" to be used in relation to their particular case. For example, when the alleged abuse did not contain any physical force.

As mentioned in the discussion of ideology manifest in the French Inquiry (4.2.11), in response to alleged victims unease with the term "sexual violence" the French Inquiry had the following to say, "[some alleged victims were uncomfortable with the term sexual violence]…(for example, when the abuse consisted of caresses, sometimes accompanied by tender words); although the Commission is clear that, in its opinion, there is absolutely no doubt that such acts do indeed constitute violence" (CIASE 2021, 54). This is inconsistent with conceptual literature on this point and merely serves to muddy the definitional waters (see Coady 1998). It is also another area where the CIASE report is inconsistent with other inquiries.

5.4. Seriousness of Offences

A further difference in the inquires concerned whether the inquiry categorised acts of child sexual abuse on the basis of their seriousness. If they did not then, for instance, an allegation of a violent rape counted as one allegation and, therefore, had the same weight in the statistics as a lewd comment. The John Jay Inquiry categorized offenses into 20 categories including the following ones: touching over the victim's clothing; touching under the victim's clothes; cleric performing oral sex; victim disrobed; penile penetration or attempted penile penetration etc. (Terry et al. 2004, 6). Similarly, the Irish inquiries categorized allegations according to the seriousness of the abuse. Categories included: inappropriate fondling and contact; abuser forcing the child to perform masturbation on the abuser; the use of violence; anal rape; masturbation of the child by the abuser; oral/genital contact; non-contact sexual abuse; attempted rape; kissing; and digital penetration (CICSA 2009, Vol. 3, 7.117-20).

Furthermore, the Irish Inquiry and the John Jay Inquiry noted that most incidents of sexual abuse involved multiple categories. Hence, the specifics of the offences were considered in detail. By contrast, the Australian Inquiry did not inquire into the nature of an alleged act of abuse. The Australian Inquiry justified this omission by claiming that their work was largely concerned with complaints handling and that, therefore, the nature of the complaints, including the quantum of complaints of serious offences versus that of less serious offences, was not important. However, the response to an allegation of a serious offence, e.g. violent rape of a prepubescent child, would reasonably be expected to be different to the response to an allegation of a much less serious offence, e.g. looking at a postpubescent youth in a shower. Furthermore, the Australian Inquiry released these undifferentiated (with respect to the seriousness of the alleged offences) numerical figures of allegations of child sexual abuse to the media and did so without making it clear that some of these allegations would

likely be allegations of child sexual abuse at the less serious end of the scale. Regarding the NZ, French, and Spanish inquiries, and concerning their projected figures we are largely talking about (speculative) *estimations* of allegations and offences, and not actual allegations or offences per se.

5.5. Male Homosexuality

In the following commentary we refer specifically to *male* homosexuality. Evidence in inquiries into child sexual abuse consistently show that child sexual abuse in religious institutions is overwhelmingly committed by men and usually by men who abuse boys. The cases of women in the Church committing acts of child sexual abuse, lesbian or otherwise, are very low. For example, in the Australian Inquiry 3% of the allegations involved a female only, 2% of the claims involved a male and a female, and 1.2% of the claims concerned a religious sister (RCIRCSA 2017, Vol. 16, Book 2, 81). Indeed, it is remarkable that the Australian Inquiry did not spend any time investigating the strikingly low level of child sexual abuse allegations in Catholic women's institutions. Evidently, female on female or female on male child sexual abuse is not a problem in the Catholic Church notwithstanding the significant number of Catholic institutions staffed by women catering to the needs of girls and boys.

Regarding the figures, in the Ryan Report it is claimed that sexual abuse was endemic in boy's institutions as opposed to girl's schools where sexual abuse was not seen to be systemic (CICSA 2009, Vol. 3, 6.18). Indeed, in the industrial and reformatory schools for girls, girls were more often abused by external male workers or care providers (including family members) than by female care staff who were resident at the schools (CICSA 2009, Vol. 3, 9.94). In the Murphy Report the ratio of abuse to boys was 2.3 times that of the abuse to girls (DACI 2009, 3). Furthermore, the Ferns statistics reveal that four times as many boys as girls were reportedly abused by religious brothers and sisters. In the data provided by the Catholic Church in the Australian Inquiry (or, more precisely, in that data in which the gender of the offender and/or victim was reported, i.e. 96% of the data) 90% of alleged offenders were male and 78% of the victims were male. 96.2% of the alleged offenders were male in the private sessions data and 73.9% of the accusers were male (RCIRCSA 2017, Vol. 16, Book 1, 34). Moreover, many of the stories told to the Australian Inquiry, regarding the Catholic Church, include references to homosexuality. Below are a few select examples[1].

"Perry was open about his homosexuality, and attempted to convince Louis that he was homosexual too" (Anonymous n.d.a.).

"Richards, however, persisted in trying to convince Neville he was homosexual" (Anonymous n.d.b.).

[1] Note these examples are unsubstantiated allegations of child sexual abuse taken from the Private Sessions of the Australian Royal Commission.

"At the same time, Winston was trying to come to terms with his emerging homosexuality, in a "hostile and unforgiving environment." Eventually, he accepted it. "I don't know why, but I did. I just thought, "Okay, I'm gay and that's it. I need to deal with it"" (Anonymous n.d.c.).

"On the last occasion I saw him and it was just the two of us and … he said to me, "You just need to embrace the fact that you're gay". And that's what he said to me. And that, I just thought in an odd sort of way was easier for me to accept what had happened if I was, because that of course was normal sexual activity if I was homosexual. So for a number of years I thought, well maybe that's what I am. I didn't act on that but that's sort of how I felt" (Anonymous n.d.d.).

The John Jay Inquiry claimed that, when sex was reported, 81% of the alleged victims were male and 19% of the alleged victims were female (Terry et al. 2004, 69). However, notwithstanding these striking figures the inquiries did not suggest that male sexuality was an area of interest as far as child sexual abuse is concerned. For example, the Australian Inquiry is of particular interest here given that it makes the following claim:

> Understanding the diverse motivations and behaviours of adult perpetrators is key to recognising the risk of child sexual abuse, preventing abuse from occurring, and providing treatment to adults who have sexually abused children. This includes understanding the motivations and behaviours of all perpetrators, and not just incarcerated child sex offenders (RCIRCSA 2017, Vol. 2, 127).

Yet, in the next paragraph the Australian Inquiry makes the following comment:

> Given that most adult perpetrators are male, it has been suggested that gender may play a role in influencing who commits child sexual abuse. However, while the overwhelming majority of people who commit child sexual abuse are men, gender is not predictive of whether or not a person will become a perpetrator. Although the majority of adult perpetrators are male, most men do not sexually abuse children (RCIRCSA 2017, Vol. 2, 127).

This argument is fallacious. The fact that the *overwhelming* majority of child sexual abusers are men rather than women is a striking disparity in need of explanation and, prima facie, some feature of male sexuality, or of the sexuality of some men, is part of the explanation. Certainly, this line of inquiry cannot simply be dismissed because most men do not sexually abuse children. To see this, consider the following obviously fallacious, analogous argument in which gender is replaced by age and being a child sexual abuser is replaced by dying from COVID 19. Most persons over 65 years of age do not die of COVID 19, therefore those aged 65 or over are at no greater risk of dying from COVID 19 than any other age group! There is a striking correlation between gender (specifically the male gender) and being a child sexual abuser as there is between age (specifically being elderly) and dying from COVID 19. (The first edition of this book was written at the height of the COVID pandemic). This correlation between the male gender and child sexual abuse is in need of explanation not cavalier dismissal.

Moreover, the homosexual nature of many of these acts is important if we are to better understand the impact of the crimes on alleged victims of child sexual abuse. For example, many alleged victims reported they struggled with their sexuality for many years, or their entire lives, because of the homosexual nature of the abuse. Some complainants said they believed they became gay because of the nature of the sexual abuse, some complainants claimed they became homophobic as a result of the sexual abuse, whilst others claimed they had remained confused about their sexuality as a result of the alleged offences. Other topics relating to homosexuality that emerged from the private sessions included, among others, the legality of homosexuality at the time of the offence and surrounding issues of consent, and the shame that many complainants felt because of church teachings about homosexuality and family views of homosexuality. In addition, there is significant research that suggests that offenders who committed acts of child sexual abuse with male children were twice as likely to have suffered childhood sexual abuse themselves when compared with offenders who chose female victims[2]. Furthermore, the homosexual nature of the acts, in some instances, affected the response to the acts. Take, for instance, the following quote from The Bishops' Committee on Child Protection:

> Child sexual abuse by clergy has occurred over an extended period. Therefore, some awareness of the problem must have existed among clergy, most likely senior members of the Church, for some time. However, the way in which inappropriate sexual behaviour was interpreted by senior Church personnel varied. Anecdotally, sexual contact with male children was sometimes understood as homosexual behaviour rather than child sexual abuse per se. The emphasis was on the moral implications for the offending cleric and a confessional approach was used (Goode et al. 2003, 16).

Suffice it to say, these stories suggest that male homosexuality is an area that should have been of significant interest to the Australian Inquiry. Yet it is an issue which the Australian Inquiry dismisses with one small paragraph in the final report (which is composed of 16 volumes).

> Although most of the perpetrators of child sexual abuse in the Catholic Church that we heard about were male adults, and most victims were boys or adolescents, it is a misconception that all perpetrators who sexually abuse children of the same gender as them are same-sex attracted. Research suggests that child sexual abuse is not related to sexual orientation: perpetrators can be straight, gay, lesbian or bisexual. Research has indicated that men who identify as heterosexual are just as likely as men who identify as homosexual to perpetrate child sexual abuse. Vatican documents that link homosexuality to child sexual abuse are not in

[2] "In a meta-analysis of eighteen studies from1965 to1985, Hanson and Slater found that adult sex offenders who had perpetrated offenses against a male child were more likely to have a history of childhood sexual abuse (39 percent) than those who had perpetrated offenses against only female children (18 percent)" (Terry et al. 2011, 95).

> keeping with current psychological evidence or understanding about healthy human sexuality (RCIRCSA 2017, Vol. 16, Book 1, 43).

