The Submissions of

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Addressed to the Royal Commission into

Institutional Responses to Child Sexual Abuse.

Introduction

1 When addressing the question of the extent of paedophilia within the institution of the Roman Catholic Church, especially among the clergy (both secular and religious), but also among teaching and nursing religious brothers and nuns, and when addressing the question of the institution's protection of offenders and the consequential failure to protect innocent children from serial offenders, the Royal Commission ("the Commission") might be interested to explore how this scandal could have occurred within an institution which has continued to insist that it embraced and preached the highest standards of morality, which has sought to project a public image of impeccable integrity, which has claimed a civic role as a public proponent of personal and social ethics, and whose front-line troops have been renowned for their faithful acceptance of Christian principles.

2 The Commission may not see it as part of its role to explore a causal explanation for this deeply troubling and evil tendency among a significant number of the clergy. It may be satisfied to hear the painful evidence of victims, record some basic findings, and register its strong condemnation of the perpetrators as well as of those who have protected them so zealously.

3 However, on the other hand, the Commission may see it as its role to seek some understanding of this puzzling and scandalous criminal tendency which has been slowly uncovered within the Catholic Church (mostly by strangers to the institution), and perhaps to record some observations from outside the institution to assist those on the inside to find some way forward out of their unspeakable mess.

4 Those on the inside of the institution seem to have been surprisingly reluctant to admit an endemic problem, to face important structural issues or to seek advice and assistance. Then, faced with incontrovertible facts, they have admitted failure and sought to offer as little money as possible by way of compensation: "Problem solved. Let's put all this behind us and move forward. We've received the message loud and clear. We've implemented all necessary changes to the system. Now let's look to the future and get on with the job of preaching the Gospel."

5 But have they got the message? And have they in fact changed? Or is it business as usual?

6 So, given that the Commission might be interested in exploring the conditions which might have led to this dark tendency within the Church, and might see it as its role to examine the complex background giving rise to the scandal, I make the following submissions.

7 However, I should make it clear from the outset that I do not wish these submissions to be interpreted as excusing in any way what has occurred within my institutional Church. The

repugnant breaches of a sacred trust, the evil assaults visited on the innocent, the cruel suffering inflicted on young children, their parents and siblings, on incredulous members of the Christian community and on the public at large, the scandals, the damage caused to the fabric of our society, the many attempted and successful suicides, the cynical decisions to protect the perpetrators, the pernicious secrecy which has surrounded these scandals, the failure to inform and warn of the dangers – inexcusable. No raft of considerations could begin to explain or excuse this distressing series of events which have occurred over an extended period of time.

8 In these submissions, I will restrict my observations to describing some relevant aspects of the culture of the Roman Catholic Church which were operative in Australia in the 40s, 50s and early 60s. To trace the origins of these tendencies, doctrines and practices within the life of the Church would require lengthy dissertations on the Papacy, for example, on the emergency and condemnation of a movement known as "Modernism"; the role of the Council of Trent in the sixteenth century and of the First Vatican Council in the latter half of the nineteenth century; the role of Pius IX; the influence of Jansenism and in particular, its influence in the Irish Church and seminaries, and ultimately within Australia through the Irish clergy; the contaminating penetration of Gnosticism, in its multiple forms, deep into the life and mindset of the Church throughout the centuries; the advance of asceticism and the development of the mentality of "contempt for the world" which emerged in the fourth and fifth centuries and continued deep into the Middle Ages; the evolution of the seminary system (including junior seminaries) to train young men for priesthood; the glorification of virginity and the imposition of a law demanding all members of the clergy embrace a celibate life; the history of the relationship between clergy and lay-people, between clergy and bishops, and between bishops and the bureaucracy in Rome – and other aspects of Catholic culture.

9 Each of these areas of Catholic life has a long and complicated history which would bear directly on the practices and mindset of Catholics in the years between say 1940 – 1965 – a history which would assist to "explain" those practices and that mindset, or at least, provide some insight into how they developed. Apart from a few deviations to offer a taste of what might be found in the corridors and hidden passages of history, I do not propose to venture into these areas.

10 Over the centuries, and particularly since about the time of Pope Pius IX and the First Vatican Council, the Roman Catholic Church gradually developed into a rigid, vast institution which has traced its heritage through more than two thousand years of twisted development and evolution. The story consists of many traditions and countless tendencies, ebbing and flowing within many different cultures and embracing an immense range of theologians, poets, mystics, bishops, Popes – and not a few neurotics. As an institution its contemporary profile, until very recently, has been profoundly conservative in its general approach, heavily centralized, with a culture of secrecy verging on paranoia, chaotic in its administration and firmly founded on authority and the virtues of obedience and loyalty.

My Background

11 I was born into an Irish-Catholic family – practising parents – educated by nuns and brothers – an altar-boy who attended Mass daily with my sister from the age of nine or ten.

12 I was ordained to priesthood in July 1962 at the age of twenty-three, after twelve years training in the seminaries at Springwood and Manly. I served as a priest for fifteen years in the Archdiocese of Sydney. I was awarded a doctorate of theology in May 1965. Apart from

working briefly as a junior priest in two city parishes, I was appointed in February 1969 to lecture in theology in the seminaries, firstly at Springwood (1969 – 1972) and later in the senior seminary at Manly (1975 – 1976). During the intervening years (1973 – 1974), I completed further post-graduate studies in theology in Paris. I abandoned the priesthood in October 1976, married in October 1977, studied law in Sydney, worked as a solicitor in a large city firm, practised at the Bar for nine years, and ended my career as a judge in 2008, after approximately 15 years on the Bench.

13 From my time in seminary from the age of 12, the fifteen years I spent as a priest in Sydney, and my experience on the seminary staff in the 60s and 70s, lecturing, preparing students for the priesthood, I believe I am in a privileged position to assist the Commission to understand the culture prevailing at the time in the Roman Catholic Church in Australia, the clerical sub-culture in which the clergy operated, the peculiar problems and challenges which confronted members of the clergy, and the dogmas and practices which influenced, at least in part, their view of the world and fashioned their spirituality.

14 I believe it would be quite difficult for a person who functions only in a secular world, or even for someone who moves freely between a secular and a religious world, to understand the actions and reactions, the belief system and the moral imperatives of a person who functions almost entirely within a religious community and who has adopted an institutional religious identity as a life-long vocation.

The Basic Questions

15 There are two (2) basic sets of questions confronting the Commission - and the considerations bearing on each question must address four *personae dramatis* – the offender – the victim – the carers or parents – and lastly, the institution itself.

The Criminal Offence

16 From the point of view of the perpetrator – how does a religious person, supposedly dedicated to a life of prayer and reflection, trained and assessed as suitable for priesthood, come to engage in the course of his work, in such obviously repulsive, destructive, immoral and criminal conduct?

17 From the point of the victim – why would a young person "allow" a priest to interfere with him/her and then not let his/her parents know? What damage is caused in the lives of the victims of paedophilia?

18 From the point of view of the immediate family – how do parents or carers come to permit a priest to groom a young person in their care, allowing him to manoeuvre himself into a position, into a relationship which would facilitate his criminal behaviour?

19 From the point of view of the institution – what factors existed within the institution which might have facilitated or resulted in the aberrant behaviour of some members of the clergy?

20 And in addition, there are several stages within the process to be analysed from each point of view –

20.1 The overall culture of the institution.

20.2 The background of the offender - e.g. his selection for admission to the seminary, his training, his supervision and assessment, his religious and social education.

20.3 The background of the victim and of his/her carers or parents.

20.4 The grooming process – the process of creating promising opportunities.

20.5 The offence itself.

20.6 The aftermath.

The Cover-up and Facilitation of Further Offences.

21 A second question arises concerning the establishment's tendency to protect and prioritize the offender rather than the victim, to impose a seal of secrecy over the facts surrounding the offence, and to continue to create a situation in which the perpetrator could continue to offend.

21.1 What motivates those in authority to decide not to disclose child sexual offence to the secular authorities?

21.2 Why do those in authority believe it is their duty/ their privilege to deal with the offender internally, within the system?

21.3 Why do those in authority not see it as their primary pastoral duty to support the victim and his/her family?

A List of of Contributing Factors to the Paedophile Scandal

22 A number of critical doctrinal and ideological positions which became dominant in the life of the Church and in the lives of its clerical members.

23 As to seminary training:

23.1 Poor selection of candidates.

23.2 Unenlightened training in isolation.

23.3 Inadequate opportunities for psycho-sexual development.

23.4 The trivialization of spiritual and moral values and principles.

23.5 Failure to encourage and confirm – no personal touch – loss of identity.

23.6 Discouragement of friendships and of warm, personal contacts.

23.7 Stress on unquestioning service, obedience, routine and numbers – an inappropriate form of militarism.

23.8 A self-sufficient, self-contained, anti-intellectual, anti-science, anti-Modernist mentality within the seminary which bled over into the ranks of the clergy, producing a band of warrior, unenlightened priests and a type of siege mentality.

24 As to clerical life:

24.1 Inadequate supervision.

24.2 No regular assessment.

24.3 Excessive clericalism.

24.4 A rigid hierarchical structure.

24.5 Poor informal and formal channels of communications.

24.6 Too much stress on external and devotional practices – the recitation of the Breviary in Latin, for example, when perhaps five percent of the clergy had a working knowledge of the language. Too many Masses and crowds of routine confessions; constant repetition of formulae of prayers and religious practices.

24.7 Inadequate in-service training and continuing education.

24.8 An unrealistic mentality of superiority.

24.9 Compulsory, institutionalized celibacy.

25 As to the organization and administration.

25.1 Failure to develop leadership programmes and training.

25.2 Failure to implement proper, efficient systems of administration and governance.

25.3 Lazy, chaotic administration.

25.4 Failure to develop and implement proper lines of communication within the institution, on all levels – national, diocesan, local, between bishop and priests, priests and laypeople.

25.5 Excessive concentration on secrecy.

25.6 No regular review and auditing of the system.

25.7 Excessive loyalty to Rome and to the organization.

25.8 A pervasive mentality which asserted that the world outside the institution had nothing to contribute to the well-being and growth of the institution and that the world outside, secular or of other denominations, was hostile to it.

26 Now, I would like to provide a little more substance to some aspects of my submissions.

Some Relevant Doctrinal Areas of Interest

27 There are a number of doctrinal and disciplinary areas which were central in seminary training, deeply imbedded in the Catholic culture of the period and which seem particularly relevant to the questions confronting the Commission.

27.1 Sexual morality as expounded by the Church.

27.2 Celibacy and virginity.

27.3 Sin and forgiveness, and the seal of confession.

27.4 The Church and the papacy – hierarchy and power.

27.5 The sacrament of priesthood.

Roman Catholic Sexual Morality

28 For centuries, and even in modern times, the Church in Rome has used its considerable spiritual power to impose on anyone who was willing to listen, a mangled theology of human sexuality.

29 It may seem ridiculous to modern, secular men and women, but for many centuries the Church has taught that, as distinct from offences against the other commandments, every offence against the sixth commandment was a mortal sin, and that if unforgiven at the time of death, would result in condemnation to Hell for all eternity. Sex was serious.

30 The Scholastics of the Middle Ages used to draw a distinction between sins involving "light matter" and sins of "grave matter". This distinction was fundamental to the Moral Theology taught in the seminaries in the 40s, 50s and 60s. On questions of sex, however, no such distinction was operative. Every act, desire or thought was grave – adultery, bestiality, sodomy, paedophilia, fornication, *coitus interruptus*, use of French letters and the pill, masturbation, impure thoughts, playful fondling, pornography, impure desires, fumbling around in the dark at the local picture-show - all equally serious, equally mortal. Nothing trivial about sex.

