

TRANSCRIPT

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Inquiry into the handling of child abuse by religious and other organisations

Melbourne — 22 October 2012

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**Necessary corrections to be notified to
executive officer of committee**

The CHAIR — Good afternoon, ladies and gentlemen. We will commence day two of our hearings with just a few housekeeping rules. In accordance with the guidelines for the hearings, I remind members of the public gallery that they cannot participate in any way in the committee's proceedings. Only officers of the Family and Community Development Committee secretariat are to approach committee members. A witness can request that personnel from their organisation approach the table during the hearing to provide information by leave of myself as chair. Written communication to witnesses can only be provided via officers of the Family and Community Development Committee secretariat. Members of the media are also requested to observe the media guidelines, and I ask that you all ensure that your mobile phones are now turned off as we commence our proceedings.

I would like to firstly welcome Professor Des Cahill, professor of intercultural studies at RMIT University. Thank you very much for being with us this afternoon and welcome. I will run through a few preliminaries with you as well. All evidence taken by this committee is taken under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Any comments made outside the precincts of the hearings are not protected by parliamentary privilege. Witnesses may be asked to return at a later date to give further evidence if need be. All evidence given today is being recorded. Witnesses will be provided with proof versions of the transcript. Please note that these proceedings are not being broadcast.

Following the presentation by Professor Cahill, the committee members will ask questions relating to the inquiry. I now ask you to give a brief presentation of 30 minutes or so, then I will open up to questions by committee members. Thank you again for being with us this afternoon. We do appreciate your time.

Prof. CAHILL — Thank you, Madam Chair. I want to move beyond my original submission in what I present today, and I can only give a summary and speak to my written address, which you have already been given, and at the back of that there are the revised recommendations to which I have added from my original submission in light of your request to look at, in a particular way, the whole issue of child sexual abuse in non-Christian religions.

Australia lives in a very religious world, and research continues to demonstrate that, on balance, religion adds to personal wellbeing and national social wealth, including in Australia. But unfortunately fundamentalisms and pathologies can erupt in religious organisations, and, as is the case in any complex issue, it takes some time before social scientists are able to understand the reasons. But I think in the last four or five years we have made significant progress, and I think it is instructive that the best research studies have been done by women, usually psychotherapists, who have worked clinically with the abusing Catholic priests.

One in 14 Australians belongs to a religion other than Christian, heavily concentrated in the Sydney, Canberra and Melbourne triangle, and we now have mosques, synagogues and gurdwaras now dotting our landscape. In Victoria the figure is 1 in 11. There has been an increase over the last 10 years of 68 per cent in the four major non-Christian religions — Buddhism, Hinduism, Islam and Judaism — so Victoria has become more religious but religious in a different way.

Child sexual abuse has existed in all ages and in all cultures and in all religions, invariably shrouded in secrecy and silence and characterised by inadequate responses by religious authorities determined to keep their faith's reputation pristine and irreproachable in a religiously competitive market. All religions have been aware of it and remain aware of it, yet they all without equivocation condemn child sexual abuse, which also is invariably embedded in a whole lot of other practices that are not relevant here in Australia as much. It is embedded in issues such as migrant orphan children, teenage brides and the age of marriage.

It is well to remember that up until 1983, under the old 1917 *Catholic Code of Canon Law*, a Catholic marriage celebrant could marry brides as young as 14. This was during an era — during the 1960s — in Southern Europe where arranged marriages, marriages by proxy and marriages by abduction and rape were common. Of course in Australia no priest, vicar or rabbi could ever perform marriages for 14-year-old brides, because of the civil law. Religious law must never be allowed to override civil law, whether it is Catholic canon law or Islamic sharia law or Jewish religious law. There are here in Australia presently arranged and engineered marriages, particularly within the Indian Hindu community.

Buddhism is Victoria's largest non-Christian religion, with 168 000 followers. In the eyes of Buddhism, all children are precious; however, across the world academic and public interest has focused on monks and young boys and on the sexual relationships between Buddhist masters and young boys or young women on the misguided and distorted thinking that sexuality with the master can be utilised to achieve spiritual fulfilment. Its historians have constantly mentioned this and, as you will read in the written address, there have been issues in Thailand over the last 12 months.