Like the Irish Inquiry and the Australian Inquiry, the John Jay Inquiry noted the high rate of male-on-male offenses in the data regarding child sexual abuse in the Catholic Church (in this case in the USA). Thus, in allegations in which the sex of the (alleged) offender and victim were disclosed, 81% of the alleged victims were male (Terry et al. 2004, 69). However, unlike the Irish Inquiry, and the Australian Inquiry, the John Jay Inquiry acknowledged the need to explain these very high rates of male-on-male child sexual abuse, and addressed the issue of homosexuality. In doing so the John Jay Inquiry makes an argument in terms of situational homosexual acts rather than prior sexual orientation. We discussed the weaknesses in this argument in Chapter Two. Suffice it to say here that criminality is dependent not only on opportunity but on motive and, in the case of sexual crimes, sexual desire is not only an obvious motive but a necessary condition. In short, even if the only opportunities available were opportunities to sexually abuse boys this would not demonstrate that there was no sexual orientation towards boys. In any case, the statistics offered in the John Jay Inquiry to support their theory of situational abuse do not, in fact, support it. Thus, only a small percentage of the victims were altar boys and choir boys (groups to whom priests had access and who were exclusively male, and who the John Jay Inquiry relied on to make good on their claim of situational abuse), and the greater number of victims were first encountered by offending priests in the general church community, at Mass (Terry et al. 2011, 109).

The Commission that undertook the French Inquiry (CIASE) and specifically, Inserm, like the John Jay Inquiry, addressed the predominance of male-on-male child sexual abuse in the Catholic Church. They argued it could be a result of opportunity effect, as was favoured by the John Jay Inquiry. They also proposed that the predominance of male-on-male child sexual abuse might be the result of a psychological fixation on pre-adolescent boys in clerics (CIASE 2021, 104) or an atypical psychological profile with a paraphilia of sexual inclination towards male children (CIASE 2021, 167). We argued that an obvious problem here concerns the large number of male-on-male offences that were allegedly committed by lay people.

In the Inserm report in the French Inquiry it is striking that homosexuals are categorised solely as vulnerable to abuse and never in the role of the abuser. We can all agree that homosexuals have been vulnerable to abuse, particularly in times past when a homosexual orientation was illegal or stigmatized. However, it must also be acknowledged that at least some of the male-on-male abuse was homosexual in nature. In the EPHE Report that was also produced by CIASE it is argued that nearly half of the sexual predators who were interviewed identified as homosexual (80% for those who only assaulted male children), and one third of the predators identified as bisexual. All of the male predators who only abused female children identified as heterosexual (CIASE 2021, 149).

Therefore, notwithstanding these striking figures, namely, that the perpetrators of child sexual abuse in the Catholic Church are overwhelmingly male and their victims overwhelmingly male, all of the inquiries denied that male to male sexual orientation/preference should be an issue of concern in relation to the problem of child sexual abuse in the Catholic Church. If, in fact, it is an issue of legitimate concern, as the statistics seem to indicate, then this denial is problematic for two main reasons: (1) These inquiries are fact-finding inquiries and, therefore, they should only communicate the facts uncovered, they should not seek to explain away 'inconvenient' truths, and; (2) These inquiries are making recommendations for child safety in institutions, and their ideological or emotional attachments should not be allowed to prevail at the expense of child safety. Furthermore, all of the inquiries were intensely critical of the view that clerics were considered to be a group of people who were considered to be beyond even justified criticism. It is claimed that this attitude was an obstacle to complaints of child sexual abuse being acknowledged and also contributed to cover-ups in the Church. Fair enough. After all no group of people should be beyond justified criticism as far as child sexual abuse is concerned.

In closing, it seems that the inquiries into child sexual abuse in the Catholic Church are somewhat naïve in respect of the history of paedophile promotion groups and gay activism in the seventies and, as a result, have denied that male-on-male child sexual abuse was in fact a problem related to sexual preference and dismissed those who claim it was as blinded by prejudice against homosexuals. Thus, according to IICSA (2019a): "For these reasons, it is important not to conflate same-sex orientation and child sexual abuse. Selective blindness is a problem that can arise in any community, religious or otherwise, which is intolerant of homosexual acts and does not openly debate such matters" (94). It is, of course, true that same-sex orientation should not be conflated with child sexual abuse, and also true that homosexuals have been in the past unfairly and significantly discriminated against in the Catholic Church, as elsewhere. However, these truths should not be confused with, or allowed to shut down open debate on, the issue at hand, namely, the statistical preponderance of male-on-male child sexual abuse in the Catholic Church and, for that matter, in other churches. For example, in the Anglican Church in Australia 94% of the alleged offenders were male (RCIRCSA 2017b, 13) and 75% of the alleged victims were male (RCIRCSA 2017, Vol. 16, Book 1, 581). Moreover, the problem of male-on-male child sexual abuse has been acknowledged and acted upon by the Anglican Communion and other churches. For example, research commissioned by the Professional Standards Commission of the Anglican Church in Australia in 2009 made the following recommendation, "Focus educational efforts on awareness of the risk of abuse of boys" (RCIRCSA 2017, Vol. 16, Book 1, 586).

5.6. Surveys and Crime Multipliers

Three of the inquiries in this book relied on highly speculative estimates based on questionable methodologies, i.e. in effect unreliable guestimates: the

NZ Inquiry, the French Inquiry and the Spanish Inquiry. Regarding the NZ Inquiry, it is estimated at the high-end of its estimate, based on a methodology that utilised crime multipliers to account for unreported crimes, that 254,000 people (mainly children) in NZ have been abused in state and faith-based settings between 1950 and 2019. This number comes with a warning that the true number of abused children could even be higher. We argued in detail that the suite of estimated numbers that the report proposes are fanciful and based on a methodology that is flawed. For example, the NZ Inquiry used crime multipliers that relied, in part, on the figures from the Australian Royal Commission without taking into consideration that these figures were derived from unsubstantiated allegations and were more permissive than the mandate of the NZ Inquiry allowed for (there it is stated that the NZ Inquiry would only consider serious allegations that were not consistent with the context of the time). However, an additional extremely damning argument concerning these projected figures is that it was expected that the supposed victims, that were predicted by the inquiry on the basis of their methodology, would come forward. But they did not. The NZ Inquiry expected these people to come forward to the inquiry, given the invitation and opportunity afforded by the inquiry and register their abuse. This in turn, or so they thought, would justify their otherwise unsubstantiated estimates. However, in the final report of the NZ Inquiry only 2,300 people came forward (RCIHAC 2024, Part 3).

The French and Spanish inquiries did not use crime multipliers but rather general population surveys. We discussed in some detail problems with using a general population survey to assess the prevalence of child sexual abuse in the Catholic Church, in our analysis of the French Inquiry. Of note, the extrapolated figures from Inserm relating to the Catholic Church are that 216,000 people are alleged victims of child sexual abuse by Catholic priests or members of religious orders, or there are 330,000 alleged victims when lay members of the Catholic Church are included in the figures (CIASE 2021, 22-23).

Problems with the results from the Inserm general population survey include the following (see section 4.2.5). First, the numbers based on the general population survey are grossly inflated or, at best, unreliable. Indeed, it is well-known that the method of quota sampling used in the general population survey is often at risk of researcher bias and should not be used for generalizations in relation to complex issues such as child sexual abuse (Armogathe et al. n.d. 2). Second, the base numbers relied on to derive the extent of child sexual abuse in the Catholic Church are, it is plausibly claimed by Armogathe et al., not statistically significant. Third, it is inconsistent in important respects with the data from other reports in the CIASE Inquiry. For example, Inserm arrived at a number of 13,000 estimated reports to the Catholic Church of allegations of child sexual abuse. However, this 13,000 figure does not correlate with the actual figures from the Church (4,832). Fourth, the results were not consistent with other inquiries e.g., concerning the ages of children who were allegedly abused. In the other inquiries the ages of alleged victims increased over the years whereas in the French Inquiry they remained stable over time.

5.7. Historical Problem

Most of the allegations of child sexual abuse quantified in the inquiries into child sexual abuse described and analysed in this book concern events that were alleged to have occurred decades earlier than the time at which the allegations were made. For example, in the figures from the Confidential Committee in the Ryan Report 90% of the witnesses were first admitted to residential institutions between 1914 and 1965 (CICSA 2009, Vol. 3, 4.05). Most of the allegations of abuse concern events that are alleged to have occurred in the 1960s (CICSA 2009, Vol. 3, 9.09). 47% of the allegations that relate to males concern alleged abuse that took place in the 1960s. The allegations in the Investigative Committee also relate to abuse that if it occurred then it occurred in the distant past. Indeed, the industrial schools which were a focus of this inquiry closed by the mid-1970s. A substantial number of the allegations concern alleged abuse that occurred 40 years prior to the closure of the industrial schools (CICSA 2009, Vol. 1, 5.30). The Murphy, Ferns, and Cloyne inquiries also report the historic nature of the allegations. For instance, the oldest complaint in the Cloyne Inquiry concerns an alleged event from the 1930s. In the most up-to-date information from the 2023/2024 report of the National Board for Safeguarding Children in the Catholic Church in Ireland there are 4 allegations that concern the 2000s to the present day (NBSCCCI 2024,14).

We have less information regarding the IICSA inquiry. However, from the figures that we do have we can conclude that child sexual abuse, according to the small sample in the allegations made to the Truth Project, is largely historical in nature. For example, of these complaints 42% of participants alleged they were first abused prior to the 1970s. Moreover, the average age of the person making the allegation was 54. Hence, we can conclude that most of these allegations pertain to abuse that was alleged to have occurred some time ago.

The John Jay Inquiry reported that incidents of child sexual abuse increased in the 1960s, peaked in 1970s and sharply declined in the 1980s (Terry et al. 2011, 2). Furthermore, the John Jay Inquiry findings show that more abuse occurred in the seventies than in any other decade, and that allegations of abuse that are claimed to have occurred in recent years are relatively few. Indeed, 89.3% of priests with allegations of child sexual abuse against them were ordained prior to 1979 (Terry et al. 2004, 5). Regarding the Pennsylvania Grand Jury Inquiry most of the accused priests are dead (40th SIGJR 2018, 12), and most of the alleged acts of child sexual were said to have taken place before the 2000's (40th SIGJR 2018, 9). Regarding the Canadian Inquiry into residential schools, all of the allegations pertain to activity that allegedly occurred prior to 1969 when the schools closed. The latest figures regarding child sexual abuse from the US based USCBC (2023) show 6 allegations made in 2023 pertain to events that allegedly took place between 2000 and 2010, 4 allegations made in 2023 pertain to alleged events between 2010 and 2020, and, 12 allegations made in 2023 pertain to alleged events in the years 2020-23. These numbers are very low (USCBC 2024, 28).