31 To understand the reasoning behind this mentality, one has to abandon the twentieth century and travel back to the extreme asceticism of Jerome, the pessimism of Augustine, the casuistry of Thomas Aquinas and to the moral theologians of the sixteenth, seventeenth and eighteenth centuries – to the early tradition within the church of prioritizing virginity, of fostering a stoical indifference, even contempt for the world and the flesh, of interpreting the myth of Adam and Eve within a sexual sub-context, and of embracing the radical dualism developed and taught by the Gnostic movement and which infected the Christian communities from about the second century. These basic dualistic beliefs continued to raise their ugly head from time to time over the ensuing centuries – the Manichaeans, the Albigensians, the Cathars, the Bogomiles.

32 This moral position offends common sense. But in all cultures, faith in its many forms mostly trumps reason. If you belong to an institution, a club or a country, you accept and interiorize its values and beliefs. Of course reason tells us that some acts are more serious than others. Of course some are trivial: others are deadly serious. But if a generation manages to convince itself that all sex sins are basically the same, all deadly serious (and by the way, all easily forgiven) – a percentage of disturbed or inadequate people may be inclined to believe nothing they do can be truly serious.

33 For almost its whole life, at least since Tertullian, Augustine and Jerome in the West, and since the extreme ascetical lives of the desert Fathers in the East, the Christian community has suffered from a profound fear of the human body, of flesh and sex, leading to a contempt for the material, physical world. And in recent times, celibate members of the clergy have indulged in far too much talk about virgin births and immaculate conceptions, vows of virginity, compulsory promises of celibacy, too much concentration on sex, French letters and the pill, on bad thoughts, self-abuse and homosexual intercourse. Sex sins, chastity and purity grew into an obsession. Not enough thought has been directed to the other commandments, or to the beauty and goodness of God's creation, to human intimacy, to a flesh-love between a man and a woman, the exquisite beauty of the human body, to our

God-given spontaneous drives and impulses, to justice for all, protection of the environment, to honesty and accountability – to regions of the world other than the genitals. Sex, the flesh and the devil were topics which seemed to fascinate Jerome in his cave in Bethlehem – and at least some monastic writers of the Middle Ages (Bernard of Cluny in his *De contemptu mundi*, for example, and the two Dominicans who wrote the *Malleus Malificarum* on witchcraft). Experience seems to suggest that for some of us, evil, danger, the immediate possibility of failure or death (speeding, free diving, cliff-climbing, gambling, devil-worship, pearing over the edge, or forbidden sex) can be mesmerising and thrilling, even erotic.

34 It might be instructive to be provided with a taste of some of the recorded thoughts of Christian leaders like Augustine of Hippo, Tertullian and John Chrysostom, to cite just a few - all influential men in their own time and down the centuries.

35 Tertullian from North Africa, writing at the end of the second century and the beginning of the third, addressed a few words to his female friends -

> "Do you not know that you are each an Eve? The sentence of God on this sex of yours lives in this age: the guilt must of necessity live too. You are the devil's gateway; you are the unsealer of that forbidden tree; you are the first deserter of the divine law; you are she who persuaded him whom the devil was not valiant enough to attack (*Adam of course*). You so carelessly destroyed man, God's image. On account of your desert, even the Son of God had to die."[1]

36 And Augustine, bishop of Hippo in North Africa, writing at the end of the fourth century -

> "I consider that nothing so casts down the manly mind from its heights as the fondling of women, and those bodily contacts which belong to the married state." [2]

37 And from the East, from Constantinople, John Chrysostom, a contemporary of Augustine -

> "The whole of her bodily beauty is nothing less than phlegm, blood, bile, rheum, and the fluid of digested food. If you consider what is stored up behind those lovely eyes, the angle of the nose, the mouth and cheeks, you will agree that the well-proportioned body is merely a whitened sepulchre."[3]

38 And advising male superiors of monasteries who have charge of men under vows -

> "There are in the world a great many situations that weaken the conscientiousness of the soul. First and foremost of these are dealings with women. In his concern for the male sex, the superior may not forget the females, who need greater care precisely because of their ready inclination to sin. In this situation the evil enemy can find many ways to creep in secretly. For the eye of woman touches and disturbs our soul - and not only the eye of the unbridled woman, but that of the decent one as well." [4]

39 And from one of John Chrysostom's friend, Gregory Nazianzan -

> "Fierce are the dragons and cunning the asps, but women have the malice of both beasts."[5]

40 In 1198 Innocent III succeeded his uncle, Celestine III, as Bishop of Rome. He was elected by the Cardinals to be Pope when he was thirty-six years old and only a Cardinal Deacon. As a deacon he wrote *De Miseria Humanae Conditionis* (On the Misery of the Human Condition).

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[1] *De cultu feminarum* bk. 1 ch.1.
[2] *Soliloquiorum* bk.2 ch. 10 and quoted centuries later by Thomas Aquinas in his discussion *De Castitate* in his *Summa Theologiae* IIa IIae, q.151, art.3 ad2.
[3] *Ad Theodoram lapsum*, para. 14.
[4] *De Sacerdotio* bk.6 ch.8.
[5] *Poemata Moralia* 32 vv.117-118.

> "Oh the supreme ugliness of sexual pleasure! It not only makes the mind effeminate but the body sick; not only stains the soul but defiles the person as well . . . Sexual pleasure is preceded by lust and wantonness; it is accompanied by a foulsome stench and uncleanliness; it is followed by sadness and remorse. Man has been formed of dust, clay, ashes and, a thing far more vile, of the filthy sperm. Man has been conceived in the desire of the flesh, in the heat of sensual lust, in the foul stench of wantonness . . . Sexual intercourse is always infected—even in matrimony—with the desire of the flesh, with the heat of lust and with the foul stench of wantonness. Because of this, the union of the sexes itself is contaminated; whence, too, does the soul inherit the infection of sin . . . for in sexual intercourse one loses dominion over one's reason and thus sows ignorance; the heat of lust is enkindled and so anger is propagate; pleasure is satiated and concupiscence is contracted.
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> When we purchase a horse, an ass, a cow, a dress, a bed, a chalice or only a water-pot it is only after having first tried them out. But man's fiancé is scarcely shown him lest he reject her before marriage. After marriage, however, he must keep her in any case—be she ugly, stinking, sick, stupid, proud, nagging or exhibiting any other fault . . . Consider the food that nourishes the child in his mother's womb. It is evident that the embryo is fed by the menstrual blood; . . . This substance is said to be so detestable and impure that it makes trees barren and vineyards unproductive. It can kill grass and if a dog eats out of it, rabies result. Should the menstrual blood infect the male seed it may cause leprosy and elephantiasis in the child."[6]

41 And this author went on to become Pope!

42 Finally, Albert the Great, one of the great theologians of the thirteenth century:

> "Woman is less qualified [*than man*] for moral behaviour. For the woman contains more liquid than the man, and it is a property of liquid to take things up easily and to hold onto them poorly. Liquids are easily moved, hence women are inconstant and curious. When a woman has relations with a man, she would like, as much as possible, to be lying with another man at the same time. Woman knows nothing of fidelity. Believe me, if you give her your trust, you will be disappointed. Trust an experienced teacher. For this reason prudent men share their plans and actions least of all with their wives. Woman is a misbegotten man and has a faulty and defective nature in comparison with his. Therefore she is unsure in herself. What she herself cannot get, she seeks to obtain through lying and diabolical deceptions. And so, to put it briefly, one must be on one's guard with every woman, as if she were a poisonous snake and the horned devil . . . In evil and perverse doings woman is cleverer, that is, slyer, than man. Her feelings drive woman toward every evil, just as reason impels man toward all good."[7]

43 I would like to be able to submit that these men were just "pulling our legs", "having us on", teasing us like Chaucer was when he composed *the Wife of Bath's Prologue* and quoted, with tongue in cheek, from the twisted observations of St Jerome - but the truth is terrifying - and telling. These are not the ravings of heretics, or of writers under psychiatric treatment or on the fringe of society. They were men of influence, reputable teachers and leaders of the Christian community whose words and works have been piously preserved for posterity. Like any of us, they were creatures of their time, with all the attitudes, the values as well as the blind-spots and prejudices embedded in any living culture. But they were also people who have exerted influence, confirming and preserving ingrained attitudes, passing them on from one generation to another (even to the seminarians in training for priesthood in Australia in the 40s, 50s and 60s). This explains, at least in part, how it is that the Church has fallen into such a deep and dark sexual hole, talking so expansively about sins of the flesh and guilt, chastity, virginity, self-control and mortification, and, instead of embracing women, keeping them at arm's-length, away from the altar and the levers of power. The origins of ecclesiastical misogyny are deeply rooted, as are conservative Christian attitude to human sexuality.

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[6] Bk.1 chs 1, 4 and 18.
[7] *Quaestiones super De Animalibus* XV, q. 11.

44 To turn briefly to the question of sexually active members of the clergy, both hetero- and homosexual –

45 In 2005, just a few months after the election of Pope Benedict XVI, and ignoring the fact that a significant number of the clergy were in fact homosexual, the Vatican issued a document that reinforced the "stay in the closet" policy by saying men who identified as gay should not be admitted to seminaries. Why? Because a homosexual orientation is unnatural, and if a priest or anyone indulges his unnatural desires and engages in gay sex, he is committing an unnatural act which is also a serious, or mortal sin.

46 Bishops and religious superiors, as well as the dominant clerical culture, have forbidden healthy gay priests from writing or speaking publicly about the sexual dimension of their lives. Denial and suppression were the order of the day.

47 While I do not for a moment directly associate a homosexual orientation with the crime of paedophilia or with the urges which drive it (prejudices asserts this link – evidence undermines it) - this prohibition encourages dishonesty and secrecy, as well as perpetuating a deeply flawed system geared to produce unhealthy priests.

48 For far too long the embarrassing questions of sexual indiscretions of priests in general (hetero- and homosexual alike), some with regular sexual partners, others with de facto wives or friends, of homosexuality in the ranks of the clergy, gay sexual activity between priests themselves, and if reports are true, even at times involving bishops and cardinals, or between a priest and another male – these matters have remained the elephant in the episcopal palace and the subject of gossip among the clergy.

49 There are still priests and bishops who pretend that by some accident of grace, priests in general are somehow a-sexual beings. They deny, or profess not to know, that there are sexually active heterosexually and homosexually-oriented men among the clergy. These priests are products of a clerical caste and a priestly formation system that discouraged and, in some places, even forbad them from being honest about their sexual orientation.

50 The Vatican should be well aware and should face the fact that there are large numbers of priests and seminarians with healthy sexual appetites. Any sane person would hope that this was true of all of them, though recent disclosures have shown the world that at least a surprising minority of priests have been seriously conflicted in their sexuality. Rather than encourage a healthy discussion about these matters and about ways in which priests can commit themselves to celibate chastity in a wholesome way, the Church's policy is not to talk about these sensitive and private matters, to ignore the problem, to pretend that the situation is regular and beyond reproach. But like any other dark subterranean region lacking sunlight and air, this policy prevents normal, vigorous development. Nothing kept permanently under cover and in the dark can hope to flourish.

51 In each case, there is a combination of factors which lead to paedophile priests and a significant number of the clergy who are otherwise sexually active, behaving as they do for years and with seeming impunity. Deep down, however, the most pernicious of all these factors are rooted in the clericalist culture of denial, secrecy, power and suppression.