But it has been on Sri Lanka that the Buddhist attention has been particularly focused, and the children's affairs minister in Sri Lanka has suggested that child abuse is rampant in Buddhist monasteries. It has been particularly brought to light by the Sinhalese service of the BBC, which reported that over the last decade 110 monks have been charged, including a monk who had previously been a parliamentarian. When conviction does occur, sentences are light because the issue is taboo in the social and religious context of Sri Lanka.

In the Buddhist diaspora there have been issues recently in monasteries in the state of New York and in Chicago. In the Australian context there are no formal studies. Anecdotal evidence within the Vietnamese community speaks about the rape several decades ago of female refugees not just by the infamous Thai pirates but on some occasions by Buddhist monks in Thai and Cambodian monasteries which were providing haven for the escaping Vietnamese boat people. Concern has been expressed about some large monastic Buddhist communities in Australia — not in Victoria — led by a Buddhist spiritual master with young male and female celibate monks, but it must be stressed that there is absolutely no empirical evidence to underpin these concerns.

In India, the cradle of Hinduism, the recent context has been very interesting, because in May the Indian Parliament passed *The Protection of Children from Sexual Offences Act*, including legalising consensual sex between 16 and 18-year-olds. One respected health writer has described child sexual abuse as 'India's time bomb'. The parliamentary act was driven by a study, and the Indian debate is particularly focused on the plight of street children.

Outside India, in the USA there have been recent issues in Texas and in the state of Washington. Here in Victoria there are 83 000 Hindus, and within the Hindu monastic communities there is credible anecdotal evidence brought to my attention of at least two child sexual abuse instances where the offending monk was shipped back to the home country.

In Islamic countries, in the written address I have given evidence of widespread child abuse recently documented in Turkey, Bahrain and Morocco. In Indonesia there have been issues with Islamic religious officials sexually and physically abusing students in village boarding schools known as pesantren. Here the point needs to be made that no strong tradition of monasticism or celibacy exists in Sunni or Shi'a Islam. But there have also been issues in the UK, where in a report to the Muslim Parliament of Great Britain it was suggested that the Muslim community in Great Britain is at present in a state of denial about the whole issue, and there have been studies also that have verified that.

So, as I critically read the academic and other available evidence from within Australia and across the world, it seems that systemic child sexual abuse within religious organisations is certainly present in the Roman Catholic Church as the global case study par excellence, but it is also present in other faith traditions.

I want to now focus on three constellation of factors that I think lead to the issue of child sexual abuse. The first is the dispositional traits of the individual clerical or monastic offender. The individual factors at play here are: emotional immaturity; failure to resolve their adult sexual identity; experience of physical and/or sexual abuse as a minor; high level of inner conflict and psychic distress in dealing with their strong sexual impulses; over-identification with their sacred calling; a legalistic, over-rationalised and ultimately unrealistic ethical framework devoid of a relational sexual morality which leads among other things to a serious depreciation of children as human persons; their willingness to use psychological and physical aggression in having their sexual needs satisfied; a highly developed denial mechanism that minimises the impact; an intense personal loneliness and isolation; and an alienation from superiors.

The second constellation of factors relates to what I am calling celibate caste clericalism, which as I read the evidence is the incubator of the individual offender and the episcopal mismanagement. These factors to me seem to be: a hierarchical and masculine culture of unquestioning obedience and silencing of dissent where truth cannot speak to power in love; a culture characterised by a lack of openness and transparency in

appointments at all organisational levels; a culture of religious elitism that considers itself to have religious superiority and to belong to a clerical or monastic caste; a theology of celibate and lay sexuality based upon an idealistic and over-intellectualised anthropology; and a praxis of priesthood in the contemporary world not reflecting ecclesial diversity.

The third constellation of factors is the situational access to children and teenagers within enclosed groups and institutions in things such as schools, altar boys' sodalities, children's residential homes, major and minor seminaries, monasteries, youth agencies and so on. In my written submission I give a long quote to Dr Marie Keenan, who I think has really been leading the world in bringing to our understanding this issue.