The Australian Inquiry reported that 90% of the claims in the private sessions concerned allegations of child sexual abuse that occurred before 1990, and only 5.8% of the claims concerned allegations that occurred post 1990. 4.2% of the claims did not include a date (RCIRCSA 2017, Vol. 16, Book 1, 17). Generally, from 1990 to today there are very low numbers of first reported cases of child sexual abuse. As stated in section 3.2.6. during the period 2000-2010 less than 10 Australian Catholic priests in total were the subject of a first allegation (or only allegation) of child sexual abuse. For the period commencing in 2010 this number dropped to less than five. During the period 2000-2010 0.1% of Catholic priests were the subject of a first allegation of child sexual abuse (RCIRCSA 2017a, 22). The NZ Inquiry only assessed historical allegations. The trend of declining cases is also applicable to the figures from the EPHE research group in the French Inquiry. Moreover, these declining rates of alleged instances of child sexual abuse (and declining rates of allegations per priest, such as the one mentioned above in relation to the Catholic Church in Australia), cast doubt on the claim of the French Inquiry (apparently based on speculative estimates arrived at in its general population survey) that these rates are not declining. Similarly, the Spanish Inquiry acknowledged that cases of child sexual abuse have decreased over time. However, as we have argued in this work, the NZ, French, and Spanish inquiries based their claims of the extent and trajectory of child sexual abuse in the Catholic Church in their respective countries on speculative estimations of allegations of child sexual abuse rather than actual instances of abuse or actual allegations of abuse. Accordingly, we will not discuss these figures in detail here.

That said, the actual known instances of allegations and of instances of child sexual abuse, including some of the figures cited above suggest that child sexual abuse in church institutions is declining. However, it must also be acknowledged that there is often a delay in reporting acts of child sexual abuse. Indeed, it is not uncommon for allegations of child sexual abuse to be made decades after the alleged act took place. Therefore, it is possible that instances of child sexual abuse are still occurring in church institutions in large numbers but are not being currently reported and will presumably be reported decades from now. This was the view that was expressed by the Australian Inquiry. On the other hand, the Irish and John Jay inquiries argued that it is unlikely the unreported numbers of child sexual abuse in contemporary times would be anything like the number of instances in the 70s. The view expressed in the Irish Inquiry and the John Jay Inquiry is likely to be the correct one given the current climate of awareness of, and responsiveness to, allegations of child sexual abuse – and the considerable opportunities, processes and requirements for reporting child sexual abuse. That said, this is not to deny that child sexual abuse still occurs in the Church and may well occur in larger numbers than are reported.

Moreover, as mentioned in Chapter Three regarding the Australian Inquiry, it is highly unlikely that the number of actual acts of child sexual abuse in the 2000s and since is anywhere nearly as high as the corresponding number for the 1960s and 1970s. For one thing, the number of incidents of child sexual

abuse that allegedly took place since the 2000s is much lower proportionally than the corresponding number for the 1960s and 1970s. Accordingly, there is a presumption in favour of the proposition that the actual rates of child sexual abuse in the Catholic Church over this period sharply declined, notwithstanding unevidenced speculation by the Australian Inquiry. For instance, the Australian Royal Commission has suggested that there is a delay of 30 years between an act of child sexual abuse and the reporting of that act (RCIRCSA 2017, Vol. 16, Book 1, 18). However, the figure of 30 years is, as the Royal Commission states, simply an average; it would be inconsistent with the principle of averages to argue that all or most reports come after 30 years and there are few, if any, after (say) 10 or 20 years. Given that the 30-year time lag is an average then one would expect there to be a much larger number of allegations pertaining to acts of child sexual that are claimed to have occurred during, say, the 20-year period 1995-2015 than the relatively small number of such allegations that have in fact been received.

Moreover, we note there has been a very significant spike in the number of allegations during the period when the Royal Commission called for victims to come forward. Consider this quote from the chair, Justice McClellan (2017b), "And, as you know, once out in the public domain, many more people have come forward. I mean, thousands have come to this Commission, many of whom had never been to anyone else before." Thus, an important causal factor in the generation, since 2013, of large numbers of complaints of child sexual abuse in Australia (as opposed to the actual acts of abuse complained about) is the establishment of the Royal Commission itself (which commenced in 2013). This institutional intervention has, therefore, disrupted any pre-existing pattern of delay between an alleged offence and the reporting of it. Arguably, it has made it more likely that (at least) adults who are the relatively recent victims of child sexual abuse perpetrated by priests in the Catholic Church e.g. who suffered abuse in 1995-2010, are now more likely to come forward and make a complaint (and, indeed, seek redress in the form of payment). Yet, as already stated, there have been very few such complaints. Accordingly, it seems reasonable to assume that few complaints have been made – whether as a result of the Royal Commission or otherwise – because there have been few incidents of child sexual especially, since 2000 (or, at least, 2000-2010). This point regarding the likelihood of those who have suffered child sexual abuse reporting it can be generalised to the other countries in which there has been an inquiry into child sexual abuse in the Catholic Church.

A related issue concerns the problems caused by the delays in reporting allegations of child sexual abuse. For example, delayed accusations, included delays of decades, also delay Church investigations into accused persons. Therefore, in many cases the Church could not put in place restrictive measures to protect children in a timely manner because the Church did not know that a priest/church worker was an alleged predator, i.e. the Church could not restrict the ministry of a church worker, report allegations to the police, or defrock a cleric, until, in many cases decades after the alleged offences, due to the delay in allegations.

As mentioned above, most of the allegations in these inquiries were first made decades after the alleged abuse and, therefore, did not come to the attention of the Church at the time of the abuse. Thus, most of the allegations that were made in all of the Irish inquiries were not known to the Church until the 1990s. For example, "As with the other reports most of the allegations were not reported to the Diocese of Ferns prior to 1990" (The Ferns Inquiry 2005, 70). The Murphy Report states the following, "However, this criticism is made despite the Commission acknowledging that most of the complaints were made to the Church after 1995" (DACI 2009, 4). The John Jay Inquiry remarked that two-thirds of the allegations were made post 1993 and one-third of the allegations were made in the single year 2002-2003 (Terry et al. 2004, 5). 44.4% of the allegations were made in 2002-2004 and 39.4% of the allegations were made in the 1990s (Terry et al. 2004, 90). This is despite the fact that 75% of the acts of child sexual abuse were alleged to have taken place from 1960-1984 (Terry et al. 2004, 27). Similarly, the findings of the Australian Inquiry show, of the claims in the private sessions that related to religious institutions, 90% of the claims concerned incidents of child sexual abuse that allegedly occurred before 1990, and 5.8% of the claims concerned incidents that allegedly occurred post 1990. 4.2% of the claims did not include the date of the alleged incident (RCIRCSA 2017, Vol. 16, Book 1, 17). Furthermore, 86% of all allegations made, according to all of the data collected by the Australian Inquiry of child sexual abuse, commenced in 1950-1989 inclusive. The highest number of first-alleged incidents of child sexual abuse by a priest occurred in the 1970s (of the Catholic Church data (29% of claims with known dates) (RCIRCSA 2017, Vol. 16, Book 1, 34).

In the analyses of the various inquiries, we discuss reasons why the incidence of child sexual abuse reduced in the Church. These reasons include the introduction of government laws, and a growing awareness of the harm of child sexual abuse etc. In Chapter One we made this argument in relation to the Irish and IICSA inquiries. In Chapter Two we made this argument in concert with the John Jay and Pennsylvania inquiries. In Chapter Three we made this argument in opposition to the claims of the Australian Inquiry who argued that incidents of child sexual abuse are possibly still quite high. The NZ Inquiry acknowledged that most of the alleged abuse was historical. In Chapter Four we made this claim in opposition to the speculative estimates of the general population survey in the French Inquiry. The claim of decreasing allegations of child sexual abuse in the Church is consonant, however, with one arm of the French Inquiry (EPHE) and with the Spanish Inquiry. However, the strongest argument concerning the probability that incidents of child sexual abuse has reduced is contained in the following analysis by the John Jay Inquiry.

> The "crisis" of sexual abuse of minors by Catholic priests is a historical problem. The count of incidents per year increased steadily from the mid-1960s through the late 1970s, then declined in the 1980s and continues to remain low. Initial estimation models that determined that this distribution of incidents was stable have been confirmed by the new reports of incidents made after 2002.

> The distribution of incidents reported since 2002 matches what was known by 2002—the increase, peak, and decline are found in the same proportions as those previously reported. A substantial delay in the reporting of sexual abuse is common, and many incidents of sexual abuse by priests were reported decades after the abuse occurred. Even though incidents of sexual abuse of minors by priests are still being reported, they continue to fit into the distribution of abuse incidents concentrated in the mid-1960s to mid-1980s (Terry et al. 2011, 2-3).

Clearly acts of child sexual abuse in the Church decreased as a result of child-safety measures that were implemented in the Catholic Church, in some cases, decades ago, and which continue to be improved to this day. For example, some of the changes in this area, as stated in the timelines in Chapters One, Two, and Three concern the following: developments in procedures for complaints handling; the use of psychological experts and treatment centres to assess priests accused of child sexual abuse; improved seminary training; changes in canon law; and improved screening processes, among others. It would be illogical to conclude that these measures did not result in reducing child sexual abuse.

Moreover, many of these measures were introduced in the Church in line with changes in the broader community. For example, the Framework Document was implemented in 1996 (The Ferns Inquiry 2005, 39). Similarly, the Child Care Act 1991was fully implemented by the Government of Ireland in 1996 (DACI 2009, 100). We have argued that the Church's response to the problem of child sexual abuse in its ranks evolved with the broader community's understanding of, and response to, child sexual abuse. For example, we can clearly see, in section 1.2.6, that the Church in Ireland's developments regarding child sexual abuse were consonant with the broader community. For instance, prior to the mid-seventies there was little public knowledge regarding the scope or the extent of the damage of child sexual abuse. It was only in the early 1980s that this knowledge emerged in Ireland. At this time, the Church began to implement training and screening in seminaries to try to combat the problem.

In the USA the Catholic Church has been working to combat child sexual abuse in the Church for decades and processes that were put in place in the Catholic Church over these years, taken as a whole, evidently have been effective. For example, many of the recommendations made in the John Jay reports were partly implemented at the time that the reports went to print and continued to be implemented (Terry et al. 2011, 122). This was similarly the case in Australia as is evident in section 3.2.10.