52 What are the origins of these destructive attitudes – attitudes to women, to flesh and the body, to the world and material creation, to sex, and even to the institution of marriage?

53 Part of the explanation is to be found away from specifically Christian writers – in Aristotle's biology and Galen's medical sciences, in Heriod's story of Pandora (the woman given to men

by the gods as an "evil thing for their delight" and into whose breast Hermes the Messenger planted "lies and persuasive words and cunning ways"), and in the misogynistic imaginative images of Semonides of Amorgos; in the philosophy of the Stoics and in the Latin poets – Juvenal and Horace, for example. But a primary contribution was made by Christian writers and teachers. The heterdox ideas of the second century Gnostics with their dualistic interpretation of the universe, their contempt for the body and all things material—ideas taken up and preached later by the Manicheans, and later again by the Albigensians or Cathars and others; the extreme, ascetical beliefs and practices of monks and hermits from the third century (fasting, mortification, self-denial, flagellations etc); the development of ascetical, repressive practices to emulate the sufferings of the early martyrs and to control the natural moods and humours of daily life; St Augustine's interpretation of the Adam and Eve myth and his theory of original sin being spread like a disease by sexual intercourse, and his considerable influence on theology and pastoral practice down through the ages; the belief of the early Church that the world was about to end in some general cataclysmic catastrophe requiring all Christians to prepare for the next world by assuming the mentality and life-style of heavenly beings such as angels; the subservient and inferior status of women in patriarchal societies and an emerging fear of women as temptresses, witches and successors of Eve; the development of pious beliefs surrounding Mary and the excessive emphasis on her purity, chastity, virginity, on her immaculate conception; the unexplored belief that Adam and Eve were real people and that the legends told about them were in every detail historically true – an expanding conglomeration of beliefs surrounding these two figures which persisted for over two thousand years and which only began to be truly understood and appreciated in the twentieth century—all these influences have coalesced and contributed to the destruction of the basic message of the New Testament that the Word of God emptied himself and took on the real form and true character of a flesh man.

54 Jesus spoke often of human life and creation, of God his Father, the Creator of the universe, of human relationships, but never about sex and the taboos surrounding it. We know nothing of Jesus' life before his public ministry (though we presume that he was unmarried. At least there is no suggestion of a wife. Whether he had embraced the celibate state, whether such a thing had even entered his head, is also off the radar and of no consequence). And we know very little of the details of his private life as a public figure, or of the private lives of his Apostles. We are told that he treated women with unusual respect and dignity and that he associated freely and publicly with them, welcoming them into his group as disciples, accepting their intimate ministering to his needs, ignoring the customary Jewish taboos. Never without friends – and female friends.

55 And despite this, the clergy preaching his message have been expected to act like disembodied angels, to preach a message of repression and repulsion. What more need be said? Bishops and priests are not angels - have never been, though that is the image the institution has consistently tried to project to the world and to inject into the minds of its candidates for holy orders. Now the chickens have come home to nest and the authorities, with their senseless repetition of nonsense and their spurious argumentation, have a lot to answer for when we try to understand what has occurred down the centuries in the shadows of the individual consciences of tiny, now faceless men and women. Stunted spiritual lives. Explosions of guilt. Tormented souls riddled with confusion and enervating scruples. Hours, years, lives wasted. The damage, in human terms, has been immense – and all inflicted in the name of God.

Celibacy and Virginity

56 At least since the third and fourth centuries the Church in the West has continued to assert that the state of virginity is superior to, and more valued in its eyes and the eyes of God than the institution of marriage. No sex between Adam and Eve in paradise before the Fall. No sex in heaven. No sex between angels, and ideally, no sex for a truly dedicated Christian here on earth. Jerome was the most enthusiastic proponent of this position (though closely followed by people like Augustine), and both of them exercised considerable influence throughout the Middle Ages and into the modern period.

57 The only commendable thing Jerome could think to say about marriage was that it produced virgins for the Lord.

> "I praise wedlock, I praise marriage, but it is because they give me virgins. I gather the rose from the thorns, the gold from the earth, the pearl from the shell." [8]

58 According to Jerome, a woman's foot should seldom, if ever, cross the threshold of a celibate clergyman's home. In the same letter, he went on to offer some good advice to a young man who had just joined the ranks of the priesthood – Nepotian, the nephew of bishop Heliodorus.

> "To all who are Christ's virgins show the same regard or the same disregard. Do not linger under the same roof with them, and do not rely on your past continence. ..Always bear in mind that it was a woman who expelled the tiller of paradise (*Adam*) from his heritage. In case you are sick one of the brethren may attend you; your sister also or your mother or some woman whose faith is approved by all. But if you have no persons so connected with you or so marked out by chaste behaviour, the Church maintains many elderly women who by their ministrations may oblige you and benefit themselves so that even your sickness may bear fruit in the shape of alms deeds. ..There is danger for you in the service of one for whose face you constantly watch. ..You must not sit alone with a woman or see one without witnesses. ..Beware of all that gives occasion for suspicion; and, to avoid scandal, shun every act that may give colour to it. Frequent gifts of handkerchiefs and garters, of face-cloths and dishes first tasted by the giver— to say nothing of notes full of fond expressions— of such things as these a holy love knows nothing. Such endearing and alluring expressions as 'my honey' and 'my darling,' 'you who are all my charm and my delight' the ridiculous courtesies of lovers and their foolish doings, we blush for on the stage and abhor in men of the world. How much more do we loathe them in monks and clergymen who adorn the priesthood by their vows while their vows are adorned by the priesthood. I speak thus not because I dread such evils for you or for men of saintly life, but because in all ranks and callings and among both men and women there are found both good and bad and in condemning the bad I commend the good."[9]

59 The movement to insist on the clergy remaining celibate began early in the life of the Church. The first evidence came from Spain and the Council of Elvira in about 306 A.D. (Canon 33) and was repeated late in the fourth century at the Council of Carthage in North Africa, the domain of Augustine, at the same time as Jerome was writing his letters from Palestine.

60 Canon 33: It is decided that marriage be altogether prohibited to bishops, priests, and deacons, or to all clerics in the ministry and that they keep away from their wives and not beget children; whoever does this, shall be deprived of the honor of the clerical office. Council of Elvira.

61 Canon 3: It is fitting that the holy bishops and priests of God as well as the Levites, i.e. those who are in the service of the divine sacraments, observe perfect continence, so that they may obtain in all simplicity what they are asking from God; what the Apostles taught and what antiquity itself observed, let us also endeavour to keep...

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[8] *To Eustochium*, Letter 22/20.
[9] Letter 52, para.5.

It pleases us all that bishop, priest and deacon, guardians of purity, abstain from conjugal intercourse with their wives, so that those who serve at the altar may keep a perfect chastity. Council of Carthage.

62 Writing in North Africa on the cusp of the third and fourth centuries, Augustine showed little regard for the female member of our species and an elevated appreciation of male company.

> "What is the difference whether it is in a wife or a mother? It is still Eve the temptress that we must beware of in any woman . . . If it was good company and conversation that Adam needed, it would have been much better arranged to have two men together as friends, not a man and a woman."[10]

63 Augustine used to write often about our mythical first parents and, interpreting the material literally (as the other Fathers did at the time. As the Church did until well into the twentieth century), he concluded from the first chapters of the Bible that the first woman had in fact emerged mysteriously from Adam's side and had been given to him as his companion. God had fashioned her in such a way that Adam could join with her in the process of procreation. She had been built for sexual concourse and childbirth. She was not meant to till the soil with her male partner, or to provide other services. If Adam, for example, was lonely and weary of his solitude, Augustine thought that male companionship was more agreeable, more satisfying than any female partner could provide.

> "She was not to till the earth with him, for there was not yet any toil to make help necessary. If there were any such need, a male helper would be better, and the same could be said of the comfort of another's presence if Adam were perhaps weary of solitude. How much more agreeable could two male friends, rather than a man and a woman, enjoy companionship and conversation in a shared life together....I do not see in what sense the woman was made as a helper of the man if not for the sake of bearing children."[11]

64 A perfect cleric. As far as this bishop was concerned, the level of intellectual interaction and the quality of intimate companionship were measurably higher in a monastic community, in a rugby club, presumably in a snooker team or on a shooting safari than in a marriage, or in any contact with the female species.

65 Augustine was ordained by the bishop of Hippo in 391 and two years later a synod was convened in his town at which, inter alia, the following regulations or directions for the clergy were settled –

> "16. Strange women may not live with clerics.
>
> 24. The unmarried clergy (of inferior orders) may not visit virgins or widows without the permission of the bishops or priests, and even then not alone. Neither may bishops or priests visit such persons alone, but only in the company of clerics or worthy laymen".

66 In 386 A.D. in his decretals, Pope Siricius directed all the clergy to live a celibate life - and his direction was repeated soon after by Pope Innocent I. Over the centuries, by regulation and prohibition, the Church continued to insist on a regime of compulsory, clerical celibacy. Clerical concubinage, however, seems to have been widespread among the clergy, for example, in the tenth, and again in the fifteenth centuries. But the Church continued its attempts to impose celibacy on its clergy (without startling success) and in that pursuit, at the Second Lateran Council in 1139 she determined that any marriage entered into by a member of the clergy would be null and void.

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[10] *De Genesi ad litteram* bk.9 ch.5.
[11] *De Genesi ad litteram*, bk. 11 ch.5.

67 Allied to these two movements in the Church, namely celibacy for the clergy and prioritizing virginity over marriage, chastity over sex, were –

67.1 The developing doctrines associated with Mary, the mother of Jesus. Saint Athanasius, for example, gave her the title "Ever Virgin". She came to be known as the Virgin of Virgins, Immaculately Conceived, Mother most Pure, Mother most Chaste, Mother Inviolate - titles all expressed in Latin and in the superlative. The Council of Ephesus in 431A.D. conferred on her the awesome title of *Theotokos* – Mother of God. Gradually she was being morphed into a heavenly creature, untouched, not violated, and presented as a model to be emulated.

67.2 The expansion of the monastic way of life throughout Europe – the Benedictines, the Carthusians, the Cistercians, Dominicans and Franciscans. The end-result was firstly, the emergence of an other-worldly spirituality; a crass form of sexless Angelism where angels were seen as the ideal of human perfection, where ordinary men and women were challenged and encouraged to achieve some form of a disembodied existence; and secondly, an ingrained sense of being alien in this world, forever looking beyond it to another world for fulfillment and happiness.

67.3 The emergence of ascetical practices and the suppression of experiences of joy and earthly pleasures. Self-denial and mortification were standard tools in the armory of man's drive for perfection in the spiritual life. Even instances of self-mutilation were not unknown.

68 Physical sex was highlighted as a predominant feature of the Christian way of life – the principal element in a person's spirituality. Concentration was focused on controlling sexual urges. In religious houses and seminaries, spiritual development was associated with sexual purity and chastity, with self-denial and suppression of urges, on avoidance of temptation and the need to resist natural impulses. The least lapse in discipline and control was mortal and could be fatal. No-one could receive Communion after even a minor sexual indiscretion. He or she had to go to confession before approaching the altar. Living in a community where it was expected that every member would go to Communion each morning during the community Mass, some members of the community were regularly conflicted and embarrassed. In the seminary, the spiritual director would make himself available each day before Mass for anyone who wished (or needed) to go to confession. A dead give-away.