When I look at the Victorian population, Catholics are by far the largest religious group with 27.22 per cent of the population. In my submission I argued three basic points: clerical sexual abuse of minors is an historical, worldwide and systemic issue; secondly, the episcopal leadership of the Catholic Church is incapable of itself to take the systemic steps to resolve the issues; and, thirdly, the state government of Victoria is required to intervene based on the parameters of article 18, paragraphs 3 and 4 of the International Covenant on Civil and Political Rights. To put it bluntly, the Catholic Church is in a holy and unholy mess, except in those areas where religious sisters and Catholic lay people are in charge, namely, its schools, hospitals, hospices, programs for the homeless, welfare agencies and so on. And the Catholic bishops only partially understand. Tragically, episcopal competence has markedly declined in the last three decades with the flight back into a restorationist traditionalism. The contemporary reality today is that no new bishop will be appointed unless he is resolutely opposed to solitary sex, artificial contraception, abortion in every circumstance, all homosexual acts and same-sex marriages, in-vitro fertilisation in any form and female ordination. And this is ensuring that caste clericalism will continue to be enforced.

So it is important to ask: why has there been a decline in clerical child sex abuse since the 1980s, since this is now being used as a defence — the problem is under control — after the discrediting of the rotten apples theory, then the false homosexuality as cause theory and then the defence that it is no worse than in other professional groups. To me there are eight reasons for the decline: the social visibility given to the issue since about 1983; the better child protection mechanisms that we have in place; the greater vigilance of Catholic parents and church workers; the lessening number of priests over the past four decades; the resignation of many priests from the clerical life; the almost total collapse of the altar boy system; the closure of almost all Catholic boarding schools; and the lessened interaction of Catholic priests with their Catholic schools.

If I am correct, then the question becomes: is the phenomenon likely to reappear and increase in the short or longer term? My answer is a guarded yes. It will appear after several decades when the current crisis has receded into the past, because the underlying issues have not been addressed. As outlined in my submission, intervention is required but it must be prudent and carefully calibrated. And in that I have outlined a preventive strategy based around the Victorian minister, this committee, the Office of the Child Safety Commissioner and the formation of an eminent Catholics task force. Governance is made difficult by the very different structures in religious traditions, with Roman Catholicism at one end of the spectrum and the Buddhist and Hindu traditions with their very loose authority structures towards the opposite end of the spectrum.

In developing a strategy it would be in my view a mistake to be narrowly focused on child sexual abuse, even though it is required by your terms of reference. You should have at the back of your minds the role of religious leadership in countering things like domestic violence and female genital mutilation, and in other things like maintaining Australia's commitment to monogamy and a stable family life, countering religious-inspired violence, combating internet sex offenders and cybersex crimes, and the role of religious leaders in the reintegration of religious sex offenders after the completion of their custodial sentence. In addition to the 12 recommendations I made in my original submission I have added 3, plus 1 which has 7 sub-recommendations that apply to the Roman Catholic Church.

My multifaith approach in this presentation to this inquiry necessitates making three additional recommendations. The first is the establishment of a government registration system of religious and spiritual personnel working in the state of Victoria. If there existed a public listing of all persons, ministers of religion and religious and spiritual personnel — I mention 'spiritual personnel' because there are some people who call themselves spiritual directors who might not come under 'ministers of religion' — we could have this registration system formally registered so that it gives a way of tracking changing patterns and for purposes of

auditing for educational qualifications, working-with-children checks and so on, and as a basis for the systematic delivery of educational and training programs.

My second additional recommendation is a regular government monitoring of the education and training of all religious personnel, because education is the key to overcoming the issues associated with child sexual abuse and other issues. This recommendation is designed to ensure quality preservice and in-service training of religious and spiritual personnel of all religious traditions is adequate and professional, especially for those who have recently arrived in Australia, whether on a permanent residency or long-term temporary visa, especially those who work as school chaplains.

My third recommendation is connected with that. It is liaison with the Commonwealth Department of Immigration and Citizenship regarding the conditions of entry for those admitted to Australia under the religious personnel category. In earlier research that I did for the department of immigration in 2004 we were concerned about the capacity of newly arriving religious personnel to give community leadership in a religiously pluralist country and about their proficiency in English in order to interact with mainstream Australia and other religious leaders. Concern has focused on Buddhist monks, Muslim imams and to a lesser extent Catholic migrant chaplains.