Throughout the book we discuss changes related to the handling of child sexual abuse allegations, made by the Catholic Church both prior to and in response to recommendations made by the commissions of inquiry, e.g. changes in the reporting structures and mechanisms in the Church as a result of findings of inquiries. The reports of these commissions state that the evidence indicates that these safeguarding mechanisms have been successful in preventing child sexual abuse in the Church and in ensuring that complaints are handled in an effective manner. Doubtless, there is room for improvement. However, it is

conceivable that the Church will ultimately have the most stringent child safety mechanisms of any comparable institution in these countries – largely, as a result of these inquiries. Some child safety measures put in place by the Catholic Church since the 1990s include, new procedural laws and policies, changes to canon law, developments in seminary training that engage with child sexual abuse, better vetting processes, the creation of committees to respond to the problem, and the creation of redress schemes for victims of child sexual abuse.

Moreover, as mentioned previously, most of the allegations of child sexual abuse set forth in the findings of the inquiries were allegations with respect to incidents that took place decades prior to the allegations being made and, therefore, incidents that were likely not known to the Church until decades after they occurred. Accordingly, contrary to most media reports, in many cases the Church could not have done more than it did to protect children from predators. Moreover, such was the time gap between the offence and the allegation of the offence, that in a significant number of cases the individuals in question were not known to be predators until after they had died.

The inquiries analysed in this book acknowledge these improvements. For instance, the Irish Inquiry had the following to say, "Since the implementation of the Framework Document [in 1996], the Archdiocese and other Church authorities report complaints of clerical child sexual abuse to the Gardaí –this is appropriate communication" and "In its report into the Catholic Archdiocese of Dublin, the Commission stated that it accepted that the current archdiocesan structures and procedures for dealing with clerical child sexual abuse were working well."

In closing we make the following comment. The general assumption in the community that acts of child sexual abuse in the clergy are higher than in the general public is plainly false. Unfortunately, a child is at greater risk at home than a child is at a Church. As noted by Justice McClellan (2017a) in the opening address at the final sitting of the Australian Inquiry, "The Australian Inquiry has been concerned with the sexual abuse of children within institutions. It is important to remember that, notwithstanding the problems we have identified, the number of children who are sexually abused in familial or other circumstances far exceeds those who are abused in institutions." Moreover, the German Inquiry into child sexual abuse found that 83% of the alleged victims in the German Inquiry were alleged victims of incest (Deutsche Welle 2019)[3].

[3] A related concern is the abuse that non-offending priests often encounter in their daily lives as a result of child sexual abuse in the Church and the misreporting of it in the media. Barry O'Sullivan's book, *The Burden of Betrayal. Non-Offending Priests and the Clergy Child Sexual Abuse Scandals,* discusses the possibility of priests being "secondary victims" of the abuse crisis.

Reference List

Please note, online sources may be subject to ongoing modification and there may be instances where online sources have been modified since the publication of this book.

40th Statewide Investigating Grand Jury. 2018. "40th Statewide Investigating Grand Jury Report 1 Redacted". Accessed July 29, 2024.

Age of Consent. n.d. "Age of Consent in France." Accessed 31 July, 2024. France Age of Consent & Statutory Rape Laws

Age of Consent. n.d. "United States Age of Consent Map." Accessed June 18, 2019. https://www.ageofconsent.net/

Age of Inquiry. n.d. "A global mapping of institutional abuse inquiries." Accessed June 13, 2020.

American Medical Association Council on Scientific Affairs. 1994. "Report on memories of childhood abuse, American Medical Association." *International Journal of Clinical and Experimental Hypnosis*, 93 (5): 114-17.

Amnesty International. 2021. "Open Letter to Prime Minister Justin Trudeau calling for Justice and Accountability for Indigenous Peoples in Canada." 23, June 14. Accessed 30 July, 2024. (amnesty.ca)

Ampleforth Abbey. n.d. "Report: RC-F95." https://www.iicsa.org.uk/key-documents/19412/view/AAT000854_013.pdf

An oblate of Mary Immaculate. 2017. "The moral challenge posed to religious about the cost of redress." http://oblates.ie/wp-content/uploads/2017/03/The-moral-challenge-posed-to-religious-about-the-cost-of-redress-updated.pdf

Anonymous. n.d.a. "Louis Anthony's story." The Royal Commission into the Institutional Responses to Child Sexual Abuse. Accessed January 21, 2021. https://www.childabuseroyalCommission.gov.au/narratives/louis-anthonys-story

Anonymous. n.d.b. "Neville William's story." The Royal Commission into the Institutional Responses to Child Sexual Abuse. Accessed January 21, 2021. https://www.childabuseroyalCommission.gov.au/narratives/neville-williams-story

FUP Best Practice in Scholarly Publishing (DOI 10.36253/fup_best_practice)

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Anonymous. n.d.c. "Winston's story." The Royal Commission into the Institutional Responses to Child Sexual Abuse. Accessed January 21, 2021.
Anonymous. n.d.d. "Dane Allen's story." The Royal Commission into the Institutional Responses to Child Sexual Abuse. Accessed January 21, 2021. https://www.childabuseroyalCommission.gov.au/narratives/dane-allans-story
Anonymous. WordPress blog post. 2023. "Graves in the Apple-Orchard: Contextualizing and Questioning the Claims about Burial at the Kamloops Indian Residential School". In *Grave Error. How the Media Misled Us (and the Truth About Residential Schools),* edited by, C.P. Champion and Tom Flanagan, 80-89. True North and Dorchester Books.
Archdiocese of Toronto. 2021. "Background for Catholics. Residential Schools." Accessed 16 August, 2024.
Armogathe et al. n.d. «Analyse du rapport de la Commission indépendante sur les abus sexuels dans l'Église (CIASE) »
Associated Press. 2019. "New wave of sexual-abuse lawsuits could cost Catholic Church more than $4 billion." https://www.marketwatch.com/story/new-wave-of-sexual-abuse-lawsuits-could-cost-catholic-church-over-4-billion-2019-12-02
Austen, Ian. 2021. "Horrible History': Mass Grave of Indigenous Children Reported in Canada." *New York Times.* May 28, 2021. Updated 5 October 2021. Accessed 7 July, 2024.
Australian Bureau of Statistics. n.d. "Consumer Price Index Q&A." Accessed February 21, 2019. http://www.abs.gov.au/websitedbs/webfaq.nsf/home/Consumer+Price+Index+FAQs#Anchor7
Australian Catholic Bishops Conference and Catholic Religious Australia. 2022. *National Response Protocol. Church Authorities in Australia responding to concerns and allegations of abuse against children and vulnerable adults.* Accessed 12 August, 2024. (acsltd.org.au)
Australian Catholic Bishops Conference and Catholic Religious Australia. 2018. "Australian Catholic Bishops Conference and Catholic Religious Australia's Response to the Royal Commission into Institutional Responses to Child Sexual Abuse." https://www.catholic.org.au/acbc-media/media-centre/media-releases-new/2139-acbc-and-cra-response-to-the-royal-Commission/file
Australian Catholic Bishops Conference and Catholic Religious Australia. 2016. "Towards Healing. Principles and procedures in responding to complaints against personnel of the Catholic Church in Australia." https://ncps.org.au/public/public/41-towards-healing/file
Australian Catholic Bishops Conference. 1999. "Towards Understanding. A study of factors specific to the Catholic Church which might lead to sexual abuse by priests and religious."
Australian Government. 2018. "Royal Commissions Act 1902." https://www.legislation.gov.au/Details/C2018C00049
Australian Government. 2020. "Section 314." Crimes Act 1900. http://www5.austlii.edu.au/au/legis/nsw/consol_act/ca190082/s314.html
Australian Government. n.d. "Guides to Social Policy Law. National Redress Scheme." Accessed February 21, 2019. http://guides.dss.gov.au/national-redress-guide/2/2/1
Baer, Justice, et al. 2019. "Judgment in Grand Jury Investigation no. 18 vs CS." https://cases.justia.com/pennsylvania/supreme-court/2020-18-mm-2019.pdf?ts=1579707280
Bajos, Nathalie. 2018. "Abortion: stop femicides." 17 October, *Libération.* Accessed 2 August, 2024. (liberation.fr)

Barnett, Fiona. 2015. "Fiona Barnett: The 'Candy Girl', the Royal Commission and the NSW Police." Independent Australia. https://independentaustralia.net/life/life-display/fiona-barnett-candy-girl-and-the-police,8292

Barry, Paul. 2018. "Approach Some Claims with Caution." Media Watch. https://www.abc.net.au/mediawatch/episodes/approach-some-claims-with-caution/9973098

BBC News, 2009. "Irish redress scheme." http://news.bbc.co.uk/2/hi/programmes/law_in_action/8139216.stm

BBC News. 2017. "Child Abuse: 7% of Australian Catholic priests alleged to be involved." https://www.bbc.com/news/world-australia-38877158

Beaulieu, Sarah. 2021. *B.C First Nation releases Report on unmarked graves discovered in Kamloops,* July 15, 2021. Youtube.

Beauvoir, Simone. 1973. *The Second Sex.* New York: Vintage Books.

Bessin, Marc, and Rainer Maria Kiesow. 2023. « Entretien avec Nathalie Bajos, Sociologue, Directrice d'études à l'EHESS, Directrice de recherche à l'INSERM », *Cahiers Droit, Sciences & Technologies* [En ligne], 16 | 2023, mis en ligne le 30 juillet 2023, consulté le 02 août 2024. URL: http://journals.openedition.org/cdst/6968

Bowling, Mark. 2018. "More than 2000 Australian Priests Reject Breaking the Seal of Confession." Catholic Leader. http://catholicleader.com.au/news/more-than-2000-australia-priests-reject-breaking-seal-of-confession

Brennan, Frank. 2016. "Breaking the seal of the confessional a red herring that will not save one child." Western Australian. https://www.childabuseroyalCommission.gov.au/sites/default/files/IND.0595.001.0018.pdf

Brennan, Frank. 2017. "Public Hearing – Case Study 50. (Day 245)." The Royal Commission into the Institutional Responses to Child Sexual Abuse. https://www.childabuseroyalCommission.gov.au/sites/default/files/file-list/transcript-day-245.pdf

Brennan, Frank. 2019. "Truth and Justice after the Pell Verdict". *Eureka Street.* Vol. 29, 4 26 http://www.eurekastreet.com.au/article/truth-and-justice-after-the-pell-verdict

Briere, John N., and Diana M. Elliott. 1994. "Immediate and Long-Term Impacts of Child Sexual Abuse." *The Future of Children*, no. 2: 54-69. https://doi.org/10.2307/1602523.