69 In the lives of at least some of those training for priesthood, the end-result of the mixture of these forces was a twisted, distorted mind-set. In a significant number of the cases, the high-bar could not be negotiated. Trainees and members of the clergy were doomed to constant failure – spread out tight on the wheel of guilt, confession, forgiveness and starting again. There was also a consequential pathological fascination in the minds of some with innocence, simplicity and purity as personified in children. Some young men inevitably failed to evolve and grow into their bodies and into their adult lives. Precious, critical years of psycho-sexual development were being lived out in an artificial world, behind the gates of the seminary where the role of sex in a young man's life was being suppressed and denied, and at the same time sublimated, exaggerated and idealized.

> "Sex abuse by catholic priests and religious: I can understand how the seminary and religious formation systems have failed to produce well socially and sexually mature adults. In the past (and in the present

> also), most have repressed sexuality through attempted sublimation and denial. We can see the results in ourselves and some of our colleagues."[12]

70 To assert that there is a direct and obvious causative connection between institutionalized celibacy and the emergence of paedophilia among the clergy would be, in my opinion, simplistic and naive. No necessary link can be established, especially if one sees celibacy merely as a life without sex. There are many celibate people in the world who appear to function quite happily and successfully without the need of becoming involved in sexual encounters, though the vast majority of these people did not enjoy the benefit of seminary training or a religious Catholic education focusing on sin, sex, virginity, self-denial and mortification.

71 However, with clerical celibacy comes an all-encompassing way of life, a sub-culture, and a particular mindset which in turn, generates a particular set of tensions and problems – loneliness – unsatisfied urges – lack of social and psychological stimulation – an unearned conferral of power and control over others for which the individual has not been adequately prepared – an unquestioning trust from others – a confident belief that members of the clerical cast are holier, wiser, better educated and more perfect than others (a belief that some members of the clergy may have come to accept as true) – a bachelor-style selfishness – some lack of human contact and warmth – a sense of alienation in society – no regular checks and balances which would normally come with a life-partner – no one to share and discuss life and its problems – no sounding board – no children, and therefore no opportunity to become aware of children's needs and vulnerabilities – no sense of sharing experiences with other human beings – a sense of being apart, on a pedestal, different.

Sin and Forgiveness

72 The Australian Catholic Church, from its foundations, has been heavily influenced by Rome and the Irish Church, and by an obsessive-compulsive spirituality whose origins can be traced to French Jansenism. As a consequence, the institution has been obsessed with the notion of sin and has tended to extend exponentially the number and categories of sins, especially mortal sins – murder, rape, cruelty, violence, avaricious greed were all on a par (at least in the uneducated minds of the clergy and the faithful) with eating meat on Fridays, failing to attend Sunday Mass, with deliberate impure thoughts and using condoms. A sinner could find himself in Hell for committing any one of a whole range of offences – all serious, all equally serious at least in their eternal consequences, and therefore, at least by implication, none of them really too bad, and all of them easily forgiveable.

73 And the sacramental mechanism by which the guilt of any of these sins could be removed and forgotten was by private confession to a priest. One could be forgiven as often as needed, by going through the same routine, the same procedure. This rite of confession was readily available in any church on Saturday afternoon or evening. Catholics were encouraged to seek forgiveness in confession regularly – each month for lay people, each week for seminarians, and as often as necessary, even daily – and for minor offences, trivial weaknesses, imagined relapses as well as for horrendous crimes. Same procedure. The process of confession and forgiveness was part of the religious education programme for children from the age of seven, that is, from immediately before a child's First Communion and in preparation for it.

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[12] *Where did all the Young Men go? Life stories from1960s' student Catholic priests*, Ed. Paul Casey, FeedaRead.com. Publishing, 2015, pp.598)

74 The Church taught that forgiveness through confession to a priest was the only way a sinner could be re-united to God, relieved of his guilt and freed to begin again, anew, without looking back.

75 In more recent times, through its ever-expanding grab-bag of serious sins and its practice of frequent private confession, the Church has tended to trivialize the religious experience of guilt and forgiveness, mixing eating meat on Fridays and missing Sunday Mass with treason, murder and pedophilia, and cancelling all with a sacramental wave of the hand. In the process, the Church was developing an iron-clad system of control of its members and an efficient means of exercising power. Easy to sin mortally, easy to confess secretly, and easy to be forgiven often. Not a very good pastoral practice in the long term.

76 In the context of the sacrament of Penance and a paedophile priest confessing his sins (or his crimes in the civil forum) and seeking forgiveness, the question naturally arises as to the confessor's obligation to disclose his knowledge of the criminal behaviour of the person confessing, and thereby protecting potential victims from any further offending (whether this obligation be based on a criminal code or statute, or on the confessor's civic responsibility as a citizen of the state) – an obligation in direct conflict with his professional and sacramental obligation never to disclose, in any circumstances, any matter which had been revealed to him in the confessional. This duty is known as "the seal of confession" and is considered as an essential aspect of the whole sacramental experience – to guarantee confidentiality – to assure a penitent that, without the least hesitation, he can be truthful and honest to his confessor, and that his admissions of guilt, however grievous, will remain secret, whatever the circumstances. The confessor would be obliged to face gaol, even death, rather than disclose what he had been told and by whom.

77 Until recently, I assumed that this conflict between civil and sacramental obligations had been merely academic, without any practical consequences. For myself, I have never heard the confession of anyone, priest or layperson, who disclosed paedophilia behaviour to me – or any crime for that matter. Nor do I know, after careful questioning of several ex-priests who were more active in parishes that I was, of any priest who has heard the confession of a penitent confessing sexual offences against children.

78 However, I now understand that the Commission has received some evidence of at least one priest offender (perhaps several) who has stated that he had confessed child-sex offences to his confessor. Consequently, if the confessor in question were able to identify the priest-penitent (and this is not always possible because of the configuration of the confessional), the conflict would be a live issue and one which the Commission might wish to address.

79 The obligations facing a confessor in such circumstances would be in direct conflict. The seal of confession admits of no exception. It is absolutely binding, and even in the face of a civil obligation to disclose, if breached directly, would automatically attract a penalty of excommunication which can only be lifted by the Pope himself.

> "c. 983/1 – The sacramental seal is inviolable; therefore it is absolutely forbidden for a confessor to betray in any way a penitent in words or in any manner for any reason.
>
> c. 984/1 – A confessor is prohibited completely from using knowledge acquired from confession to the detriment of the penitent even when any danger of revelation is excluded.
>
> c.1388/1 – A confessor who directly violates the sacramental seal incurs a latae sententiae (*automatic*) excommunication reserved to the Apostolic See; one who does so only indirectly is to be punished according to the gravity of the delict (*crime*)."

80 The consequences of excommunication are dealt with in the Code of Canon Law, Canon 1331.

81 In Australia, the civic obligation of disclosure to a proper authority varies from state to state. The statutory provisions, where they exist, can be complicated, and at least in New South Wales, open to interpretation. Of course, apart from any statutory provision imposing a criminal obligation to disclose an offence of this nature, there is a heavy moral responsibility on every citizen, as far as he or she can, to protect vulnerable children from serious harm. But clearly, failure to meet this moral responsibility is not a crime. And it is also clear that at least in New South Wales, when the information of child-sex abuse comes from a source other than the victim (who may have the right, according to law, to request non-disclosure – but from the offender himself, for example, in the confessional), there is no statutory provision excusing the person with information of an offence, even an historical offence, from disclosing it to the relevant authority.

82 So which obligation takes precedence – the obligation arising from the sacramental seal or the civic obligation?

83 If the confessor fails to fulfill his civic responsibility, he can be found guilty after trial and punished – potentially sentenced to a term of imprisonment. However, where the admissible evidence would come from to support a charge of failure to disclose, in New South Wales for example, might prove problematic. The perpetrator would need to waive the privileges and protections available to him under the Evidence Act 1995, by agreeing to give evidence in court. Or he may have waived his privilege by some prior disclosure to a third party outside the confessional, telling that person of his child-sex offences and the fact that he had confessed the matter to an identified priest. Or the offender (namely, in this case, the priest charged with receiving the relevant information in the confessional and failing to disclose it to the appropriate authority) would need to give evidence against himself in favour of the prosecution, thereby waiving his common-law right to silence and the special privilege provided by s. 127 of the Evidence Act 1995. To effect a successful prosecution of this charge might prove insurmountable, so that the conflict between the law of the state and the law of the Church would remain academic.

84 If, on the other hand, the confessor fails his sacramental duty, he is automatically excluded from communion with his Church and all that entails, pursuant to the provisions of Canon Law.

85 It would appear axiomatic that a nation-state or any secular, jurisdictional entity (the state of New South Wales, for example) would simply ignore any international institution or company which might require, by internal regulation or otherwise, that one of its members be bound to breach the law of the country in which he resided or of which she was a citizen. The institution is free to regulate its members as it sees fit and according to its constitution – provided always it does not require them to engage in criminal activity. In this case, the Church demands that a confessor, in whatever circumstances, must always refuse to disclose both what he has been told in the confessional and by whom. And in resolving any conflict with a civic obligation, the confessor might turn to Pope Pius IX who declared, in his *Syllabus of Errors*, that it was an error to assert that –

> "42. In the case of conflicting laws enacted by the two powers, the civil law prevails."

86 This declaration might provide some insight into the ecclesiastical world in the middle of the nineteenth century, but of course, in policing the law of the land, the civic authority would simply take steps to enforce its own laws and completely ignore the dictates of any internal

ecclesiastical law or regulation. As far as the country or state was concerned, there would be no conflict.

87 An individual's conscience may demand a citizen to decide not to comply with a particular law of the country. A priest-confessor may decide that he is bound to preserve the confidentiality of the confessional and accept the full rigour of the civil law – though if he were to judge the penitent to be a present danger to children, it would be difficult to see how he could choose to protect a paedophile priest-penitent rather than take the steps necessary to protect children from serious harm. A conscientious objection, in such circumstances, might be difficult to justify.

88 Some consideration should be given to canons 980 and 982 of the Code of Canon Law.

> c. 980 – If the confessor has no doubt about the disposition of the penitent, and the penitent seeks absolution, absolution is to be neither refused nor deferred.

89 This directive (which asserts that normally absolution or forgiveness is not to be denied) refers to a doubt entertained by the priest-confessor as to the disposition of a penitent. The doubt is usually one about the penitent's stated resolution not to sin again. There seems to be little reason, however, not to include some consideration as to his willingness to disclose his offending, criminal behaviour to the police or to some authorized person as proof of his disposition.

90 And then there is canon 982.

> c. 982 – Whoever confesses to have denounced falsely an innocent confessor to ecclesiastical authority concerning the crime of solicitation to sin against the sixth commandment of the Decalogue (sex) is not to be absolved unless the person has first formally retracted the false denunciation and is prepared to repair damages if there are any.

91 This regulation is clearly fashioned to protect a member of the clergy from some false accusation made by a malicious lay person, and there would seem to be no good reason why the Vatican would not enact a similar provision to protect vulnerable children from a predatory paedophile priest. In this case, the penitent priest would have to make a choice between surrendering the protection of the seal and receiving absolution, or remaining silent, refusing to disclose his criminal offences to the authority and being refused the benefit of the sacrament.

92 In any event, this or a similar proviso may not necessarily release the confessor of his own obligation under the law and as a citizen, to report what he knows, to disclose the offence and the identity of the offender to someone in authority. The Vatican might therefore make it a proviso (similar to the provision in canon 982) that before absolution, the penitent releases his confessor from his obligation to preserve the seal of the confessional. In such circumstances, the sacrament of Penance would prove fatal to the offender and would mean that he would approach the confessional only if, and when, he was truly ready to face the consequences, civil and religious, of his offending.

The Theology of the Church

93 Towards the end of the nineteenth century the Roman Church came to presume that, as it had emerged as an independent empire, it could police its own borders and control its own members, and that it was not answerable to any secular power. How to explain this mind-set?