The last of the additional recommendations is the establishment at the national level of an Australian religious and interreligious council supported by a well-funded secretariat attached to the Department of the Prime Minister and Cabinet or the Department of Immigration and Citizenship to address the issues not only raised by this parliamentary inquiry but also to ensure that Australia remains a socially cohesive and religiously harmonious society. The current Australian Partnership of Religious Organisations chaired by Mr Abd-Elmasih Malak now receives no government funding, so the development of a Parliamentary Friends of Interfaith jointly chaired by Senator Kate Lundy and Mr Gary Humphries has been a welcome development, but more needs to be done.

One final issue concerns disclosure in the context of cultural and religious core values that in our research literature here is underdeveloped. Many studies have drawn attention to the difficulty of disclosure of sexual abuse by a child or teenager, especially those who are from ethnic minority backgrounds. The first point to be made here is linguistic. In immigrant and refugee families, where language shift is occurring across to English and bilingual, perhaps trilingual, family linguistic environments, children and parents may not have sufficient fluency, or even the vocabulary items for parts of the body in the first or second language, to be able to communicate properly on delicate matters of sexuality and reproduction.

Disclosure is difficult in all cultural contexts, but it is particularly so in shame cultures, in which many of our immigrants were raised and where cultural and religious taboos surrounding sexuality inhibit disclosure and subsequent intervention by their parents, community leaders and police. Issues such as taboos about modesty, sexual scripts, virginity, women's status, obligatory violence — such as in honour killings — and honour, respect and patriarchalism may silence disclosure.

In my written address I go on and talk about concepts like filial piety in Buddhist and Confucian heritage cultures which require the honouring of older male relatives with specific cultural norms about the superiority of masculinity. Believers in reincarnation, as in Hinduism and Buddhism, may think that child sexual abuse is karmic retribution for sinful actions committed in a previous existence, whereas Latin Catholic culture might see it as a cross to be borne by way of passive resignation.

The other connective core value is family honour or family image, as seen in the southern Italian notion of *la bella figura*, literally 'the beautiful figure', perhaps best translated as 'image', which must be protected at all costs. A family's possibly ruined reputation is a reporting cost too great for many families to bear, even being shunned by their family or community. In South-Asian Muslim communities core values are focused on *izzat* or honour, not so much as to do what is honourable but in terms of community standing.

In all shame cultures underpinning most of this is a great emphasis on female virginity, and a young female becomes of less value, even unmarriageable, if it is known she has been abused. This is part of a sexual battlefield in which men are presumed not to be in control of their sexual impulses, where girls are educated basically to keep their legs closed, to hide their bodies and avoid arousing men.

An Indian study found the following reasons for girls not disclosing: wanting to forget, fearing what people would think, self-blame, distrust, minimising its importance, feeling guilty for experiencing pleasure, fearing being disbelieved, feeling that she has been a willing participant, threats and bribes, and feeling confused or not knowing who to tell.

At the same time, on the reverse side of the ledger, in such cultures there are protective factors, such as an aggressive intolerance of adult sexual practices with children, a high value placed on women and children, extended family supervision of children, close relationships between children and parents, the lower rate of family breakdown and views of children as non-sexual beings.

In conclusion, Madam Chair, in this holy and unholy mess your greatest temptation is to do nothing except for some window-dressing recommendations. If your parliamentary committee does its job only half well, it is an unfortunate reality that as a result of this inquiry some senior religious people may end up in jail for dereliction of duty, and they must be treated with compassion and understanding. The children matter. Abused children matter very much, and their mothers' cries are beseeching heaven. I pray that you will hear them. Thank you.

The CHAIR — Thank you very much, Professor Cahill.

Mr McGUIRE — Thank you, Professor, for that multifaith overview and then coming down to the particular concerns you raised about the Catholic Church. I would just like to pick you up on the issue of prevalence. Your report at page 16 calculates the prevalence of clerical sexual abuse as between the 4 to 6 per cent range, which by implication is that about 1 in 20 ordained diocesan priests in Victoria and Tasmania become child sex abusers. The first question is: on what is that based? Then if you could also respond in regard to that this does not take into account offending by religious brothers, so what is the number of these that relate to offending in Catholic schools in terms of the current situation that exists within the Catholic school system?

Prof. CAHILL — The 1 in 20 is based on the analysis I have given in my submission of the priests from the dioceses of Victoria and Tasmania who trained at Corpus Christi College from 1940 to 1972. I chose that period because some from the very early period are still alive — they are very old — whereas those ordained in 1972 are now over 65. In reaching a figure I think it is important to have a data baseline, and it is very hard to achieve, but when we did that calculation and on the basis of data that I and other colleagues who are former priests know about and from information available on the Broken Rites website we were able to come up with that figure.

