

# **Menadue – Pearls and Irritations**

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## **FRANK BRENNAN. A Catholic reflection on the Royal Commission as the curtain closes on Act One.**

14 December 2017

*On Friday, the Royal Commission into Institutional Responses to Child Sexual Abuse, which has been part of the Australian political and ecclesial landscape for the last five years, will cease to exist. The commission will present its report to the Governor-General, and the commissioners will return to private life or to their previous public offices. The task of implementation will fall to governments and institutions such as the Catholic Church. The task of public scrutiny will fall to parliaments and the media but without the ongoing forensic activity of a royal commission. The commission has unearthed a continent of human suffering and mountains of institutional obfuscation. The task of change within the Catholic Church will fall mainly to committed Catholics, and not just the clerics.*

Already and thankfully, many institutional responses which were routine in the past are now unthinkable because they did not put the interests of children first. And yet, as a Catholic priest, I am still feeling perplexed. My church, like all institutions caring for children, contained child abusers. My church, more than many other institutions caring for children, failed to weed out those abusers and even harboured them in the name of maintaining the public standing of the institution and in the hope of protecting the abusers, giving them a second, third or tenth chance. I think these lessons have been learnt. BUT. And it's a big BUT.

Even those bishops like Frank Little, Ronald Mulkearns and Brian Finnigan who have been most stringently criticised by the royal commission were not seen to be evil men. And they could not conduct themselves today as they did thirty years ago. Other institutions including the police and the legal system, the media and our parliaments were not as alive to the issue of institutional child sexual abuse back then as they are now. The public culture, the public understanding, the public sympathy for children and the public suspicion of institutions including churches have all changed.

But has my church changed sufficiently? Will it change sufficiently? From time to time, I have been critical of the royal commission for purporting to rule on church issues such as celibacy and the seal of the confessional and for applying a different standard to church officials than to others – demanding that church officials comply with the idealistic imperatives of the gospel while expecting public servants and others to comply only with comprehensible civil standards of justice, legality and transparency.

All power to the royal commission for insisting on standards of truth, justice and transparency expected from all institutions caring for children. I suspect that the Catholic Church will have difficulty measuring up to these standards while internally there remains such an unquestioning deference to the hierarchy, as has been revealed in many of the royal commission's case studies. Consider just the case study on the diocese of Ballarat and the performance of Bishops Finnigan and Mulkearns. The commission concluded:

‘This case study exposed a catastrophic failure in the leadership of the Diocese and ultimately in the structure and culture of the Church over decades to effectively respond to the sexual abuse of children by its priests. That failure led to the suffering and often irreparable harm to children, their families and the wider community. That harm could have been avoided if the Church had acted in the interests of children rather than in its own interests. The response of the Diocese to complaints and concerns about four of its priests was remarkably and disturbingly similar. It is apparent that the avoidance of scandal, the maintenance of the reputation of the Church and loyalty to priests alone determined the response.’

For most of the time under study, the diocese was led by Bishop Ron Mulkearns. His cousin Michael Morwood, who has been a very outspoken critic of the Church and much of its moral teachings, describes Mulkearns as ‘a thoroughly decent man. There was not an ounce of evil intent in him.’ Prior to the release of the commission report but after the media attention during the Ballarat hearings, Morwood wrote: ‘Ron Mulkearns stands guilty of acting in accord with what the Institutional powers asked of him. I believe he so trusted the sacredness of that Institution that he was blinded and acted misguidedly. And I have no doubt he acted, relying on advice he trusted, according to what he thought was right.’

In September 2016, Michael Costigan addressed the Golden Jubilee conference of the Canon Law Society of Australia and New Zealand. Mulkearns had been a founding member of the Society. Costigan reminisced: ‘Speaking from my knowledge of Ron Mulkearns during the sixty-seven years in which we knew each other, I completely endorse his cousin’s tribute to this “thoroughly decent man”.’ Costigan offered this observation: ‘Of the late Bishop’s unquestioning and constant devotion to the papacy I have clear memories. Nevertheless, he did admit to me in conversation when I stayed with him in Aireys Inlet several years ago that his regard for Pope John Paul II diminished after the Polish pontiff had turned a deaf ear to his request for advice about the way to handle clerical sexual abuse in his diocese.’

Unquestioning loyalty to the institution, to the hierarchy and to the Pope should no longer be espoused as a fine Catholic attribute. It might not result in personal evil. But it sure results in institutional failure with catastrophic results for many people including vulnerable children. And it results in episcopal failure which does not pass the pub test. Brian Finnigan was Vicar General in Ballarat for eight critical years when Mulkearns was Bishop. He was later Executive Secretary to the Australian Catholic Bishops Conference, capping his clerical career as Auxiliary Bishop in Brisbane. This was the royal commission’s damning summary of his evidence: ‘Bishop Finnigan’s evidence was highly unsatisfactory. He gave the clear impression that he was seeking to protect himself and the Church or the Bishop at the time, and he made no effort to give clear and honest evidence. The result is that we have not accepted Bishop Finnigan’s evidence except where it is corroborated by other evidence or where it is inherently probable and not contradicted by other evidence.’

In 2013, after a Victorian parliamentary inquiry made adverse findings against Mulkearns who pleaded cognitive incapacity to give evidence, I attended the episcopal installation of Christopher Prowse as Archbishop of Canberra in the Canberra Cathedral. There on the sanctuary with most other Australian bishops and the Papal Nuncio was Bishop Mulkearns in all his episcopal finery.

I was shocked. I took what for me was an unprecedented step. I wrote to Mulkearns saying: 'I suggest, with respect, that it is no longer appropriate for you to participate in such liturgical celebrations or social events connected with such celebrations. I know this suggestion will be hurtful and might appear somewhat presumptuous coming from a priest who does not know the full story. I make the suggestion because you chose not to appear before the recent Victorian parliamentary inquiry into child sexual abuse in the churches and because the parliamentary committee then had cause to make adverse comments about your conduct as a bishop.'

Mulkearns was hurt by my suggestion and pointed out that no one else had raised the matter. I daresay if he were alive today, I would not be the only one to raise concerns about his ongoing involvement in church public life.

We Catholics all need to get better in our firm, respectful and demanding encounters with our hierarchy. If we don't, we will be part of an institution which fails adequately to comply with decent community standards on all manner of things, including the protection of children. And that will do nobody any good, not even our bishops.

Now for Act Two which is set within the Church which I love and serve, but hopefully with eyes wide open assisted by the State and community which demand accountability and transparency when it comes to the care of children.

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<https://johnmenadue.com/frank-brennan-a-catholic-reflection-on-the-royal-commission-as-the-curtain-closes-on-act-one/>