94 The Church's image of itself has changed, sometimes radically, over the course of centuries. In the 1960s, for example, the Fathers of the Second Vatican Council discussed at length a new image of the Church they wanted their fellow Christians to accept and which they sought to project to the world – The Church as the People of God.

95 Originally, the Church was a loose conglomeration of local communities, a movement of beliefs and practices which had spread from city to city, which later began to gravitate towards four or five centres of excellence for guidance and leadership (Jerusalem, Antioch, Alexandria, Rome and later Constantinople), and which, for many complex reasons, gradually centred on Rome and its bishop. Always tensions and disputes – between dioceses, between Rome and Constantinople, between Rome and Gaul. During the eighteenth and nineteenth centuries especially, there emerged a power drive to centralize institutional power in Rome, in the Vatican. This tendency received significant impetus during the reign of Pope Pius IX and around the time of the First Vatican Council. Then, early in the twentieth century, Rome took further steps to consolidate its position by legislating to reflect its understanding of its powers and independence.

96 Pius IX's *Syllabus of Errors* gives some idea as to how the Church saw itself in the middle of the nineteenth century. When reading the following statement, it must be remembered that the Pope is identifying errors and insisting that members of the Church should reject them on his say-so. He described all these errors as "pernicious doctrines" which "by that very fact, are reprobated and prescribed" – "omnes errores ac perniciosae doctrinae, quae ab ipso reprobatae ac proscriptae sunt".[13]

> "19. The Church is not a true and perfect society, entirely free - nor is she endowed with proper and perpetual rights of her own, conferred upon her by her Divine Founder; but it appertains to the civil power to define what are the rights of the Church, and the limits within which she may exercise those rights.
>
> 20. The ecclesiastical power ought not to exercise its authority without the permission and assent of the civil government.
>
> 24. The Church has not the power of using force, nor has she any temporal power, direct or indirect.
>
> 25. Besides the power inherent in the episcopate, other temporal power has been attributed to it by the civil authority granted either explicitly or tacitly, which on that account is revocable by the civil authority whenever it thinks fit.
>
> 30. The immunity of the Church and of ecclesiastical persons derived its origin from civil law.
>
> 31. The ecclesiastical forum or tribunal for the temporal causes, whether civil or criminal, of clerics, ought by all means to be abolished, even without consulting and against the protest of the Holy See."

97 Out of this developed theology of the Church, the *1917 Code of Canon Law* eventually emerged, with its mentality that the Church could, and should arrange and control its own affairs - conduct trials of priests accused of sexual assaults of children, for example, deliver judgements and, where appropriate, punish them itself – with no regard for the principles of transparency and accountability, with an imposed regime of secrecy, including harsh penalties for whistle-blowers and fifth-columnists.

98 In the 40s, 50s and early 60s, Catholics were taught (and believed) that the Roman Catholic Church was the one, true, catholic and apostolic church; that it had been founded by Jesus

[13] *Letter to Cardinall Antonelli,* 8 Dec. 1864, ASS 3 (1867) 167ff.

himself; that he had explicitly commissioned the twelve apostles and their successors to be the leaders and controllers of the institution; that there was no salvation outside this institution – it had been given a monopoly on salvation; that Jesus had established Peter and his successors as the head of the Church, with a primacy of status and authority among the apostles and their successors; that he had deputized Peter and his successors, the popes, as his vicar on earth and endowed him and his successors with a special grace of infallibility in certain circumstances – a grace which was ever expanding.

99 This Church established by Jesus had gradually, by the beginning of the twentieth century, developed into a perfect society with its own language and postal system, its institutional power structure, its hierarchy, its own rituals and customs, schools, universities and education system, its insigna, dress code, orders of merit, spiritual armies and military ranks, real estate and economy, an administration system, code of laws with courts and penalties, with authority trickling down from a centralized government in Rome, through dioceses and local parishes, controlled and supervised by a system of papal diplomats and a secret system of spies and reports. By the time the Code of Canon Law was promulgated, and as far as we were concerned as seminarians and priests in Sydney, this institution had a supra-national reach and, not being an established, state religious institution, was not subject to any secular power.

100 In his Encyclical *Vehementer*, published in February 1906, Pius X simply drew on one of the Decretals of Gratian from the twelfth century to identify the two separate and distinct classes of Christians.

> "The Scripture teaches us, and the tradition of the Fathers confirms the teaching, that the Church is the mystical body of Christ, ruled by the Pastors and Doctors (I Ephes. iv. II sqq.) - a society of men containing within its own fold chiefs who have full and perfect powers for ruling, teaching and judging (Matt. xxviii. 18-20; xvi. 18, 19; xviii. 17; Tit. ii. 15; 11. Cor. x. 6; xiii. 10. & c.) It follows that the Church is essentially an unequal society, that is, a society comprising two categories of persons, the Pastors and the flock, those who occupy a rank in the different degrees of the hierarchy and the multitude of the faithful. So distinct are these categories that with the pastoral body only rests the necessary right and authority for promoting the end of the society and directing all its members towards that end; the one duty of the multitude is to allow themselves to be led, and, like a docile flock, to follow the Pastors."[14]

101 The Gratian Decretum, this brutal statement of Pius X and the Canon Law promulgated in 1917 were only giving expression to one of the principles of the reform of Gregory VII (1073-1085), namely, that there were two classes of citizens in this perfect society – clerical celibates and laypeople – and that one was more important, more holy and more privileged, more pleasing to God than the other. The organization of this all-powerful and heavenly institution - the Church – formed a pyramid of authority and status, culminating in the Pope who was answerable only to God. He was the lawmaker and therefore above the law - never subject to it.

102 In more modern times, bishops were appointed by, and answerable to Rome. Having demonstrated special promise in the local seminaries, many of these bishops had received further training and formation in Roman seminaries and had been imbued with what became known among the clergy in Australia as a "Romanita" – they enjoyed established contacts in the Vatican; they operated in the colonies as agents of Rome, with special dignity and an interiorized set of Roman values. They were encouraged to adopt an aloof, superior bearing, and they showed a high level of loyalty to the Pope and his administration. They were guided

[14] ASS 39 (1906-7) 12 ff.

by principles of stability and continuity rather than pastoral considerations. They were seen to take a long view of history (centuries rather than decades). Rome's men in the provinces.

103 In those days, an ordinary Catholic's life in Sydney or in a country town was centred on the parish and the local Catholic school. The parish priest was a dominant and influential figure – he spoke with the authority of the bishop, who spoke with the authority of the Pope, who spoke with the authority of God. The priest interpreted the law. He expounded the teachings of the Church. He heard confessions and told people what they could, and particularly what they could not do. The problem was that many of the members of the clergy were quite ignorant – badly educated and badly trained in a self-contained and self-satisfied system – but fully aware of their dignity and authority. They tended to be autocratic and paternalistic. Perhaps it's different now, but in those days the ordinary Catholic had no idea that their clergy were in any way inadequate. They were not allowed, much less encouraged, nor did it enter their minds, that they could question those who enjoyed supernatural powers by divine right.

104 In place of the King's portrait (and later the Queen's portrait), a studio picture of the Pope held pride of place in churches, convents and classrooms – Leo XIII, Pius XI and Pius XII. Our loyalty was to Rome, not to England (as it was in those days). The Pope was our leader and our Head of State. We obeyed him, without question. We were living in a religious ghetto.

105 The Catholic Church, in both its local and its world-wide configuration, was the world in which priests and seminarians functioned. It determined what we thought, our values and beliefs, and what we did. Almost a parallel world in which we found our friends and the meaning of our lives.

106 The Commission seems puzzled to understand why it was that the Church officials and members of the clergy did not name what the clerical paedophiles were doing as "crimes", and did not see the offenders as "criminals", only as sinners. Of course it's obvious to any reasonable man in the street that these men were/are criminals, committing criminal offences which seriously wounded the victims and their families and which were subject to the criminal code of the secular state. Obvious. And in addition, in a religious setting, and for a religious person – serious moral failures – grievous, mortal sins.

107 This should have been obvious to anyone living in the real world – to bishops, priests, laypersons, whoever. But within the enclosed world-view of the Catholic Church, with our unquestioning loyalty and our orientation to Rome, in a Church which felt under attack on all sides, identifying the acts of a priest as criminal did not, in those days, enter our clerical heads – at least not my head. There was no conscious choice available to us between a crime and a moral failure. Inside the system, the only space available was to categorize these acts as "sins", serious sins against God, sins which cried out for confession and forgiveness, and as soon as possible, in order to avoid eternal damnation.

108 I do not know when the clerical world in which I was functioning in the 50s, 60s and 70s became so isolated from the secular world that I was unaware of the criminality of a priestly paedophile act and viewed it only through the lens of a moral transgression, as sin. The Church had viewed the outside world, the world of science and secular knowledge as hostile to orthodox Christianity since at least the Enlightenment, beginning in the eighteenth century, and perhaps, but with least intensity, before that period. To taste the bitterness of this hostility one only needs to go to *The Syllabus of Errors* of Pius IX which was extracted from his various letters, encyclicals and speeches from November 1846 to September 1864,

the encyclical of Pius X *Pascendi* of September 1907 and the Anti-Modernist Oath he issued in September 1910.

109 This was the overall context in which the damaging blind-spot which resulted in our failure to name clerical paedophilia as a crime. Before that time, and from the fourth century onwards, the Church regarded sexual assaults on children as crimes that deserved far more than a simple dismissal from the priesthood. During the Middle Ages, and even up to the second half of the nineteenth century, the Church accepted that the secular power should be involved in punishing a member of the clergy for paedophilic acts - and there were numerous papal and conciliar decrees requiring the punishment of offending clerics by the appropriate secular power.

110 The blind-spot spread like a contagious disease throughout the twentieth century and Rome legislated this institutional development into the Code. As a result, my clerical world, in the mid-twentieth century, did not function on the level of courts, police, judges, crimes and prisons. The world which encompassed those realities was not simply foreign to me; it did not exist in my consciousness. My whole world, in that particular realm, involved sin – mortal or venial – guilt, confession, forgiveness, conversion, beginning again, ecclesiastical law and Church courts, Rome, scandal, reputation and ecclesiastical authority.

The Sacrament of Priesthood

111 According to the Roman Catholic system of theology, each of the seven sacraments has a special and particular efficacy. The ritual words, when they are co-mingled with the correct ritual action, "automatically" produce the effect which is associated with that particular sacrament. This became known as the "ex opere operato" effect. Do the deed, say the words, and no matter what the intention or the state of holiness of the priest (sinful, wicked, criminal, crazy or saintly, even a paedophile), the effect of the sacrament was automatically accomplished and grace flowed to the recipient.

112 In my day, by undergoing a lengthy, isolated period of formation and then receiving the awesome sacrament of Priesthood, a young man became a member of a tight clerical brotherhood – a club. We were expected to associate, to socialize and to communicate openly, frankly, exclusively with our brother priests (not with any laymen, and certainly not with women), and we believed that from the moment the bishop had laid his hands on us within the ordination ceremony, we automatically became a special person, different from, and above the mob, changed deep within our being, "ontologically transformed", sealed forever with the indelible character of priesthood imprinted on our souls. We were taught that by this sacrament, ex opere operato, we became "another Christ", able to transubstantiate bread and wine, forgive sins, bless and sanctify, anoint and teach with authority. From the time of his ordination, a young man is endowed with truly divine powers – and can exercise those powers whether he is in the state of grace or not, a sinner or a saint, a good person or not (after a great deal of bitter controversy, the problem of the minister's "state of grace", of his worthiness to administer a sacrament had been solved long ago in north Africa, in the fourth and fifth centuries, by Augustine of Hippo).

