

ARTICLE

Child Sexual Abuse, Integrity Systems and the Anglican Church: Truth, Justice and Love

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(Received 2 October 2019; revised 31 May 2020; accepted 9 May 2021)

Abstract

This article concerns child sexual abuse in the Anglican Church of Australia and the Church of England and, in particular, an integrity system to combat this problem and the ethical problems it gives rise to. The article relies on the findings of various commissions of inquiry to determine the nature and extent of child sexual abuse in the Anglican Church. The two salient ethical problems identified are: (1) design of safety measures in the light of the statistical preponderance of male on male sexuality; (2) justice issues arising from redress schemes established or proposed to provide redress to victims.

Keywords: Anglican Church of Australia, child sexual abuse, Church of England, homosexuality, integrity system, redress

Various national inquiries into child sexual abuse in the UK, the USA and Australia have revealed widespread, albeit largely historical (see the subsection ‘Historical Problem’ below), child sexual abuse within the Anglican Churches, as well as within the Catholic Church and in other religious institutions, perpetrated in many cases by clergy themselves.² Moreover, these inquiries have also revealed an unacceptable level of tolerance of offenders on the part of church authorities and, for that matter, on the

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²Commission to Inquire into Child Abuse (UK); Karen Terry, ‘The Nature and Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States 1950–2002’, The John Jay College Research Team (USA) 2004; Karen Terry, ‘The Causes and Context of Sexual Abuse of Minors by Catholic Priests in the United States, 1950–2010’, The John Jay College Research Team (USA) 2011; The Royal Commission into the Institutional Responses to Child Sexual Abuse (ACCSA), ‘Analysis of Claims of Child Sexual Abuse Made with Respect to Catholic Church Institutions in Australia’ (Sydney: Commonwealth of Australia, 2017) and the Independent Inquiry into Child Sexual Abuse (UK). See also, Martyn Percy, ‘Risk, Responsibility and Redemption: Remembering our Future’, *St Mark’s Review*, 245.3 (Sept. 2018), pp. 99–115, and Virginia Miller, ‘Speaking the Truth in Love (Ep. 4:15): An Analysis of the Findings of the Royal Commission into Institutional Responses to Child Sexual Abuse’, *St Mark’s Review*, 245.3 (Sept. 2018), pp. 72–98.

part of clergy and lay persons who did not themselves commit child sex offences. In many cases authorities have chosen not to investigate serious complaints of child sexual abuse or, for example, to move priests suspected of child sexual abuse to other parishes or dioceses rather than see to it that they are deposed from Holy Orders or otherwise disciplined and removed from their positions. More generally, a culture of looking the other way and ignoring complaints and allegations from victims of abuse has evidently prevailed at times.

One of the profound tragedies in the current situation is that the Church and its clergy have a critical role to play in the maintenance of moral norms of society, given the Church's mission in the world. A morally healthy society requires institutions like the Church and its agencies to espouse and practice values that accord with its fundamental purposes. When clergy and other church leaders abuse their authority and the Church violates its own stated purposes this not only undermines the Church but also harms its host society.

What is the appropriate institutional response to this profound moral problem within the Church? It is self-evident that there are a number of quite specific measures that need to be taken and, indeed, in many instances have been taken; for example, care and redress for victims, appropriate disciplinary processes for perpetrators, implementation of vetting procedures and child safety processes to name a few (see the subsection 'Institutional Response of the Anglican Church'). More generally, there is a need to design an integrity system or, at least, that fragment or sub-system of an integrity system required to address the problem of child sexual abuse.

Roughly speaking, an integrity system is an assemblage of institutional entities, mechanisms and processes, the fundamental purpose of which is to ensure compliance with minimum moral standards including, but not restricted to, those enshrined in the criminal law, and to promote the pursuit of ethical ideals, among members of occupations, organizations and other institutional role occupants.³ It consists in part of laws, regulations, codes of practice, complaints and discipline processes, professional reporting mechanisms, and recruitment and vetting processes, but also governance arrangements, awareness and education programmes, resilience building measures and the like. Importantly, if it is to succeed, an integrity system must be animated by justifiable and widely accepted moral attitudes, otherwise it will simply be an empty formal structure.