I am not able to tell with regard to religious brothers what the incidence is because I do not have a data baseline, so I am not prepared publicly to even try to guess at it. The figure of 4 to 6 per cent also relates to the John Jay study in the United States, where the United States bishops conference commissioned this centre for criminal justice do a survey. The survey was of 105 000 Catholic priests in the United States, of whom 4362, I think, were actually offending priests. So they got the figure of 4 per cent. My figure and that figure more or less square up.

I remain comfortable with that figure, and the incidence is much higher than in the general population and much higher than for any other professional group, but I think the incidence must be regarded as minimal for two reasons. The 2010 statement of Archbishop Denis Hart refers to 60 cases — somewhat more than my figures — but it is unclear whether this includes sexual misconduct with young adults. Secondly, a University of Sydney study by psychotherapists who had counselled abusing priests and brothers states that many of their counsellees had not been formally charged, so that leads me to believe that the 1 in 20 is a minimum. It may be 1 in 15, perhaps not as high as 1 in 10, but we are guessing, and I think for the purposes of this committee we should not be guessing.

Mrs COOTE — Professor Cahill, thank you very much indeed for a really comprehensive analysis today but also in your submission; I found it particularly interesting. But through your written submission particularly, you outline what you describe as the incapacity of the Catholic Church leadership to address the systematic issues. Are you able to summarise why you believe the church is incapable of dealing with these issues itself, and do you have any examples or any evidence that some religious cultures are better able to encourage reporting and handling of child abuse allegations?

Prof. CAHILL — I think in my written submission I have tried to outline the cultural factors, organisational factors, that I think have contributed to this, and I think they stand on the basis of the evidence as I read it,

particularly from the Keenan study, which was important because she interviewed the actual offending priests, as did the University of Sydney study. It was very important to get the voices of the offending priests.

Now, within that culture, you have several levels, because you have the episcopal level and then you have the level of the Vatican, and that is why in my submission I have spent a little bit of time on that and given you an example of the Degollado case, which I think is ultra-extraordinary in what it says. The culture within religious organisations, which I think is much stronger within the Catholic Church because of its pyramidal authority structure, is that the bishops were caught between whether they should follow canon law or the civil law when they became more aware of it. Rome was putting a lot of pressure on the bishops to ensure that canon law and the rights of the offending priests were being observed, but of course canon law has nothing to say about the child victim. So I think that was the culture which incubated firstly the individual, for all the reasons that I outlined, and then the episcopal response.

With regard to whether other religious organisations are more capable of dealing with the situation, I think where there is a greater openness within the religious organisation, then you are more likely to be able to bring issues that are festering away to the surface, and I think more in the Protestant churches there tends to be that greater sense of democracy. That is why in one of my recommendations I have strongly suggested that the eminent Catholics task force should work with the Catholic bishops of Victoria to have synods which would incorporate representatives from parishes so that this particular issue and other associated issues can rise to the surface and the church structure become somewhat less pyramidal in its effect.

Ms HALFPENNY — I was just wondering — I know you went into some detail about your additional recommendations when addressing all religious organisations on the issue of child abuse — whether you could just for the benefit of this hearing give us a brief summary of those other recommendations in your original submission and a brief, I guess, background to those recommendations.

Prof. CAHILL — I think it is perhaps not as clear as it might have been in my submission as to a strategy that is behind a lot of the submissions. It seems to me that in dealing with the issue within the Catholic Church there has to be a circuit-breaker, and we have not seen that as yet. The response has been basically to keep it in house as much as possible, and there needs to be a circuit-breaker to the organisational culture that has developed. That is why I have suggested that the culture could be broken initially by bringing married clergy into the organisation, as is presently happening with Anglican clergy, who are being brought into the structure, who wish to become part of the Catholic Church — that obviously includes both celibate and married clergyman who were previously Anglican clergyman — and then to use that as a leverage to change the whole culture.

Secondly, the strategy is also designed that all religious organisation should be much more transparent in the way that they operate, not least with regard to financial details, which are a mystery even to normal members of the particular faith.

