

PAPERS

CHILD ABUSE: HOWEVER DID WE GET HERE?

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I left the monastery in Autumn 1964. I had spent 6 years in simple vows (2 in Rome) thinking I had a vocation to contemplative prayer but, in the end, deciding my role really lay in practising medicine.

During my experience in a Benedictine school (1943-49) and as a would-be monk (1958-64) I heard or saw nothing that would constitute abuse. Only on three occasions, to the best of my memory, had I come across any suggestion of homosexual behaviour: Some inappropriate behaviour by two boys in the dormitory on one occasion, a rumour of a past episode concerning two would-be members of the community who had been dismissed, and second-hand account of a homosexual approach in Rome. I heard and saw nothing even remotely approaching child abuse. On the other hand one had learned from older monks, who had had experience of 'outside work' in the parishes, that some sort of unspecified dubious behaviour was rife among the secular clergy in certain regions. Of course, if one was ignorant of such matters one was unlikely to recognise them!

Child sex abuse clearly did not begin in the 1960s. Dark rumours of 'incest' in the Borough circulated when I was a student at Guy's in the 1950s. These matters, however, were regarded as private and not the concern of 'outsiders'. Such transgressions must have been occurring from time immemorial, but seem to have become more widespread in the 1960s and '70s.

If there was a loosening of the moral code how did it come about? In the 1960s it seems that there was an almost universal loss of the Judaeo-Christian value system (which dated back to the ancient Greek civilisations or even earlier) with its fundamental emphasis on self-respect and self-esteem. In a sense Vatican II was both a result of this contemporary movement and an attempt to address it, but it failed to 'follow through' and the Church, and individual communities, were left to adjust to the changed ethos as best they could. Vatican II was largely seen as a 'loosening of the apron strings' The increasing availability of TV, and ready access to pornography, came at the same time. Teaching, and not solely in the Church, seemed to be abandoned in favour of the belief that all that was good and laudable would emerge in each of us 'automatically' as we grew older and studied the world around us. A generation of Catholics grew up who simply had never heard of the existing moral teaching of the Church. Morality became largely a matter of personal choice and the debacle of *Humanae Vitae* did nothing to increase the willingness of people to listen. The notion of right and wrong seems to have been replaced by a notion of freedom, and the authority of conscience by the panacea of consent. From

here, of course, it was no distance to believing that consent by another was being given or could be presumed. Abusers were able to claim they were acting out of love.

For the male, human nature being what it is, the act of intercourse involves an element of power. The victim is usually one in a subservient position who feels themselves unable to resist and, thus, that they themselves are guilty. Perhaps the perpetrators, on their side, could convince themselves that such behaviour (e.g. mutual masturbation) was of no great harm and did no permanent injury to anyone. But no one had any concept of the destructive effect on the victims.

A naive outsider, unfamiliar with such things, might have suspected that those who had complained of abuse had been exaggerating their histories to seek compensation. Evidence given before the Child Abuse Inquiry shows that this was by no means the case. Some of the complaints involved sexual misbehaviour of the gravest degree – exaggerated by the fact that the victims were generally minors in the care of the perpetrators.

We are then led to ask how such behaviour could have taken place in religious communities, vowed as they are to the highest ethical and moral standards. Many Catholic schools already had strict ethical codes for social contacts between members of the religious community and the pupils. So it seems quite incredible, considering the moral code upheld and enforced by the Church, that its members, and in particular the self-selected leading members, should have felt able to justify themselves in breaking the code. The fall in numbers of the membership of religious orders, following Vatican II, would have had a demoralising effect and weakened both mutual support and supervision. It might have been expected that any transgressions would have been minor, but this was by no means always the case and many of the allegations, particularly those which have been upheld in court or even admitted – were very serious. As such behaviour was (to the virtuous) virtually unthinkable such reports were at first disbelieved and then denied. If this were not enough they were then concealed. There was no understanding of the grave harm being experienced by (done to) the victims and to pay attention to their needs would have been an admission of guilt. There was also a view that Holy Priests could do no wrong and that they had undergone an ontological change at ordination. Nonetheless, it is clear that many offenders realised their behaviour was gravely sinful and they would avoid saying mass until they had been to confession.