113 The priest saw himself, and was in turn seen by the faithful, as a superior being – touched with holiness, aloof, removed from the ordinary mundane world, sanctified, pure, trustworthy, isolated from the crowd, alone and without friends. Awesome status involving super-human responsibilities and attracting privileges beyond the reach of mortal men. I have already quoted above a telling passage of Pope Pius X, taken from his encyclical *Vehementer*, and which illustrates this point. Perhaps I could also refer to the wording in the

Code of Canon Law initiating the treatment of and the regulations surrounding the Sacrament of Order.

> Can. 1008 "By divine institution some among Christ's faithful are, through the sacrament of order, marked with an indelible character and are thus constituted sacred ministers; thereby they are consecrated and deputed so that, each according to his own grade, they fulfil, in the person of Christ the Head, the offices of teaching, sanctifying and ruling, and so they nourish the people of God."

114 Those now in charge of seminary formation, the diocesan administrators and bishops might wish to assert that the system of training and the theology taught to seminarians have changed significantly – and they might well be right. Perhaps the young members of the clergy do not think of themselves, do not present themselves in the same way, with the same mentality as pre-Vatican priests. A new spirituality. A new theology of priesthood.

115 If it be so, it would be an impressive feat to have lifted the heavy weight of tradition over many centuries, a tradition traceable to Augustine and Jerome, one which was repeated by the influential scholastics of the Middle Ages, including Thomas Aquinas, and repeated with approval well into the twentieth century.

116 But there are some signs that the theology of priesthood has not changed here in Australia. As recently as 2009 the present Archbishop of Hobart (and former rector of the seminary in Sydney), Julian Porteous, was preaching this message – by ordination a man is ontologically changed, and empowered to perform sacramental acts in the name of Christ the Lord.[15]

117 Bishop Geoffrey Robinson, one of my fellow-seminarians at Springwood in the early 50s and, like me, a candidate for priesthood from the age of twelve, has also recently reflected (with sadness and regret), on the eminent status and power assumed by priests and theologically justified – on what he calls "the mystique of a superior priesthood".

> "One of the saddest sights in the Church today is that of some young, newly-ordained priests insisting that there is an "ontological difference" between them and laypersons, and enthusiastically embracing the mystique of a superior priesthood. Whenever I see young priests doing this I feel a sense of despair, and I wonder whether we have learned anything al all from the revelations of abuse."[16]

118 The Commission may be interested in why it might be that the Church has proved reluctant to use the process of laicization to remove paedophile priests from the ministry, and to move them on or cast them adrift. In trying to shine some light on this question, three further considerations come to mind –

119 Each bishop has the power within his domain to grant and to remove what are known as "priestly faculties" – authority to preach, say Mass, confer sacraments, hear confessions and in general, to function as a priest of the Roman Catholic Church within a given diocese. In dealing with allegations of paedophilia, a bishop can remove a priest's "faculties" reasonably easily, and without much fuss. The canonical process of laicization, however, involves to-and-fro communications with the Vatican – a process which is more complex, more formal, and the end-result, more or less the same. Why, therefore, go through the torture of a canonical process if the same practical result can be achieved more quickly, with less people involved, less scandal, less heartache all-round?

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[15] *The Life and Ministry of Priests at the Beginning of the New Millenium*
[16] *For Christ's Sake*, pp. 83-84.

120 Dealing with Rome and the Vatican bureaucracy, even for a bishop, and even in an age of almost instantaneous communication, can be a drawn-out and frustrating experience.

121 But there are some unsatisfactory features of dealing with problem priests by the less formal way of removal of faculties. Firstly, the penalty may seem too trivial when compare to the crime. Secondly, if it is relatively easy to remove a cleric's faculties, it would be equally easy to restore them, and without informing interested parties. The bishop often allows priests whose facilities have been withdrawn to perform some priestly functions, at least on a one-off basis (e.g. family weddings and funerals, or jubilee celebrations with classmates). Thirdly, even when a cleric's faculties have been withdrawn, he still remains a member of the particular diocese or of his religious community, and his bishop or superior continues to be responsible for him, to have jurisdiction over him, with accompanying responsibility of providing for his daily needs – shelter, food, clothing etc. The cleric can continue to appear in public as a priest, to dress as a priest and to claim the honorific title of a priest. For good reasons, this situation often proves a source of intense anger and outrage on the part of victims and their families.

122 However, when a member of the clergy has been laicized, while theologically remaining a priest forever, he can no longer present himself as one, or function in the clerical world. The bishop has no duty to continue to support him or provide a place to live. By laicization, the relationship is permanently and totally broken. This ecclesiastical penalty is clearly more serious than if the priestly faculties had been withdrawn.

123 Perhaps the Commission might feel free to recommend that Rome establish a quicker and more streamlined process for laicization, one under the control of the local episcopal conference rather than one reserved to a Vatican bureaucrat, and that the process and the result be public rather than covered in secrecy.

124 Secondly, by ordination, a man becomes a member of the priestly class – a member of the clerical club, a priest within a particular diocese or order, a member of the team, like a member of a family or a tribe. Like any family, whatever a member might have done, good or bad, heroic or diabolical, that person remains a member of the group. Despite his offences, the diocese remains responsible for a priest's welfare, until his death. After ordination, and as a result of ordination, he remains forever "one of us", "in good times and in bad".

125 And thirdly, the doctrine of the permanent, indelible character of ordination prevents a bishop, even the Pope, from de-ordaining a priest. There is no process to un-baptized a Christian or any procedure to de-ordain a priest. We were all familiar with the aphorism - Once a priest, always a priest. Marked as a priest, forever. Laicization can reduce a priest to the lay state, so that he might look like a layman and be expected to act as one, but he always remains a priest, with the power to hear confession, say Mass etc, if he chooses to, no matter what the Pope or a bishop may decree to the contrary.

126 It is a hard saying, but true - the organization has, without much reflection, accepted that the offending priest, because of his status and priestly power, is more important than the diminutive victim or the scandalised family. The consecrated cleric, despite his offences, remained a member of the club and could always expect to benefit from the entitlements of membership. The Church had invested considerable resources in his training and relied on the likes of him to staff the parishes, to say Masses, hear confessions, preach and support the system. She must always look after her own – or so she thinks – and "her own" are the clergy rather than the laypeople. In some ways no different to the police force, the military services, political factions, the judiciary and the legal profession in general, the mafia or any exclusive

men's club – all such systems, but especially the priesthood, are governed by the dictates of secrecy, discretion and fraternal loyalty. However, in all the other professional associations and informal men's clubs, other than the one where Holy Orders constitutes the rite of passage, fraternal loyalty and the seal of secrecy are established by custom and become part of the culture, whereas Rome alone has enshrined them in legislation. The cultural dictates which govern the clergy club have hardened into canons and prescriptions of the Code.

Some Practical Considerations

The Selection of candidates

127 For centuries, the bishop of a particular diocese has been responsible for the programme in his area designed to encourage vocations for his diocese as well as for the selection and acceptance of volunteers to enter the seminary system for training and formation. For almost two millenia, the cohort of potential candidates has been extremely focused and narrow – males who believes they are called by God to become priests and who are ready to assume the demands of a celibate life, and like many people planning their future (engaged couples, for example, or university students), without knowing what those demands might eventually entail.

128 In the 40s, 50s and early 60s, the system was inundated with vocations. 60, 80, almost 100 new volunteers from the State of New South Wales would present themselves in February at the door of the seminary, ready to undergo at least seven years of formation. In the early 50s, before the system was changed, young men of tender years as well as other, more mature, country and city boys, with a vast range of educational standards, from very talented to almost illiterate, made up the numbers. In the mid 50s, the junior level of formation was phased out and only those who had completed secondary school were accepted, though an exception could be made for more mature students who felt the urge but had not progressed to secondary education. The criteria of admission were quite flexible. Almost all, if not all, the boys and young men who raised their hand, were accepted as candidates and given the opportunity to test their vocations in the fire of seminary life.

129 *The 1983 Code of Canon Law* sets out the basic criteria for conferral of the sacrament of priesthood on a candidate and, by implication, the criteria for entry in the seven-year formation programme. Basically, the candidate had to be male and baptised.

> Can. 1024. Only a baptised man can validly receive sacred ordination.

130 Then there follows a series of canons dealing with the pre-requisites for ordination – and among them -

> Can. 1025 §1 In order lawfully to confer the orders of priesthood or diaconate, it must have been established, in accordance with the proofs laid down by law, that in the judgement of the proper Bishop or competent major Superior, the candidate possesses the requisite qualities, that he is free of any irregularity or impediment, and that he has fulfilled the requirements set out in can.1033—1039 (*none of which are relevant here*). Moreover, the documents mentioned in can. 1050 must be to hand, and the investigation mentioned in can. 1051 must have been carried out.
>
> §2 It is further required that, in the judgement of the same lawful Superior, the candidate is considered beneficial to the ministry of the Church.
>
> Can. 1050 For a person to be promoted to sacred orders, the following documents are required:
>
> 1/ a testimonial that studies have been properly completed according to the norm of ⇒ can. 1032;

2/ for those to be ordained to the presbyterate, a testimonial that the diaconate was received;

3/ for candidates to the diaconate, a testimonial that baptism, confirmation and the ministries mentioned in ⇒ Can. 1035 were received; likewise, a testimonial that the declaration mentioned in ⇒ can. 1036 was made, and if the one to be ordained to the permanent diaconate is a married candidate, testimonials that the marriage was celebrated and the wife consents.

Can. 1036 In order to be promoted to the order of diaconate or of presbyterate, the candidate is to present to his bishop or competent major superior a declaration written in his own hand and signed in which he attests that he will receive the sacred order of his own accord and freely and will devote himself perpetually to the ecclesiastical ministry and at the same time asks to be admitted to the order to be received.

Can. 1051 The following prescripts regarding the investigation about the qualities required in the one to be ordained are to be observed:

1/ there is to be a testimonial of the rector of the seminary or house of formation about the qualities required to receive the order, that is, about the sound doctrine of the candidate, his genuine piety, goodmorals, and aptitude to exercise the ministry, as well as, after a properly executed inquiry, about his state of physical and psychic health;

2/in order to conduct the investigation, the diocesan bishop or major superior can employ other means which seem useful to him according to the circumstances of time and place, such as testimonial letters, public announcements, or other sources of information.

Can. 1029 Only those are to be promoted to orders who, in the prudent judgement of the proper Bishop or the competent major Superior, all things considered, have sound faith, are motivated by the right intention, are endowed with the requisite knowledge, enjoy a good reputation, and have moral probity, proven virtue and the other physical and psychological qualities appropriate to the order to be received.

Can. 1041 The following persons are irregular for the reception of orders (*i.e. permanently impeded*):

1° one who suffers from any form of insanity, or from any other psychological infirmity, because of which he is, after experts have been consulted, judged incapable of being able to fulfil the ministry;

2° one who has committed the offence of apostasy, heresy or schism;

3° one who has attempted marriage, even a civil marriage, either while himself prevented from entering marriage whether by an existing marriage bond or by a sacred order or by a public and perpetual vow of chastity, or with a woman who is validly married or is obliged by the same vow;

4° one who has committed wilful homicide, or one who has actually procured an abortion, and all who have positively cooperated;

5° one who has gravely and maliciously mutilated himself or another, or who has attempted suicide;

6° one who has carried out an act of order which is reserved to those in the order of the episcopate or priesthood, while himself either not possessing that order or being barred from its exercise by some canonical penalty, declared or imposed.