The third part of the strategy is to look at the Equal Opportunity Act, under which religious organisations receive exemptions, and to abrogate the marital status exemption and then to look again — and I know this was done not so many years ago — at the other exemptions under the Equal Opportunity Act.

The other issue seems to me that in order to increase the transparency, all issues of child sexual abuse should no longer be in house in any religious organisation. There should be the proper protocols, as I think certainly the major religious organisations have developed and the Buddhist community has developed, but when there is an actual case, then it should not be handled in house, as has been attempted in past decades.

Ms HALFPENNY — Just on that, I noticed in your first submission you also observe that in the United States victim compensation by the Catholic Church has been, on average, \$1 million. Overall something like \$3.3 billion has been paid out — that is the estimation. Yet here in Australia, which you do not raise in your submission, as I understand it payments of compensation are normally around \$15 000 or \$20 000. Can you explain why those differences might be?

Prof. CAHILL — Firstly, the United States figure comes from an *Economist* article that I have quoted. How accurate it is, I do not know. But of course victim compensation cases in the United States tend to be much, much larger than in Australia across all kinds of compensation, so you would expect it to be much greater. Here in Victoria and Australia it is not an issue that I have looked at in great depth, because the amount of

information is really not very great. I think that if what you are saying is true, then more recommendations could be made by your committee to deal with that particular issue.

Underlying this, of course, is that in the United States I think eight dioceses have gone bankrupt, and that would be a fear here in Australia — that that might happen. I have no idea of the financial base of the Catholic Church in Melbourne. I do in Sydney, where it is based on 100 houses owned in the Manly area, but I have no idea in Melbourne.

Mr WAKELING — Professor, thank you very much for your presentation today and also your excellent submission. I was interested in your contribution in your submission regarding the mindset of clerical abusers, and you have made specific reference to Keenan and the work that was undertaken by that scholar. I am interested — —

Prof. CAHILL — Sorry, the mindset of the bishops or the mindset of the abusers?

Mr WAKELING — Clerical abusers. The question I would like to come to is that in regard to your submission, you have commented about the differences in comparison of clerical abusers and other at-large sexual offenders. I am interested to know what significant differences there are between these groups, and are you able to provide an explanation for those differences?

Prof. CAHILL — I am not an expert on child sexual abuse; I want to make that very clear. I can only read with some insight and understanding what those findings are, but my response to you would be that most child sexual abuse in the community happens within families and extended families and by relatives or friends who are known to the victim, but what is different about clerical and monastic sexual abuse and what makes it more distinguishable is that while the victim may know to some extent who the abuser is — the parish priest or assistant priest or a Buddhist monk or so on — the relationship is not as close or as direct, and the offender has to perhaps have more of a grooming process in order to commit the offence. But again I want to emphasise I am not an expert on child sexual abuse.

Mr O'BRIEN — Thank you, Professor, for your submissions and your evidence today. Just following up on some of the answers you gave to Ms Halfpenny's questions and also the thesis of your submission in relation to the issue of clericalism or celibacy. I note you have provided examples in the Eastern Catholic rites, on page 13, where, for example, married clergy have been admitted in — even with celibate bishops in one case. On this issue of celibacy I ask you: to what extent have either yourselves or others found any empirical evidence or survey evidence amongst — I think it has been identified that a quarter of Australians identify themselves as Catholics — either the church as a whole or the priests and the bishops as to, firstly, the issue of celibacy as a problem to be considered in relation to child abuse; secondly, a problem in relation to the reduction of priest numbers that you have identified and priests like yourself, who have left the priesthood, and any correlation between (a) or (b) in relation to those two issues; and thirdly, whether there is any support for the thesis of your solutions, both to the state to look at the equal opportunity exemption for married priests and also for the church effectively to call a synod or otherwise to address the introduction of married priests into the Catholic Church in Australia.

Prof. CAHILL — Thank you for your question. I hope I can answer it successfully.

Mr O'BRIEN — You can provide answers in writing further if you wish to elaborate.

Prof. CAHILL — Thank you. That might be helpful.

Mr O'BRIEN — To summarise your views would be helpful today.

Prof. CAHILL — I do insist in my submission that celibacy is not the direct cause but it is an indirect cause partly leading to this what I am calling celibate-cast clericalism. In my spoken address before, I passed over something that is in my written address, that we must take note that if it is 1 in 20, that there are 19 priests who have not abused, and we should be very solicitous about their welfare because their reputation has been tainted and besmirched by the actions of their brother priests and monks.