Broken Rites. n.d. "Full story: Father Ridsdale's life of crime – and the Church's cover-up". http://brokenrites.org.au/drupal/node/55

Browne, Angela, and David Finkelhor. 1986. "Impact of child sexual abuse: A review of the research." *Psychological Bulletin*, 99 (1): 66-77.

Brundage, James A. 1987. *Law, Sex and Christian Society in Medieval Europe*. Chicago: University of Chicago Press.

Buell, Samuel W. 1991. "Criminal Abortion Revisited." 66 *New York University Law Review.* 1774-1831. https://scholarship.law.duke.edu/faculty_scholarship/2174

Bullivant, Stephen. 2018. "Allegations of child sexual abuse in the Catholic Church in England and Wales between 1970 and 2015: A Statistical Summary." https://www.iicsa.org.uk/cy/key-documents/15141/view/CHC001938.pdf

Burnett, Rosalie ed. 2016. *Wrongful Allegations of Sexual and Child Abuse.* Oxford: Oxford University Press.

Carlile, Lord. 2017. "Bishop George Bell. The Independent Review."

Carlo, Andrea. 2022. "Time to air the dirty laundry': Italy's bishops reveal 600 sex abuse cases sent to the Vatican." *Euronews.* 17 November 2022. Accessed 4 August, 2024.

Catholic Archdiocese of Sydney. n.d. Accessed April 4, 2018.

CBS Los Angeles. 2019. "Compensation Program Unveiled for Alleged Child Sexual Abuse Victims of Catholic Priests." https://losangeles.cbslocal.com/2019/09/17/

compensation-program-unveiled-for-alleged-child-abuse-victims-of-catholic-priests/

Ceci, Stephen J. and Maggie Bruck. 1995. *Jeopardy in the courtroom: A scientific analysis of children's testimony.* Washington, DC: American Psychological Association.

Chalkley-Rhoden, Stephanie. 2017. "Victoria renters 'pushed to the limit' by record low affordability." http://www.abc.net.au/news/2017-07-18/rental-affordability-at-record-low-in-victoria/8676532

Champion, C. P. and Tom Flanagan. 2023. "Introduction." In *Grave Error. How the Media Misled Us (and the Truth About Residential Schools),* edited by, C.P. Champion and Tom Flanagan, 11-25. True North and Dorchester Books.

Cheit, Ross E. 2014. *The Witch-Hunt Narrative: Politics, Psychology, and the Sexual Abuse of Children.* Oxford: Oxford University Press.

CIASE. 2022. "Réponse de la CIASE à l'Académie catholique de France".

Circuit Court of Cook County, Illinois County Department, Law Division. 2017. "Gretchen Rachel Hammond v Survivors Network of those Abused by Priests." http://www.themediareport.com/wp-content/uploads/2017/01/Hammond-v-SNAP-complaint-Filed-1-17-17.pdf

Coady, Cecil Anthony John. 1998 "Violence." In *Routledge Encyclopedia of Philosophy.* London: Routledge.

Conferenza Episcopale Italiana. 2022. *Proteggere, prevenire, formare. Primo Report sulla rete territoriale per la tutela dei minori e delle persone vulnerabili* concerns the years 2020-2021. (chiesacattolica.it)

Conferenza Episcopale Italiana. 2022b. *Proteggere, prevenire, formare. Seconda rilevazione sulla rete territoriale per la tutela dei minori e degli adulti vulnerabili.* (chiesacattolica.it)

Congregation for Catholic Education. 2005. "Instruction Concerning the Criteria for the Discernment of Vocations with Regard to Persons with Homosexual Tendencies in view of their Admission to the Seminary and Holy Orders." http://www.vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccatheduc_doc_20051104_istruzione_en.html

Congregation for the Doctrine of the Faith. 1995. "Concerning the Reply of the Congregation for the Doctrine of the Faith on the Teaching Contained in the Apostolic Letter Ordinatio Sacerdotalis." http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19951028_commento-dubium-ordinatio-sac_en.html

Congregation of Christian Brothers. 2006. "Submission from the Congregation of Christian Brothers to the Commission to Inquire into Child Sexual Abuse on the Review of Financial Matters Relating to the System of Reformatory and Industrial Schools and a Number of Individual Institutions 1939-1969 (Mazars)." http://votf.org/Govt_Reports/Ryan_CICA-VOL4-05.pdf

Cremades and Calvo Sotelo. 2023. *Informe de Auditoría Sobre Los Abusos Sexuales en el Ámbito de la Iglesia Católica en España.* Informe-Cremades.pdf (acogidabetania.es)

Cronin, Ann. 2006. "Sexuality in gerontology: a heteronormative presence, a queer absence." In *Aging and Diversity. Multiple pathways and cultural migrations,* edited by, Svein Olav Daatland and Simon Biggs, 107-19. Bristol: Bristol University Press.

Curtin, Bishop Terence. 2017. "Public Hearing – Case Study 50. (Day 252)." The Royal Commission into the Institutional Responses to Child Sexual Abuse. https://www.childabuseroyalCommission.gov.au/sites/default/files/filelist/Case%20Study%2050%20%20Transcript%20%20Institutional%20review%20of%20Catholic%20Church%20authorities%20-%20Day%20252%20-%2021022017.pdf

de Souza, Raymond J. 2024. "The record corrects on 'unmarked graves' hysteria. Bad journalism is to blame, but good journalism is finally counteracting it," *National Post,* 2 June 2024. Accessed 29 September 2024.

Deetman, Wim. 2011. "Seksueel Misbruik van Minderjarigen in de Rooms-Katholieke Kerk." Uitgebreide Versie, Deel 1 Het Onderzoek. http://bishopaccountability.org/Reports/2011_12_16_Deetman_Seksueel_Misbruik/Deetman_Report_Volume_1.pdf

Defensor di Publico. 2023a. *Report on Sexual Abuse within the Catholic Church and the Role of Public Authorities. A Much-needed Response. Summary.* Resumen Informe sobre los abusos sexuales en el ámbito de la Iglesia católica- incluye versión inglesa (defensordelpueblo.es)

Defensor di Publico. 2023b. *Informe sobre los abusos sexuales en el ámbito de la Iglesia católica y el papel de los poderes públicos. Una Respuesta Necesaria.* (lamoncloa.gob.es)

Deutsche Welle. 2019. "Child sex abuse Inquiry in Germany says victims need more support." https://www.dw.com/en/child-sex-abuse-Inquiry-in-germany-says-victims-need-more-support/a-48192845

Dicastery for the Doctrine of the Fatih. 2022. *Vademecum. On Certain Points of Procedure in Treating Cases of Sexual Abuse of Minors Committed by Clerics.* Accessed 9 August, 2024. (vatican.va)

Diritto.it. n.d. "L'età del consenso: una panoramica". *Portale guiridico con la più recente guirisprudenza.* Accessed 4 August, 2024. (diritto.it)

Dolto, Francoise. n.d. "Lettre ouverte a la Commission de revision du code penal pour la revision de Letter certains textes regissant les rapports entre adultes et minuers." http://www.dolto.fr/fd-code-penal-crp.html

Domínguz Íñigo and Julio Núñez. 2023. "Investigation estimates that there are more than 440,000 living victims of sexual abuse that took place within the Spanish Catholic Church," *El País.* 28 October, 2023. Accessed 3 August, 2024.

Donohue, William. 2020. "Sexual Abuse Data Near Zero." *Catalyst.* 47, no. 6: 1.

Eskridge, William N. 2008. *Dishonorable Passions: Sodomy Laws in America, 1861-2003.* New York: Viking Press.

Faller, K. 1991. "Possible explanations for child sexual abuse allegations in divorce." *American Journal of Orthopsychiatry* 61:86–91.

Fones, Calvin S.L. et al. 1999. "The Sexual Struggles of 23 Clergymen: A Follow-up Study." *Journal of Sex & Marital Therapy* 25 (3): 183-95.

Foucault, Michel. 1980. "Two Lectures." In *Power/Knowledge.* Edited by, C. Gordon, Brighton: Harvester, 1980.

Freckelton I. 1996. "Repressed memory syndrome: Counterintuitive or counterproductive?" *Criminal Law Journal* 20 (1): 1-20.

French Independent Commission on Sexual Abuse in the Catholic Church (CIASE). 2021. *Final Report. Sexual Violence in the Catholic Church France 1950-2020.* English Version.

Friel, Chris S. n.d.a. "Believing Victims and Institutional Stupidity." Accessed January 22, 2021. https://independent.academia.edu/ChrisFriel

Friel, Chris S. n.d.b. "On the Influence of Waller and Barrett on the Pell case." Accessed January 22, 2021. https://www.academia.edu/38915020/On_the_Influence_of_Waller_and_Barrett_on_the_Pell_Case

Goldstein, Alan M., and Irving B. Weiner, eds. 2007. *Handbook of Psychology. Volume 11. Forensic Psychology.* New Jersey: John Wiley & Sons Inc.

Goode, Helen, Hannah McGee, and Ciaran O'Boyle. 2003. *Time to Listen: Confronting Child Sexual Abuse by Catholic Clergy in Ireland.* Dublin: The Liffey Press.

Government of Canada. n.d. *Truth and Reconciliation Commission of Canada.* Accessed 14 August, 2024. (rcaanc-cirnac.gc.ca)

Groth, A. Nicholas, William. F. Hobson, and Thomas S. Gary. 1982. "The Child Molester: Clinical Observations." In *Social Work and Child Sexual Abuse*, edited by Jon Conte and David Shore, 129-42. New York: Haworth Press.

Grove, Justice, et al. 1995. "R v Tillott." 38 NSWLR 1. https://nswlr.com.au/

Guilliatt, Richard. 2017. "Child sex abuse inquiries stance on recovered memories raises fears as Report release nears." The Weekend Australian Magazine. https://www.theaustralian.com.au/news/inquirer/child-sex-abuse-Inquirys-stanceonrecovered-memories-raises-fears-as-Reportreleasenears/newsstory/d6deed03a1448507f6344b9bfe92358c

Haywood, Thomas W., Howard M. Kravitz, Linda S. Grossman, Orest E. Wasyliw, and Daniel W. Hardy. 1996. "Psychological Aspects of Sexual Functioning Among Cleric and Non-Cleric Alleged Sex Offenders." *Child Sexual Abuse & Neglect* 20 (6): 527-536.