131 The previous Code of Canon Law promulgated in 1917 contained very similar provisions for ordination and were set out in canons 948-1011.

132 The Rules and Constitutions of the Seminaries of the Archdiocese of Sydney contained a section on Admission to the Seminary.

> "6. Admission to the Seminary must in every case be preceded by strict enquiry concerning the proper qualifications. The respective Rectors shall conduct this enquiry and submit their report to the Ordinary (*the bishop*).
>
> 7. (a) The candidate for admission should, as a rule, have attained his fifteenth and not have exceeded his twentieth year.
>
> (b) He should possess quick intelligence, studious habits and sound health, this last being certified by a physician.
>
> (c) He must be gifted with practical piety, docility and good manners.
>
> (d) The domestic life of his parents should be exemplary.
>
> (e) Testimonial letters from his pastor and from all former teachers, also certificates of Baptism and Confirmation should be presented.
>
> (f) Persons who are not of legitimate parentage and those dismissed from any school or congregation are to be excluded."

133 I was interviewed for admission in December 1950 at the age of 12. The panel (a Cardinal, a bishop and a monsignor) was interested in whether I was, and the other members of my family were practising Catholics, with a good reputation in the local parish. As far as I am aware, this was the standard of assessment and the basis for acceptance. No psychological testing. No personality assessment. And no Confirmation certificate. Just a willingness to give it a go and a favourable report from the school and the parish.

Seminary Training and Formation

134 "Many build churches nowadays; their walls and pillars of glowing marble, their ceilings glittering with gold, their altars studded with jewels. Yet to the choice of Christ's ministers no heed is paid."[17]

> Snap-frozen in some seminary,
>
> the Word, secured against the ubiquitous shock
>
> of honest air or breath, rots as it thaws.[18]

135 A few aspects of seminary training and formation in the middle of the twentieth century and in New South Wales, though seminary training was very similar in the other states (Victoria and Queensland) and throughout the world –

135.1 The day was strictly based on a fixed routine of prayers in the chapel at set periods throughout the day, regular meals mostly eaten in silence, morning lectures, sport and study in the afternoon with study in the evening and night prayers in the chapel at about 9.30 p.m. The day began at 6 a.m. and lights were extinguished at 10 p.m. The week was organized on the basis that the ordinary timetable of lectures, community prayers and sport was followed on Monday, Tuesday, Wednesday, Friday and Saturday; Thursday was the day for rest and relaxation; and Sunday was a day dedicated to special, additional liturgical celebrations – a solemn High Mass and

[17] St Jerome, Letter 52, *To Nepotian* (394 AD).
[18] *At Mass*, by Bruce Daws

solemn Vespers in the evening. Consequently, the seminary week followed a different rhythm to the community at large.

135.2 Except while playing sport, we were dressed, from morning until bedtime, in full-length, black serge cassocks.

135.3 No radios, television, newspapers, heating or air conditioning. No telephones. No exposure to secular literature – novels, magazines, philosophical or political essays. Each seminarian was allowed to write two letters per week but they had to be left open so that the deans of discipline could vet them – and they did.

135.4 No contact with people living outside the seminary – "intercourse with externals was strictly forbidden".

135.5 No frivolity or laughter. No horseplay or exuberant conduct. Fun was not encouraged. Smiling was frowned on. Studied seriousness was demanded.

135.6 No contact with women, young or old, other than the nuns who cared for us but with whom it was forbidden to converse. As a general rule, women were not permitted in the seminary precincts, and were strictly excluded from the dining area and the living quarters. The refectory was reserved to bishops, monsignors, priests and seminarians – always dressed in clerical garb. In general and as a rule, laypeople, men or women, were excluded.

135.7 No family involvement. We were not permitted to visit the family during term, or to attend family functions – marriages, funerals, baptisms etc. No telephone calls. We were being trained to live a solitary life and to be completely self-sufficient. On one occasion I was warned that I was much too close to my family and should learn to take distance from my parents and siblings.

135.8 Friendships were discouraged even among the seminarians themselves – perhaps particularly among them.

135.9 No personal or human dimension to the daily relationship between the seminarians and the members of staff. Even though they would ultimately responsible for assessing the suitability of each candidate, the priests who lectured and administered the examinations, and the priests who were in charge of discipline and conformity to the rule, had no social or personal contact with any individual student.

135.10 The formation programme was almost totally passive. No discussion or dialogue. No questioning or active participation. The educational process consisted entirely of lectures delivered by priests to a large assembly (sometimes in Latin), notes taking by the student, examinations (oral and written) at the end of term, testing the student's ability to repeat lecture material.

135.11 The seminary programme involved minute-by-minute routine which was controlled by a large hand-bell - long periods of silence and strict and disciplined conformity to the rule, exercises (spiritual and physical) - suppression, control, obedience and submission.

136 In the 40s, 50s and 60s, the Church and the seminary staff were not geared to focus on the individual in a way which would allow them to develop each of us as a special candidate for her priesthood. In the seminary, and later in the parishes, we were being drilled to serve the

Church anonymously, to submerge our needs and desires, to sacrifice our ambitions and talents, in the interests of the common good. We were to be holy functionaries, stripped of our personal needs, without cherished goals. The Church was looking for submissive, obedient, unquestioning workers who could all do the same basic job, who could be moved about to fill gaps as they appeared. She did not want personalities in the ranks. The clergy was meant to be a spiritual army. We were the humble foot-soldiers. The bishops were the commissioned officers and the Pope, the five-star general.

137 In the isolation of the seminary, the institution worked each day to persuade me and the others that the ideal priest was one who could offer selfless love and tireless service to the Church for the rest of his life. I was being trained to conform to a model like Jesus, meek and mild, ready to sacrifice all, to empty myself of feelings, emotions and needs – given, of course, this was what Jesus was like. It was a model of holiness which we did not query. Each of us was being trained to live out the role of the priest and to submerge our real selves. I was being called to surrender my authentic self, and to live day and night according to the wishes of those above me, who spoke in God's name and with his authority. Like all the others, I laboured to please others and to win their approval because that was God's will for me. In retrospect, I understand that the institution had hit on a prime candidate in me – I loved to please others and constantly sought approval. The system was pretty terrifying.

138 It is perhaps impossible for anyone who has not gone through the seminary, or served time in a prison, or perhaps in the lower ranks of the army, to imagine how tight and controlling the system was from morning till sleep. Maybe a few of the rules copied from the seminary rule-book might help the reader to understand.

> "10 (a) All shall rise promptly at the first sound of the bell, invoke the Holy Names of Jesus, Mary and Joseph, sign themselves with the Cross, and offer to the Sacred Heart the thoughts, words, actions and sufferings of the day now begun.
>
> 12 (a) In passing from the Chapel to the Refectory, and vice-versa, the students shall walk two and two in processional order in their respective divisions and classes.
>
> 12 (b) On these and on like occasions each student shall attend to the proprieties of ecclesiastical demeanour; the hands are to be held in a becoming manner, and the eyes kept under prudent control.
>
> 13 (a) Silence shall be strictly observed at the prescribed times. It is always forbidden to create unnecessary noise in the College.
>
> 14(a) No student shall enter the room of another student.
>
> (c) All unathorised intercourse of students with servants is forbidden.
>
> 16 (d) The unauthorized intercourse of students with externs, inside or outside the College, is forbidden."

139 In those salad days, the word "intercourse" had a slightly different meaning to the one it has taken on in more recent times and demonstrates the problem of translating from one language to another. I still have a copy of the rules and regulations of the seminaries of the Archdiocese of Sydney, in Latin and English, and dating from the early 40s. If the Commission is interested, I can make it available.

140 It might be instructive to describe one or two features of seminary life –

141 During my time in the seminary, approximately 180 – 200 seminarians would shower once a day, after sport, at approximately 3:30 p.m., in three or four locations spread around the college building, each adjacent to a large dormitory or a corridor of private rooms. At Springwood we were allotted a single bed and a locker in a dormitory, and at Manly, with the odd exception, each had a single room or an individual cell.

142 The rule required that we shower in silence, 10 or 20 seminarians in the one shower block, a common area with a row of individual, enclosed showers, a door to each. A sweaty student would present himself in the shower block, moderately dressed in his dressing gown, a towel around his waist covering his private parts, and another towel over his shoulder. The rule restricted showers to a maximum of two minutes. In the shower block, we were under supervision from an appointed prefect who ensured we showered in silence and within the two- minute period, otherwise we were referred to one of the two deans of discipline for correction and punishment. No private body parts below the navel and above the shins were visible at any time. The whole process was discreet and modest, efficient, and devoid of any personal interaction.

143 Even at the time of my ordination at the age of twenty-three, after twelve years of seminary formation, I had not developed into an authentic person. Now that I am able to stand back and reflect, it is clear that I had jumped through the hoops successfully, cleared the hurdles and proved that I was ready to climb onto the stage to act out the role of the priest. But despite the years of intense training, a genuine interiority had not blossomed deep within me. I was still a child. Still in short-pants and looking for the approval of my superiors. I had been good at their game. I had played it all my life, and played it well. But there was no genuine adult, independent person behind the facade I had fashioned. Maybe that would not have been such a problem for an average young adult male who was functioning within a number of separate contexts – work, home, mates and social group – moving from one to another. But my daily life was restricted to the one world, a clerical world, morning to night, seven days a week.

144 I did not know it at the time but the system had cut my psycho-sexual development off at the knees. By the age of twenty-three, I had had no girlfriend (or boyfriend) with whom I could explore the boundaries of my drives, no male companions with whom I could share the joys and confusion of what was happening in my body – and in my mind. Those powerful, puberty drives had to be suppressed and ignored. I was awkward and inexperienced. By the age of thirty I had not had the opportunity of finding myself as a real person in the world and in the Church. I had permitted others to fashion my foundation garments which were holding me together. I had taken a deep breath, struggled into them, allowed someone else to draw them tight and to tie the knots. I had no independent existence away from the job - until I had met my future wife, Adele, in Germany.

145 The emergence of an authentic self is a slow and delicate process. It demands a pattern of interactions with others, with young and old, in groups, with men and women. It involves experimentation, mistakes, testing and risk taking. A young person must receive encouragement and praise as well as learn to accept criticism. The process includes tears and laughter, touches, arguments, fights and learning to make up - all of which, for complicated reasons, were absent in my life in the seminary. I spent long periods each day alone and in silence. Our trainers discouraged frivolity, laughter, outbursts of anger, any form of affection, any contact, even innocent contact with members of the opposite sex, and they monitored and discouraged the flowering of friendships among the students.

146 Though we were adults, we were treated as children. The rector in the major seminary at Manly, Monsignor Jimmy Madden, even referred to us as 'my boys'. We were his children - but he never praised us, never encouraged us or made any deeply personal contact with any of us. Interaction took place at a distance. The students, the teachers, the priests, the staff all had their different roles to play. We all related one to the other, in a cold and formal manner. We marched in unison to meals, to prayers in the chapel and to lectures, all dressed in the standard black, in cassocks. Our way of life was founded on self-denial, self-sacrifice, repression and pretence. There was never any after-hours life when we could pause, smell the flowers and waste a bit of time.

147 As a student, and later as a young priest teaching in the seminary, I did not know exactly what was involved in a homosexual relationship. I had no idea what gay men did to one another in the privacy of their club. I had observed, from a distance, the effeminate behaviour of some of my fellow-seminarians and priests—the mincing gait, their fascination with ornate vestments, the giddy, giggling outbursts when they were together. Hard as it may be now to believe, embarrassing as it is for me to admit, as I remember, that was as far as my understanding, my misunderstanding of homosexuality extended.