The Church, meanwhile, continued to regard such offences as relatively minor and, more significantly, as a simple matter of choice. The offender could therefore express a firm purpose of amendment (often genuine) in confession and be forgiven having promised not to do it again. Some underwent psychiatric assessments and 'treatment' and were 'cleared' (even by psychiatrists) to return to their previous posts. It was not recognised that paedophilia was

probably innate and certainly – like much other sexual behaviour – an addiction. At the recent enquiry the opinion was voiced that such behaviour was not within self-control.

Treating the matter as a simple failure of obedience the offenders would be believed, forgiven and reinstated. It was some time before this was seen to be inadequate. The church considered such sins as parallel to most others so that an admission of guilt and a request for absolution was the right and proper course. There seemed no point in informing the police who were not expected to have any effective methods of correction. Only later was it recognised that paedophilia is partially an inherent trait and partially an addiction.

A particular difficulty, especially for the Benedictines, is that the Abbot has direct concern for the members of his community (family) but only indirect concern, through the school officers, for the children in their care. In conjunction with the natural tendency to deny that such evils could happen there was a tendency to hush up such events so as to avoid the serious criticism and disdain which might be expected. All this, however, is now considered more reprehensible than the sin itself.

Corporal punishment and fagging, mentioned in the enquiry, had been an accepted part of previous generations of boarding school life but are now seen as particularly liable to bullying and abuse. In all these things the Church was caught off its guard and did not see the dangers coming.

The various reports by the Church in this country, (Catholic Bishops 1994 and 1995, and particularly the Nolan (2001) and Cumberledge (2006-7) reports) did not directly apply to the religious orders, except by their own choice. The 'paramountcy principle' (that the welfare of the children was the prime concern) was increasingly accepted, but the tendency to accept every complaint as 'proven' without defence was seen in many quarters as gravely unjust. There was widespread concern that the processes introduced as a result of the paedophilia scare were unfair and that mere accusation could end a career. Perhaps this led to the Abbots being reluctant to accept them in their entirety. "The child protection system had 'no concept of divine grace'". Whilst not overlooking that the ingenuity and persistence of paedophiles can (like the rest of us) be enormous it must also be remembered that the Abbot is the father of a community of which the miscreant remains a member.

For the future it will be necessary to ensure that would-be religious undergo a proper selection process and full instruction in such matters during their training. My own selection (by the novice master) was mainly concerned with my ability to sing, so as to be able to participate in the offices. Thereafter I can only remember the issue of sex and sexual orientation being raised on one occasion in a private interview with the novice master. It seems that at some point, in some clerical circles, masturbation was increasingly accepted as quite innocent. Perhaps this was a reflection of immaturity? If that was the case it suggests the selection process had fallen far short of the standard required and the training process has been equally defective.

What of those in these communities who have steadfastly adhered to the teaching of the Church and the Rule of St Benedict? They can only try to increase the unity within their community and to demonstrate remorse and repentance for what happened 'on their watch'. They should seek to make reparation, as far as may be possible, and achieve reconciliation with the victims. What else is now to be done? The two issues which seem to have been of particular concern to the Australian abuse enquiry were celibacy and the seal of confession. In the Monastic life, lived in community as we know it, celibacy is a *sine qua non*. For the secular clergy, living separately, this is not the case and celibacy could be voluntary. With regard to confession it would surely be possible for absolution to be made dependent on self-reporting? Or could it be made a 'reserved sin' – though not to one's own Abbot or Bishop? With this in mind it might also be wise for confession to members of one's own community to be forbidden? Otherwise such a practice might seem to be imposing an unfair pressure on one's fellow monks.

I am not in a position to argue about the concept of religious 'vocation'. But it seems that in some way the single hearted search for God has been forgotten. It looks as if a spiritual renewal is needful with a greater concentration on prayer and contemplation and less emphasis on 'corporal works'. This isn't just a call to the religious (monastic) orders but to the whole church, including the hierarchy and the Vatican, to seek a return to a more 'devoted' way of life. I remember finding it strange, when I left, that there was strong movement towards outside 'missions', just when the world seemed most in need of ways of meditative and contemplative prayer. Is this the way we should now be moving?