Henderson, Gerard. 2021. *Geroge Pell, the Media Pile-On and Collective Guilt.* Queensland: Connor Court.

Henriques, Richard. 2016. "An Independent Review of the Metropolitan Police Service's Handling of Non-Recent Sexual Offence Investigations Alleged against Persons of Public Prominence." https://j4mb.org.uk/wp-content/uploads/2016/11/161108-henriques-Report.pdf

Héran, François. 2022. « Note sur la méthode de l'enquête en population générale incluse dans le rapport de la CIASE » Expertise de M. François Héran sur le rapport de la CIASE

Holmes, Ronald M. and Stephen T. Holmes. 2002. *Profiling Violent Criminals.* London: SAGE Publications.

Hunt, Justice. 1993. "R v Jenkyns." 32 NSWLR 712 at 714. https://nswlr.com.au/

Hymie Rubenstein. 2023. "Digging for the Truth about Canada's Residential School Graves." In *Grave Error. How the Media Misled Us (and the Truth About Residential Schools),* edited by, C.P. Champion and Tom Flanagan, 90-137. True North and Dorchester Books.

IICSA Research Team. 2017. "Child sexual abuse within the Catholic and Anglican Churches: a rapid evidence assessment." https://www.iicsa.org.uk/key-documents/3361/view/iicsa-rea-child-sexual-abuse-anglican-catholic-churches-nov-2017-.pdf

IICSA Research Team. 2019. "Truth Project Thematic Report. Child Sexual Abuse in the Context of Religious Institutions. Executive Summary." Accessed 5 August, 2024. (nationalarchives.gov.uk)

IICSA Research Team. 2020. "Truth Project Thematic Report. Child sexual abuse in custodial institutions." https://www.iicsa.org.uk/key-documents/18311/view/truth-project-thematic-Report-child-sexual-abuse-custodial-institutions.pdf

Independent Inquiry into Child Sexual Abuse. 2018. "Ampleforth and Downside. (English Benedictine Congregation Case Study) Investigation Report." https://www.iicsa.org.uk/document/ampleforth-and-downside-investigation-Report-august-2018

Independent Inquiry into Child Sexual Abuse. 2019a. "The Anglican Church. Case Studies: 1. The Diocese of Chichester 2. The response to allegations against Peter Ball. Investigation Report." https://www.iicsa.org.uk/key-documents/11301/view/anglican-church-case-studies-chichester-peter-ball-investigation-Report-may-2019.pdf

Independent Inquiry into Child Sexual Abuse. 2019b. "The Roman Catholic Church. Case Study: Archdiocese of Birmingham". https://www.iicsa.org.uk/publications/investigation/birmingham-archdiocese

Independent Inquiry into Child Sexual Abuse. 2019c. "The Roman Catholic Church. Case Study: English Benedictine Congregation. 1. Ealing Abbey and St Benedict's School, 2. Ampleforth and Downside Update." https://www.iicsa.org.uk/publications/investigation/english-benedictine-congregation-ealing-abbey

Independent Inquiry into Child Sexual Abuse. 2020. "The Roman Catholic Church. Safeguarding in the Roman Catholic Church in England and Wales." https://www.iicsa.org.uk/publications/investigation/roman-catholic-church

Independent Inquiry into Child Sexual Abuse. n.d.a. "Background." Accessed February 18, 2019. https://www.iicsa.org.uk/background

Independent Inquiry into Child Sexual Abuse. n.d.b. "How we Work." Accessed January 25, 2021. https://www.iicsa.org.uk/how-we-work

Independent Inquiry into Child Sexual Abuse. n.d.c. "How we Work." Accessed January 25, 2021. https://www.iicsa.org.uk/how-we-work

Independent Inquiry into Child Sexual Abuse. n.d.d. "Terms of Reference." https://www.iicsa.org.uk/terms-reference.

Ingram, Virginia. 2017a. "Child Sexual Abuse and the Roman Catholic Church in Australia: What the Royal Commission Tells Us" ABC Religion and Ethics. http://www.abc.net.au/religion/articles/2017/12/22/4784037.htm

Ingram, Virginia. 2017b. "Child Sexual Abuse and Australia's Catholic Church." Italian Insider.

Ingram, Virginia. 2018. "Child Sexual Abuse and the Roman Catholic Church in Australia: What the Royal Commission Tells Us". Abundant Life.

Jago, Robert. 2021. "Why accepting reality of residential school harms is necessary," *National Post,* 5 June 5, 2021. Accessed 30 July, 2024.

James, Barry. 2002. "Priests and pedophilia: a scandal not only in America." New York Times.

Johnson, Stephen. 2017. "Shocking Church data finds SEVEN per cent of all Catholic priests are accused paedophiles – and in some orders the number jumps to more than one in five." Mail Online. http://www.dailymail.co.uk/news/article-4194452/Catholic-Church-reveals-7pct-priests-accused-abusers.html

Jones David and J. Melbourne McGraw. 1987. "Reliable and fictitious accounts of sexual abuse in children." *Journal of Interpersonal Violence* (2): 27–45.

Kafka, M. P. 2004. "Sexual molesters of adolescents, ephebophilia, and Catholic clergy: A review and synthesis." In *Sexual abuse in the Catholic Church: Scientific and legal perspectives,* edited by R. K. Hanson, P. Friedmann, and M. Lutz, 51-9. Vatican: Libreria Editrico Vaticana.

Kaufman, Keith and Marcus Erooga 2016. "Risk profiles for institutional child sexual abuse. A Literature Review." The Royal Commission into the Institutional Responses to Child Sexual Abuse.https://www.childabuseroyalCommission.gov.au/sites/default/files/filelist/Research%20Report%20%20Risk%20profiles%20for%20institutional%20child%20sexual%20abuse%20-%20Causes.pdf

Keenan, Marie. 2012. *Child Sexual Abuse and the Catholic Church: Gender Power and Organizational Culture.* Oxford: Oxford University Press.

Keifel, Chief Justice, et al. The High Court of Australia. 2020. George Pell v The Queen. http://eresources.hcourt.gov.au/showCase/2020/HCA/12

Kelly, Andrew F. 1998. "Clergy Offenders." In *Sourcebook of Treatment for Sexual Offenders,* edited by W. L. Marshall et al., 303-18. New York: Planum Press.

Kezelman, Cathy. 2010. *Innocence Revisited.* Victoria: Jojo Publishing.
La Repubblica. 2017. *"Australia, paradiso degli orchi. Dal 1950 il 7% dei pretir accusati di pedofilia".* As reposted on the ABC News website. http://www.abc.net.au/news/2017-06-30/la-repubblicas-paradise-of-orcs-story/8667678
Langevin, Ron Suzanne Curnoe, and Jerald A. Bain. 2000. "A study of clerics who commit sexual offenses: are they different from other sex offenders?" *Child Abuse and Neglect* 24 (4): 535-45.
Lansdown, Andrew. 2019."Journeying into Injustice: The National Redress Scheme and the Christian Churches." Apologetics, Historic child sexual abuse. https://www.lifeministries.org.au/journeying-into-injustice-the-national-redress-scheme-the-christian-churches/
Law Reform Commission. n.d. "Commission recommends abolition of public justice office." Accessed January 25, 2021.
Lea, Susan J., Laura Hunt, and Steve Shaw. 2010. "Sexual Assault of Older Women by Strangers." *Journal of Interpersonal Violence* 26 (11): 2303–20.
Lee, Joseph. 2022. "Articulating the Church's story as legal defendant in abuse claims: Can the Magisterium help?" *Church, Communication and Culture.* 7 (2): 340-369.
Legifrance. 2024. Loi n° 74-631 du 5 juillet 1974 fixant à dix-huit ans l'âge de la majorité. Accessed 31 July, 2024.
LGBT Project Wiki. n.d. "North American Man/Boy Association."
Loftus Elizabeth and Katherine Ketcham. 1994. *The Myth of Repressed Memory: False Memories and Allegations of Sexual Abuse*. St Martin's Press: New York.
Louisiana State Legislature. n.d. "RS 40:1061." Chapter 5: Health Provisions: Abortion. Accessed January 22, 2021. http://legis.la.gov/Legis/Law.aspx?p=y&d=97020
MacVicar, Adam. 2021. "'We knew it was there': Former B.C. chief says unmarked graves near Cranbrook need more context," *Global News*, 1 July, 2021. Accessed 30 June, 2024. Globalnews.ca
Malone, Kelly Geraldine. 2023. "No evidence of human remains found beneath church at Pine Creek Residential School site," Canadian Press, 18 August, 2023. Accessed 30 July, 2024.
Mangione, Kendra. 2021. "Still 65 hectares to be surveyed at Kamloops residential school before total number of unmarked graves is known," *CTV News,* July 15, 2021.
McCarthy, Joanne. 2018. "Archbishop Phillip Wilson wins appeal to quash conviction of failing to report allegations of child sexual abuse." The Herald. https://www.theherald.com.au/story/5798611/wilson-appeal-judge-it-is-not-for-me-to-punish-the-catholic-Church-for-its-institutional-moral-deficits/
McCarthy, Pádraig. 2013. *Unheard Stories.* Dublin: Londubh Books.
McCarthy, Pádraig. n.d. "Critical analysis of the Murphy Report." Association of Catholic Priests. https://www.associationofcatholicpriests.ie/2010/10/rite-and-reason-time-for-a-reasoned-and-critical-analysis-of-murphy-Report-padraig-mccarthy/
McClellan, Justice. 2017a. "Final Sitting Opening Address." The Royal Commission into the Institutional Responses to Child Sexual Abuse. https://www.childabuseroyalCommission.gov.au/speeches/final-sitting-address.
McClellan, Justice. 2017b. "Public Hearing – Case Study 50. (Day 254)." The Royal Commission into the Institutional Responses to Child Sexual Abuse. https://www.childabuseroyalCommission.gov.au/case-studies/case-study-50-institutional-review-catholic-Church-authorities
McGarry, Patsy. 2018. "Falsely accused of child sexual abuse: ordeal of innocent priests." The Irish Times. https://www.irishtimes.com/news/social-affairs/religion-and-beliefs/falsely-accused-of-child-sex-abuse-ordeal-of-innocent-priests-1.2972906

Menon, Praveen. 2020. "New Zealand child abuse Inquiry finds quarter of a million harmed in state and faith-based care." Reuters Online. https://uk.reuters.com/article/uk-newzealand-abuse/new-zealand-Inquiry-finds-quarter-of-a-million-abused-in-state-and-faith-based-care-idUKKBN28Q0B7

Miller, Virginia. 2018. "Speaking the Truth in Love (Eph 4:15): An Analysis of the Findings of the Royal Commission into the Institutional Responses to Child Sexual Abuse." *St Mark's Review* 3: 72-98

Minder, Raphael. 2017. "Spanish Court Clears Priest in Abuse Case Taken up by Pope Francis." The New York Times. https://www.nytimes.com/2017/04/11/world/europe/spain-pope-francis-roman-martinez.html

Mozingo, Joe and John Spano. 2007. "$660-million settlement in priest abuses." Los Angeles Times. https://www.latimes.com/archives/la-xpm-2007-jul-15-me-priests15-story.html

Nicholas. George, P. 2004. "Archaeological Investigations at Eerb-77: Summary of the 2002 Field Season," *Archaeological Research Reports 7.* Department of Archaeology, Secwepemc Cultural Education Society-Simon Frase University Program, Kamloops, B.C.