148 Recently, I was travelling to a funeral in Canberra, sitting in the back of a friend's car, chatting with one of my old students from Springwood. We were on our way to bury one of his class-mates, another one of my many former students, and as we went along, REDACT was reminiscing about his seminary days in the late 60s. He had come from a good Irish Catholic family in Sydney and had presented himself to train for the priesthood immediately after leaving the Christian Brothers' school in Chatswood. Eighteen years old. He had been at Springwood for a year or so, maybe more, and like all the other students from time immemorial, he used to stroll up and down in the grounds, several times each day, with another student or two as companions. As the rule stipulated, a student was not supposed to concentrate his attentions on any special person. We had to spread ourselves around.

> 22(a) "The Rector shall appoint over the several classes Prefects chosen from the most prudent of the students. These shall diligently see to the exact observance of the Rule. They shall also take care that the students converse in a gentlemanly, polite and serious manner as becomes ecclesiastics, avoiding, however, all excessive familiarity and particular friendships as dangerous and contrary to charity".

149 I am relieved to say that I was never among "the most prudent of the students" who were "chosen" to police "the exact observance of the Rule".

150 The rule forbade particular friendships—ostensibly so that no nerd or smartarse would be ostracized like I had been for a few years, but in truth so that no one would become emotionally attached to, over-dependent on another trainee priest. Wherever the soft, rounded body parts of Eve are excluded, in prisons or submarines, in seminaries or on military bases, somehow men, even rugged heterosexual men, find a substitute for their natural urges.

151 But rules are not always kept. It is only human to test the limits, to massage and extend the barriers. Like many of the other seminarians, REDACT gravitated towards someone whose company he enjoyed. He was following his instincts, but he was somewhat disconcerted to find that as he was strolling along in his cassock, chatting to his friend, his little appendage kept swelling in his pants. He looked me straight in the eye as we drove towards Canberra, laughing, and confessed that he had had no idea what was happening, or why. And it kept happening. Every time he walked out with this same seminarian, he suffered the same inconvenience.

152 REDACT told me, laughingly, that he had taken his predicament to the spiritual director at Springwood. Father REDACTED, presumably from a position of total ignorance, explained to him the mysteries of his sexual life—the causes of the male erection and its purpose. Carefully the director of souls had revealed to him the sublime secrets of the female body, how babies were conceived, lifting the veil on human urges, homosexual passions and sexual aberrations. It was all new to him, but it made sense. REDACT began to understand what was causing the eruptions in his pants on his peregrinations around the college. He was coming to terms, belatedly, with his sexuality, discovering at last that he was probably gay. A painful discovery for a young man from a Catholic family, for a seminarian with his sights set on the priesthood and a compulsory celibate life, for a young man in a community where at least most of his mates were straight—or perhaps not. It meant years of secrecy and struggle, until at last, after surrendering his ambitions and leaving the seminary (and the Church), he threw his arms in the air, accepted who he was, settled down with his life partner and 'bugger the world'.

153 It is almost unimaginable now that there could have been such crass ignorance reasonably widespread in the 60s. At that time, there were deep pockets of ignorance spread throughout the seminary, though I feel sure now that even in my time, some of the students knew more than their prayers. Some (perhaps many) were probably masturbating regularly and therefore committing mortal sins which could land them in Hell. Why else would the spiritual director insist on hearing confessions in the chapel every morning before Mass and Communion? Some would have undoubtedly slept with girls of their age, of their parish. Some must have been involved to varying degrees, in different forms of homosexual activities. And there were others, like REDACT, like me, who were living in a sealed box away from the world, aware of the changes occurring in their bodily functions, pretending erections were not happening, wishing they would go away, avoiding mortal sin, determined to be chaste (whatever that meant), resisting temptation and trying hard to be as asexual as possible. Celibacy has come to the 'People of God' at a very high price. Many men have paid dearly for their Church's insistence that only those who solemnly promise not to marry could be admitted to her Holy Orders—loneliness, periods of depression, personality disorders, alcoholism, torments of guilt, secret affairs, double lives, sexual promiscuity. The social mess remained deeply hidden within the bowels of the institution, at least until recently.

Appointment and Training of Seminary Staff

154 I was appointed to the seminary staff by Cardinal Gilroy at the beginning of 1969 and besides the two years I spent in Paris, I served as a junior professor until October 1976.

155 I was informed by the Cardinal that he was appointing me to lecture in Liturgical Studies (a subject which had never been part of the curriculum before and in which I had no expertise), Social Ethics (dealing only with the social encyclicals of the Papacy and the Church's social teachings – again, no expertise), Sacramental Theology, and for a few years, to teach Latin. My archbishop communicated his blessings and wished me all the best. I still have his letter.

156 I received no training in teaching or lecturing. What I learned, I learnt on the job. I was not interviewed for the position, or assessed, or instructed what my duties were, what my role was in the institution or how I was expected to participate in the work of training a large group of young men for their work as priests, as celibate priests. In fact, apart from the initial interview I had with three senior clerics at St Mary's Cathedral before I went to the seminary in 1951, the many academic examinations I was subjected to in the course of my twelve years of training and a formal interview of ten minutes with the Cardinal each year for the last five years of my training (we talked trivialities), I am not aware of any other assessment

involving my suitability, my strengths and weaknesses, my personality, my psychological, physical or spiritual life – no assessment either as a trainee student or as a priest for fifteen years. I can only presume that everything was done in secret and that my participation was not considered necessary.

157 I can also confidently submit that during my time as a student in the seminary and later as a member of the professional staff, none of the priests on the staff of either the minor or the major seminary, except Mgr Charlie Dunne -who had been a teacher in a former life and trained in the education system of Victoria - but besides him, none had had, before their appointment to the staff, any training or experience in teaching, or had followed any course, or had any experience in training young men for an occupation or vocation, or in assessing their suitability to undertake a given training programme, or at the completion of the course, in assessing their suitability for priesthood.

158 During my seven years as a student at Springwood, the spiritual directors had been George Meredith, followed by Ted Shepherd, and for my 5 years training at Manly, Mark Hall, an elderly, deaf member of the Vincentian Order of priests who had lived like a hermit in the dark corridors of the College. Then as a member of staff at Springwood (1968 – 1972), the spiritual directors were Michael Kelly, followed by Michael McGloin (who himself later came under notice within the Archdiocese Sydney and for perhaps fifteen years or more has not had faculties to work as a priest). These were men responsible for the moral and spiritual development of each student, hearing their confession each week and perhaps more often, delivering a weekly half-hour talk in the chapel, overseeing a day's retreat each month, and meeting privately, one-on-one, with each student on a regular basis. None of these priests had had any prior specialist qualifications, or training, or any experience other than what was garnered on-the-job. Later, Brian Yates became the spiritual director at Manly and during his tenure he arranged some basic in-service training for himself somewhere in America.

159 As far as I know, my work was never subjected to any formal evaluation. I learned later, from the clerical rumour mill, that some of the bishops regarded me as untrustworthy, as a bit of a maverick, but no one ever confronted me or asked questions about what I was teaching to the students, my interaction with them or with the other members of staff. When I confronted a number of the bishops on the odd occasion (Bishop Thomas, Archbishop Cahill, Bishop Toohey of Newcastle, for example), they simply pretended I was imagining things and assured me there was no problem. Nothing was discussed, or confronted. The system was never questioned. It was understood that the system of training priests had been developed over many centuries, tried and tested, and was beyond question. The whole seminary system was regarded as a well-oiled method of producing good, holy, obedient and industrious priests. The wheels turned over, automatically, day after day – regular 50 minute lectures throughout the morning, sport and study in the afternoon, three meals a day, regular sleep and prayer sessions morning afternoon and night. Nothing to evaluate. Nothing to change. Students in, droves of them, and priests out the other end. As a junior member of staff I was not involved in any assessment, formal or informal, of the candidates for priesthood. My opinión was never sought. As far as I could see, there was no process of evaluation, no records kept of assessment, no program which could be regarded as suitable training for the secular priesthood and certainly no formation to assist in assuming the onerous burden of celibacy. On one occasion, out of the blue, the rector at Springwood, Monsignor Tom Veech, said that he forbad me discussing celibacy in the classroom with the students, even if they raised the topic themselves. I don't know to this day why he came to address this issue with me, a junior member of staff. Perhaps he was aware that the students tended to confide in me (I was significantly younger than most of the other priests on staff) and maybe frightened what I might say, or what he imagined I might say. But the subject had never presented itself

in my classroom, teaching social ethics, theology and Latin. I can only assume the monsignor was aware what a hot-topic celibacy was for any young male coming to a decision about his vocations. It seems ridiculous - incredible that this complicated issue was never addressed in my seminary training.

The Daily Life of a Diocesan Priest

160 After ordination, we waited on the Cardinal to tell us what we would be doing, where we would live, and with whom. He told us how to dress and how to organize our day. At the age of twenty-eight I had to seek permission to purchase a cheap, secondhand VW. It was granted grudgingly. We were not allowed to grow up. The institution could not afford to allow its men to be autonomous and independent.

161 When I left the seminary system, and for the fifteen years I was functioning as a priest, though it took some years to discover it, I was screwed up and screwed down. It was not long before I was dreaming of escape.

162 After a number of years, after the high expectations of a rich and fulfilling life which were continually re-enforced in the seminary had hit the wall, the life of a young priest in a typical parish proved to be a lonely one - isolated, sheltered, routine, devoid of affection and human warmth, without the comfort and stimulation of a wide range of friends of both sexes which often accompanies marriage life. Because of their formation and lengthy training in isolation, a significant number of priests fail to develop the social skills necessary to survive in an adult world and to relate in any meaningful way with other adults. In the 40s, 50s and early 60s, young priests received little to no supervision and only rudimentary in-service training, no assessment or feed-back. Because of the Church's teaching on sexual matters, the obligation of celibacy imposed at a time when those seeking ordination had no real appreciation of the burden they were assuming, because of the intense training programme and the pressures of a clerical life, many priests failed to develop psycho-sexually beyond the pre-pubescent or adolescent stage. Furthermore, a good number absorbed the general conviction that they were special, different, of an elevated status and importance. Rigid. Authoritarian. Reactionary.

163 Furthermore, the priest's traditional status in the Catholic community meant that he was implicitly trusted, beyond suspicion – treated almost like royalty – with honour and respect. Less than a man - and more than a man. The local priest could adopt families as his own, come and go as he pleased. Parents would feel flattered that "Father" was paying special attention to them and to their children.

164 A tragic cocktail – privileged opportunity AND powerful, twisted urges driving a man who has never had the opportunity to mature and develop.

Conclusion

165 With respect, and in an attempt to provide some background to the situation facing the Catholic Church in Australia as regards child sexual abuse among the clergy, I have submitted that the problems arising in the 40s, 50s and 60s, and even later, can, at least in part, be traced to a damaging cocktail of a number of critical doctrinal and disciplinary positions taken by the institution over the centuries; to the procedure adopted for the selection of candidates for the priesthood; to their formation over an extended period of at least seven years (often longer); to the institution's failure to supervise and assess members of the clergy and provide in-service programmes for them; and finally, to the clerical sub-culture and life-style associated with compulsory celibacy. In my submission, these factors have contributed

to the individual offences themselves and to the surprising level of offences, as well as to the manner in which offending members of the clergy have been protected and dealt with by those in positions of responsibility.

Dated: 5 August, 2015

Christopher Geraghty