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Child Abuse (Addendum) September 2018

My paper was written at the turn of the year, after attending a number of the hearings by IICSA (Independent Inquiry into Child Sexual Abuse) on the English Benedictines, so I do not feel that it needs revision in the light of their recent report (on Ampleforth and Downside). My interest had been drawn to the subject partly because of my background, but more because of an inability to understand how such things could ever have happened, least of all in the Church with its high moral standards. May I add a few words?

In the early 1960s, during and after the time of the Vatican Council (II) and before *Humanae Vitae*, there was widespread expectation in the Church that contraception would be officially accepted. At least implicitly, this entailed the rejection of the important Thomistic concept of 'sins against nature' (masturbation, etc.). Against this background masturbation and homosexual activity came to be, equally, considered blameless. Meanwhile homosexuality came to be deemed a natural condition, created by God.

Following from all this it looks as if homosexual behaviour

had come to be seen as permissible, regardless of any vow of chastity, whether in the religious life or the secular priesthood. Separately there were some in society who even argued that it was harmless and even beneficial to young people. Obviously no one had asked the victims.

The Church missed the chance that it had, after the Council, to revise its moral theology and, in particular, its version of the natural law (still largely based on Aristotle and the early Greek philosophers' understanding of nature). I wonder if it might consider doing so now?

I.J.

A CASE AGAINST THE OPT-OUT SYSTEM OF ORGAN DONATION

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A new opt-out donation law, 'Max's law', is to be introduced in England if Parliament gives its approval to the proposed change. Named after 10-year old Max Johnson from Cheshire, who waited nine months for a new heart, the proposed law may come into force in 2020.

Under the new opt-out law, most adults aged 18 or over would be presumed organ donors after death, unless they have added their details to the NHS Organ Donation Register and said that they do not want to donate their organs, or if their family strongly believes that the deceased would not have wanted to serve as an organ donor. In other words, what will be introduced is a 'soft opt-out' system, as distinct from a hard opt-out system.

The government's plans were first announced following the Prime Minister's speech at the 2017 Conservative Party Conference. The government subsequently published a consultation document on 11 December 2017 inviting responses until 2 March 2018. According to the government's response, *Consultation on introducing 'opt-out' consent for organ and tissue donation in England*,^[1] published on 5 August 2018, some 80% of people are willing to donate their organs after death, yet few people register as organ donors. Furthermore, in the last ten years the number of organ donors has increased by 75%, while 'deceased transplants' have increased by 56%. Nonetheless, there is a shortage of donors and some 6,500 people are waiting for organs.

Some 17,000 people responded to the consultation. It may be noted that looking at the government's summary of the key findings it is not clear whether most of the respondents were in favour of a change from the opt-in to the opt-out system. We are told that there were 'mixed views' about what should happen if a person had not opted out, though most respondents thought donation should go ahead anyway.

It is also noted that some Jewish and Muslim respondents 'expressed concerns' about the proposed changes. The government invites people to register their organ donation decision as from December 2018.

Summarising the proposed opt-out system, the government announced that there will be a 12-month transition period between the passing of the new law and its coming into effect. It will be possible to state your faith in the Register and 'religious and cultural considerations will form part of discussions with the family'. There will always be a family consultation before a donation goes ahead and 'the family will be given the opportunity to provide information if their loved one would not have wanted to donate their organs or if their recorded decision was not the most recent'. And children under 18, people lacking capacity and those who have been resident in England for less than 12 months would be excluded.

The question is: Should we, or should we not, welcome the proposed change to the law? At present England has an opt-in system. This means that your organs may only be used for donation after your death: (1) if you carry an NHS organ donor card; or (2) if you do not carry such a card, your next of kin gives permission for your organs to be used; or (3) if you have nominated another person to deal with the use of your body after death, and consent is given by your nominated representative. However, if you do carry a donor card, your family cannot intervene and object to organ donation.

The reason why the government wants to change from an opt-in to an opt-out system of organ donation is obvious. It is hoped that this would increase the number of organs available for donation. The government says that if an opt-out system were introduced in England, it might save up to 700 people each year. The question is would it? And are there other considerations that ought to be taken into consideration as well? Are there other reasons for or against a change in the law?

It is noteworthy that the Nuffield Council on Bioethics, an independent think tank, has expressed concern about the proposed changes to the law. Following the announcement by the Prime Minister at the Conservative Party Conference in 2017, the Nuffield Council made a brief response noting that 'the case for moving to an opt-out