NSW Government. n.d. "NSW Government Guiding Principles for Government Agencies Responding to Civil Claims for Child Sexual Abuse." Accessed February 21, 2019. http://www.justice.nsw.gov.au/legal-services-coordination/Pages/info-for-govt-agencies/guiding-principles-civil-claims-child-sexual-abuse.aspx

O'Hoisin SC, Colm and Conor MacGuire SC. 2007. "Submission on Behalf of Oblates of Mary Immaculate to the Commission to Inquire into Child Abuse." http://childabusecommission.ie/

O'Loughlin, Frank. 2017. "Public Hearing – Case Study 50. (Day 245)." The Royal Commission into the Institutional Responses to Child Sexual Abuse. https://www.childabuseroyalCommission.gov.au/sites/default/files/file-list/transcript-day-245.pdf

O'Loughlin, Michael. 2017. "Chicago archdiocese wins claim against false sex abuse allegations."

O'Rourke, Terence. *Report on Financial matters relating to St Vincent's Industrial School at Goldenbridge.* December 2006.

O'Sullivan Barry. 2018. *The Burden of Betrayal. Non-Offending Priests and the Clergy Sexual Abuse Scandals.* Gracewing: Herefordshire, UK.

Payne, Daniel, 2024. "Archdiocese of Los Angeles announces nearly $1 billion clergy abuse settlement." *Catholic News Agency.* Accessed 18 October, 2024

Pierre, David, F. 2011. *Double Standard Abuse Scandals and the Attack on the Catholic Church.* eBookIt.com

Pierre, David, F. *The Greatest Fraud Never Told. False Accusations, Phony Grand Jury Reports, and the Assault on the Catholic Church.* 2020. TheMediaReport.com

Poole, Debra Ann and D. Stephen Lindsay. 1997. "Misinformation from parents and children's source monitoring: Implications for testimony." In K. P. Roberts (Chair), *Children's source monitoring and eye witness testimony.* Symposium conducted at the meeting of the Society for Research in Child Development, Washington, DC.

Pope Francis. 2018. "Letter of His Holiness Pope Francis to the People of God." http://w2.vatican.va/content/francesco/en/letters/2018/documents/papa-francesco_20180820_lettera-popolo-didio.html

Pope Francis. 2019. "Vos Estis Lux Mundi." http://w2.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio-20190507_vos-estis-lux-mundi.html

Pope John Paul II. 2001. "Sacramentorum Sanctitatis Tutela." http://w2.vatican.va/content/john-paul-ii/en/motu_proprio/documents/hf_jp-ii_motu-proprio_20020110_sacramentorum-sanctitatis-tutela.html

Powell, Mark. 2020. "The George Pell travesty is over. Now journalists, politicians and courts all stand condemned." The Spectator. https://www.spectator.com.au/2020/04/the-george-pell-travesty-is-over-now-journalists-politicians-and-courts-all-stand-condemned/

Prentky, Robert and Howard Barbaree. 2011. "Commentary: Hebephilia- a would-be paraphilia caught in the twilight zone between prepubescence and adulthood." *The Journal of the American Academy of Psychiatry and the Law* 39 (4): 506–510.

Prowse, Christopher. 2018. "Reporting scheme shouldn't ignore Catholic communities' concerns." The Canberra Times. https://www.canberratimes.com.au/story/6016543/Reporting-scheme-shouldnt-ignore-catholic-communitys-concerns/

Pullella, Philip and Angelo Amante. 2022. "Italy's Catholic Church faces pressure for independent abuse Inquiry." *Reuters.* 11 February, 2022. Accessed 4 August, 2024.

Pullella, Philip. 2022. "Victims call Italy Church's abuse Report 'shamefully' limited," 17 November 2022. Accessed 4 August, 2024.

Quinsey, Vernon L., Grant T. Harris, Marnie E. Rice, and Catherine A. Cormier. 1998. *Violent offenders: Appraising and managing risk*. Washington, DC.: American Psychological Association.

Ransley, Ellen, "Child sexual abuse advocacy groups spark urgent funding warning for national redress scheme." *NCA NewsWire.* April 8, 2024 Accessed 27 September, 2024.

Republic of Ireland. 2002. "Residential Institutions Redress Act." https://www.rirb.ie/documents/act_13_2002.pdf

Reserve Bank of Australia. n.d. Inflation Calculator. Accessed February 21, 2019. http://www.rba.gov.au/calculator/annualDecimal.html

residential-schools---frequently-asked-questions---july-2021-en.pdf (archtoronto.org)

Rosminian Institute. n.d. "Submission of the Rosminian Institute." Accessed June 17, 2019. http://www.childabuseCommission.ie/rpt/04-02B.php

Rossetti, S. J. 1995. "The Mark of Cain: Reintegrating Pedophiles." *America* 173 (6): 9-13.

Rouillard, Jacques. 2023. "In Kamloops, Not One Body Has Been Found." In *Grave Error. How the Media Misled Us (and the Truth About Residential Schools),* edited by, C.P. Champion and Tom Flanagan, 26-89. True North and Dorchester Books.

Royal Australian and New Zealand College of Psychiatrists. 1996. "Clinical memorandum #17, guidelines for psychiatrists dealing with repressed traumatic memories." RCPS Exhibit 2730/6. https://www.ranzcp.org/home

Royal Commission into the New South Wales Police Service and Wood, J. R. T. and NSW Child Protection Council. 1997. *Final Report.* Sydney: Royal Commission into the New South Wales Police Service.

Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-Based Institutions. 2020. "Indicative Estimates of the Size of Cohorts and Levels of Abuse in State and Faith-Based Care 1950 – 2019." https://www.abuseincare.org.nz/library/v/195/size-of-cohorts-and-levels-of-abuse-in-state-and-faith-based-care-1950-to-2019

Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-Based Institutions. n.d. "Cohort Study and Economic Report, Question: Why does the Royal Commission have so few registrations compared to estimated number of abused people in care?" Accessed December 19, 2020 https://www.abuseincare.org.nz/Reports/

Ruzicka, Mary F. 1997. "Predictor variables of clergy pedophiles." *Psychological Reports* 80: 589-590.

Saylor, Chief Justice. 2018. "Opinion." *In Re: Fortieth Statewide Investigating Grand Jury.* Accessed 29 July, 2024.

Schofield, Hugh. 2021. "French Church Abuse: 216,000 children were victims of clergy." 6 October 2021, Accessed 19 March 2024. (bbc.com)

Secretariat of State of the Holy See. 2020. "Report on the Holy See's Institutional Knowledge and Decision-Making Related to Former Cardinal Theodore Edgar McCarrick (1930 – 2017)." http://www.vatican.va/resources/resources_rapporto-card-mccarrick_20201110_en.pdf

Shine Lawyers. n.d. Redress Scheme Update. Accessed February 21, 2019. https://www.shine.com.au/service/abuse-law/royal-Commission/redress-scheme-update

Silvano, Tomasi. 2009. "Vatican Sets Record Straight on Sexual Abuse." Catholic Education Resource Centre. https://www.catholiceducation.org/en/controversy/common-misconceptions/vatican-sets-record-straight-on-sexual-abuse.html

Sipe, Richard. 2004. *Living the Celibate Life.* Liguori: Liguori Publications.

Sipe, Richard. 2014. *Sex, Priests, and Power. Anatomy of a Crisis.* New York: Routledge Publishers.

Sipe, Richard. n.d. "The Sipe Report." Accessed January 22, 2021. http://www.awrsipe.com/Reports/sipe_Report.htm

Spataro, Josie, Paul E. Mullen, Philip M. Burgess, David L. Wells, and Simon A. Moss. 2004. "Impact of Child Sexual Abuse on Mental Health: Prospective Study in Males and Females." *British Journal of Psychiatry* 184, no. 5: 416-21.

Staff writer. 2022. "Italy's Catholic church orders child sexual abuse study." *France 24.* 27 May 2022. (france24.com)

Staff writer. 2022b. "Italy abuse study slammed for 'unsatisfactory' scope." *DW.* 17 November, 2022. Accessed 4 August, 2024.

Staff writer. n.d. "Sexual Abuse by U.S. Catholic Clergy: Settlements and Monetary Awards in Civil Cases". BishopAccountability.org Accessed 20 September 2024.

Steinfels, Peter. 2019. "The PA Grand Jury Report: Not What it Seems," *Commonweal.* Accessed 29 July, 2024.

Sullins, Paul. 2018. "Is Catholic clergy sex abuse related to homosexual priests?" *The National Catholic Bioethics Quarterly* 18 no.4: 671-97.

Supreme Court of NSW. n.d. "Vexatious Proceedings." Accessed September 1, 2018. http://www.supremecourt.justice.nsw.gov.au/Pages/SCO2_practiceprocedure/SCO2_vexatiousproceedings.aspx#Istherearegisterofvexatiouslitigantsandtheordersthatapplytothem

Sweeney, Fergal. 2013. *Commissions of Investigation & Procedural Fairness. A legal review of the of the 2004 Act and the Murphy Report.* Published by the Association of Catholic Priests.