Secondly, we should be particularly solicitous of those who have been falsely accused. Now coming directly to your question as I understand it, celibacy is not the direct issue, but it is an issue I think that is embedded within

the practise of priesthood today and in the way it is exercised, because as I read the evidence, if a situation arises where a celibate does not have the emotional support of a close community, as the majority of people do in a marriage-family context, then there is a greater likelihood of offending, together with the other factors that I have talked about, which are all risk factors which add up.

As I understand your question, has anywhere else in the world — —

Mr O'BRIEN — Has anyone else in Australia? And what is the view of the church, both laity and priesthood, to this question of celibacy and to some of the recommendations, specifically recommendation (c) and recommendation (p)(1), (2) and (3), (c) being the equal opportunity exemption — —

Prof. CAHILL — Which?

Mr O'BRIEN — On either table it is the same, recommendation (c), which is:

That the Victorian Parliament immediately abrogate the exemption of marital status under the Victorian Equal Opportunity Act given to religious bodies and that marital status not be a bar to admission to any religious leadership rank.

What level of support or empirical studies — if there is not, I do not mind; I am just asking for your evidence given that you have provided a comprehensive submission.

Prof. CAHILL — No, there is no empirical evidence to support that. I think what I am trying to do is to look at the underlying causes and then make a recommendation which I think may address that. Now, there may be other recommendations from other submissions that are better than mine, but it just seems to me in the strategy that I am thinking about, as I have recommended there, that within Latin rite Catholicism, which has a tradition of celibacy, that should be maintained but that there should be scope also in increasing the diversity within the priesthood to include a married clergy.

Mr O'BRIEN — And how much support or otherwise do you believe there is in the Catholic community for that recommendation?

Prof. CAHILL — Yes, I could not quote that off the top of my head, but there are studies on that. I would have to drag them out, with due respect to you.

Mr O'BRIEN — If you could, please, that would be — —

Prof. CAHILL — Certainly across the world the majority of Catholic laypeople support a married clergy. Now, that is not — —

Mr O'BRIEN — That is not the end of the story, I know.

Prof. CAHILL — No, because to introduce that requires major change, not least because of the financial implications.

Mr McGuire — Just a follow-up question on that if you can just outline this: what is the problem with married priests if you are saying that the laity would prefer it? If you can you just unpack that, I think that is an issue in the public interest in this context that we would like to hear about from you a little bit more?

Prof. CAHILL — What is the —

Mr McGuire — Perceived problem.

Prof. CAHILL — perceived problem against it? Let us recall — we are talking about the Catholic Church; is that what you want to focus on?

Mr McGuire — If we look at the Catholic Church, you have the Latin rite and then you have all the other rites — Ukrainian, Maronite, Melkite, Coptic et cetera — which do have a married clergy. But it has been this long tradition within the Latin rite that has tried to insist upon celibacy as a condition for ordination. What that, I think, means is that people want to commit themselves to priesthood, and celibacy is conditional to that. Therefore they commit themselves to priesthood because they want to serve God and their community. In the end emotional immaturity, failure to deal with adult sexual identity and the other factors I have mentioned

eventually can lead to abusing, but there is another side to this coin — that is, the sexual misconduct of celibate clergy and monks et cetera with males and females and not being celibate. So there is an issue, but unfortunately there is an organisational disavowal of what is really happening.

The CHAIR — We have just got a couple of minutes left, but I will just ask Mrs Coote to ask the final question of you, Professor Cahill.

Mrs COOTE — Very quickly, one of your recommendations suggested that the Melbourne Response should be dissolved. Could you just give me a very quick reason for that recommendation?

Prof. CAHILL — It is because I think it is basically in-house and designed to protect the image and reputation of the church and to contain financial liability. Secondly, it is not transparent and open to the public to know what is really going on.

Mrs COOTE — In regard to Towards Healing, are you happy with that?

Prof. CAHILL — No, not particularly. I think all this saga would have been much more easily handled if it had been handled in the proper arena, which is with the police and the criminal justice system.

The CHAIR — Professor Cahill, thank you very much for factoring in the very last question, but on behalf of the committee we do appreciate your time, and your evidence has been most helpful. I thank you again for being before us this afternoon.

Witness withdrew.