Synthèse." Synthèse réponse CIASE à l'Académie catholique de France

Table 4. n.d. "Child protection allegations of abuse by role of abuser and types of abuse." https://www.iicsa.org.uk/key-documents/19432/view/INQ001009_043.pdf

Table 5. n.d. "Date when abuse first occurred by type and total number of victims/ survivors." https://www.iicsa.org.uk/key-documents/19430/view/INQ001009_044.pdf

TDB Advisory. 2020. "Peer Review of Martin Jenkins Report." https://www.abuseincare.org.nz/library/v/195/size-of-cohorts-and-levels-of-abuse-in-state-and-faith-based-care-1950-to-2019

Terry, Karen J. 2017. *"cv."* http://www.jjay.cuny.edu/sites/default/files/faculty/cv/CV2017_March.pdf

Terry, Karen. et al. 2004. "The Nature and Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States 1950-2002." http://www.bishop-accountability.org/Reports/2004_02_27_JohnJay_revised/2004_02_27_John_Jay_Main_Report_Optimized.pdf

Terry, Karen. et al. 2011. "The Causes and Context of Sexual Abuse of Minors by Catholic Priests in the United States, 1950-2010." http://votf.org/johnjay/John_Jay_Causes_and_Context_Report.pdf

The British Psychological Society. 2010. *Guidelines on Memory and the Law. Recommendations from the Scientific Study of Human Memory.* Leicester: The British Psychological Society.

The Commission to Inquire into Child Sexual Abuse. 2009. "Commission Report." http://www.childabuseCommission.ie/rpt/

The Dublin Archdiocese Commission of Investigation. 2009. "Commission of Investigation Report into the Catholic Diocese of Dublin." http://www.justice.ie/en/JELR/DACOI%20Part%201.pdf/Files/DACOI%20Part%201.pdf

The Dublin Archdiocese Commission of Investigation. 2011. "Report by Commission of Investigation into Catholic Diocese of Cloyne." http://www.justice.ie/en/JELR/Cloyne_Rpt.pdf/Files/Cloyne_Rpt.pdf

The Ferns Inquiry. 2005. "The Ferns Report." https://archive.org/stream/243711-2-complete-ferns-Report-so-ireland/243711-2-complete-ferns-Report-so-ireland_djvu.txt

The Guardian. 2019. "George Pell appeals over 'fundamental irregularity' in his sexual abuse trial." https://www.theguardian.com/australia-news/2019/mar/01/george-pell-appeals-over-fundamental-irregularity-in-his-sexual-abuse-trial

The National Board for Safeguarding Children in the Catholic Church in Ireland. 2024. "Annual Report 2023/24." Accessed 10 August, 2024. 2023 Annual Report.pdf (safeguarding.ie)

The Royal Commission into the Institutional Responses to Child Sexual Abuse. 2024. *Whanaketia – Through pain and trauma, from darkness to light. Whakairihia ki te tihi o Maungārongo.* Accessed 13 August, 2024.

The Royal Commission into the Institutional Responses to Child Sexual Abuse. 2017. "Final Report. Our Inquiry." Vol. 1. https://www.childabuseroyalcommission.gov.au/sites/default/files/final_Report_-_volume_1_our_Inquiry.pdf

The Royal Commission into the Institutional Responses to Child Sexual Abuse. 2017. "Final Report. Nature and cause." Vol. 2.

The Royal Commission into the Institutional Responses to Child Sexual Abuse. 2017. "Final Report. Religious Institutions." Vol 16. Book 1. https://www.childabuseroyalcommission.gov.au/sites/default/files/final_Report_-_volume_16_religious_institutions_book_1.pdf

The Royal Commission into the Institutional Responses to Child Sexual Abuse. 2017. "Final Report. Religious Institutions." Vol. 16. Book 2. https://www.childabuseroyalcommission.gov.au/sites/default/files/final_Report_-_volume_16_religious_institutions_book_2.pdf

The Royal Commission into the Institutional Responses to Child Sexual Abuse. 2017. "Final Report. Religious Institutions." Vol. 16. Book 3. https://www.childabuseroyalcommission.gov.au/sites/default/files/final_Report_-_volume_16_religious_institutions_book_3_0.pdf

The Royal Commission into the Institutional Responses to Child Sexual Abuse. 2017a. "Analysis of Claims of Child Sexual Abuse Made with Respect to Catholic Church Institutions in Australia." https://www.childabuseroyalcommission.gov.au/sites/default/files/research_Report_-_analysis_of_claims_of_made_with_respect_to_catholic_church_institutions_-_institutions_of_interest_0.pdf

The Royal Commission into the Institutional Responses to Child Sexual Abuse. 2017c. "Analysis of Complaints of Child Sexual Abuse Received by Anglican Church Dioceses in Australia."

The Royal Commission into the Institutional Responses to Child Sexual Abuse. 2017b. "Criminal Justice Report. Executive Summary and Parts I-II." https://www.childabuseroyalCommission.gov.au/sites/default/files/file-list/final_Report_-_criminal_justice_Report_-_executive_summary_and_parts_i_to_ii.pdf

The Truth and Reconciliation Commission of Canada. 2015a. *Honouring the Truth, Reconciling for the Future. Summary of the Final Report of the Truth and Reconciliation Commission of Canada.* (exactdn.com)

The Truth and Reconciliation Commission of Canada. 2015b. *Canada's Residential Schools: The History, Part 1 Origins to 1939. The Final Report of the Truth and Reconciliation Commission of Canada. Volume 1.* (exactdn.com)

The Truth and Reconciliation Commission of Canada. 2015c. *Canada's Residential Schools: The History, Part 2 1939 to 2000. The Final Report of the Truth and Reconciliation Commission of Canada. Volume 1.* (exactdn.com)

The Truth and Reconciliation Commission of Canada. 2015d. *Canada's Residential Schools: Missing Children and Unmarked Burials. The Final Report of the Truth and Reconciliation Commission of Canada. Volume 4.*

The Truth Justice and Healing Council. 2018a. Where from and where to: The Truth Justice Healing Council, the Royal Commission and the Catholic Church in Australia. Vol. 1. http://www.tjhcouncil.org.au/img/pdf/TJHC-Volume-4.pdf

The Truth Justice Healing Council. 2016. "Emerging Themes: A snapshot of approaches taken by Church authorities in Australia to formation, governance, legal and policy issues (2016)." Vol. 4. http://www.tjhcouncil.org.au/img/pdf/TJHC-Volume-4.pdf

The Truth Justice Healing Council. 2018b. The Royal Commission's recommendations, and responses from the Truth, Justice, Healing Council. Vol. 2. http://www.tjhcouncil.org.au/img/pdf/TJHC-Volume-2.pdf

The Truth Justice Healing Council. 2018c. "What we have done: an activity report from the Truth Justice Healing Council 2013-2018." Vol. 3. http://www.tjhcouncil.org.au/img/pdf/TJHC-Volume-3.pdf

The Truth Justice Healing Council. n.d. "Melbourne Response." http://www.tjhcouncil.org.au/support/melbourne-response.aspx

Thibault, Alissa. 2021. "Calls for accountability over Kamloops residential school discovery." *CTV News.* 29 May, 2021. Updated 30 May, 2021. Accessed 30 July, 2024.

Thomas, R. Murray. 2003. "Can Money Undo the Past? A Canadian Example." *Comparative Education* 39 (3): 331-343.

Ting, Inga. 2017."By the numbers: Royal Commission into the Institutional Responses to Child Sexual Abuse." https://www.abc.net.au/news/2017-12-15/royal-commission-child-sexual-abuse-by-the-numbers/9263800

Todd, Chief Justice. 2018. "Opinion." *In Re: Fortieth Statewide Investigating Grand Jury.* Accessed 29 July, 2024.

Ulrich, V.G. 1958. "Completion Report re Kamloops Indian Residential School Sewerage Lagoon, Kamloops Agency." Department of Citizenship and Immigration, Indian Affairs Branch, Vancouver, B. C.

United Nations Human Rights, Office of the High Commissioner, "UN experts call on Canada, Holy See to investigate mass grave at Indigenous school," Geneva, June 4, 2021. Accessed 7 July, 2024.

USCBC. 2024. *2023 Annual Report. Findings and Recommendations. Report on the Implementation of the Charter for the Protection of Children and Young People.* Accessed 10 August, 2024. (usccb.org)

Viot, Michael. 2022. *Le rapport Sauvé, une manipulation?* Les Chesnay: Via Romana.

Warick, Jason. 2021. "'It's time Canada started listening to survivors': Cree lawyer says B.C. discovery more evidence of genocide," *CBC News*, 1 June 1, 2021. Accessed 30 July, 2024.

Weigel, George. 2023. Interview *ABC Newsradio* "George Pell treated with viciousness by Australian media,' friend says." 11 January, 2023. Accessed 14 August, 2024.

Weinberg, Mark. 2019. "George Pell v the Queen." Supreme Court of Victoria Court of Appeal.

Windschuttle, Keith. 2021. *The Persecution of Geroge Pell.* Sydney: Quadrant Books.

Wright, Katie, Shurlee Swain, and Johanna Skold. 2020. *The Age of Inquiry: A global mapping of institutional abuse inquiries.* Second edition. Melbourne: La Trobe University. https://doi.org/10.4225/22/591e1e3a36139

Yosufvai, Rashida. 2018. "'Shame': PM to Churches, institutions that fail to sign redress scheme." SBS News. https://www.sbs.com.au/news/shame-pm-to-Churches-institutions-that-fail-to-sign-to-redress-scheme

Zanardi, Francesco. 2018. "Quali sono i preti pedofili in Italia? Dalle proiezioni l'italia ha il potenziale più alto di qualsiasi paese." *Rete L'abuso*. 7 October, 2018. Accessed 4 August, 2024. (retelabuso.org)

Zanardi, Francesco. 2021. Blog piece, 21 January, 2021. *Rete L'abuso.* Accessed 4 August. 2024. Spagnolo – WEBINAR ECA Global Justice Project – Rete L'ABUSO (retelabuso.org)

ʔaq'am Leadership. 2021. "Statement on Discovery of Unmarked Graves." 30 June, 2021.

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Virginia Miller (PhD) is a research fellow at the Centre for Religion, Ethics and Society, Charles Sturt University, Canberra, with expertise in child sexual abuse. She is the author of four academic books and numerous articles on child sexual abuse, elder abuse, euthanasia and religious freedom.

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