Prior to designing an integrity system that is fit for purpose, there is a need to identify the nature and extent of the problem, and to do so on the basis of the empirical evidence. What is the nature and extent of child sexual abuse in the Anglican Communion or at least, for the purposes of this paper, in Australia and the UK? This question is addressed in the next section. We presume that for members of the Anglican Communion seeking answers to this question the Christian value of truth ought to be paramount.⁴ It is obviously important for Christians and clergy, in particular, to 'own up' to their past moral failings regarding child sexual abuse, to establish child safety mechanisms, to redress for wrongs done, and so on. But it is also important not to be cowed or shamed into silence when falsehoods damaging to the Church are being widely disseminated in the mainstream media, in social media and elsewhere. Indeed, it is a moral responsibility of Church leaders, in particular, to

³Andrew Alexandra and Seumas Miller, *Integrity Systems for Occupations* (New York: Routledge, 2016) and Seumas Miller, *Institutional Corruption* (Cambridge: Cambridge University Press, 2017).

⁴Truth, justice and so on are, of course, not exclusively Christian values.

correct such damaging falsehoods, however difficult that might be for them to do so in the current climate.

Once having identified the nature of the problem and its extent, the process can be undertaken of designing a fit for purpose integrity system, or fragment thereof. The design process must not only be informed by the empirical facts (so to speak) but also by relevant moral or ethical considerations. The design of an integrity system for the Anglican Church in relation to child sexual abuse, and the analyses of the attendant moral issues, is the subject of the second section of the paper 'Designing and Integrity System'. We presume that for members of the Anglican Communion involved in this design task the Christian values of charity or love⁵ and, relatedly, justice ought to be paramount. Moreover, there is a fundamental relationship between truth, on the one hand, and charity and justice, on the other. As Pope Benedict said, 'Without truth, charity degenerates into sentimentality. Love becomes an empty shell, to be filled in an arbitrary way.'⁶ It is obviously of the first importance to protect children by designing and implementing fit for purpose child safety mechanisms. But it is also important to ensure that the reputations and, indeed, lives of innocent clergy and others are not destroyed by a virulent 'kangaroo' court of public opinion, and to resist the imposition of institutional arrangements that are in fact not fit for purpose but rather driven by political considerations. For example, redress schemes in which claims are essentially untested (see the subsection 'Institutional Response of the Anglican Church'). Indeed, it is a moral responsibility of church leaders to support innocent or unfairly treated clergy and other Christians, and resist unjust or unreasonable institutional impositions.

Nature and Extent of Child Sexual Abuse in the Anglican Communion (Australia and the United Kingdom)

As mentioned above, there have been a number of recent commissions of inquiry into child sexual abuse into religious and other institutions. The most salient of these for this article, focused as it is on child sexual abuse in the Anglican Communion in particular, are the Australian Royal Commission into Institutional Responses to Child Sexual Abuse (ACCSA), and the UK Independent Inquiry into Child Sexual Abuse (IICSA). The former has completed its work, the latter is still in process.

The Australian inquiry, ACCSA, commissioned a survey to gather data regarding complaints of child sexual abuse received by the 23 Anglican Church dioceses in Australia. This inquiry also conducted case studies into specific dioceses and particular concerns in the Anglican Church in Australia, for example, structure and governance.⁷ The UK inquiry (IICSA), will investigate the nature and extent of,

⁵Anders Nygren, *Agape and Eros* (London: Westminster Press, 1953), famously takes issue with the traditional Thomist conception of charity or love.

⁶Benedict XVI, 'Caritas in Veritate', *Encyclical Letter of the Supreme Pontiff to the Bishops, Priests and Deacons, Men and Women, Religious, the Lay Faithful, and All People of Good Will on Integral Human Development in Charity and Truth*, 2009.

⁷ACCSA, 'Final Report: Religious Institutions', Book 1, Vol. 16 (Sydney: Commonwealth of Australia, 2017), p. 578. <https://www.iicsa.org.uk/investigations/investigation-into-failings-by-the-anglican-church?tab=summary>

and institutional responses to, child sexual abuse within the Church of England, the Church in Wales and other Anglican churches operating in England and Wales (for ease of exposition collectively referred to as the ‘Anglican Communion (UK)’). This inquiry will involve investigations into specific dioceses and individuals and a review of information available from published and unpublished reports and reviews, court cases, and from previous investigations in relation to child sexual abuse by members of the Anglican Church.⁸

We note that the IICSA worked in consultation with the ACCSA and has a framework that is similar to that of the ACCSA in many respects. We can, therefore, reasonably assume that the IICSA has imported many of the more specific features, including defects (of which more below), of the ACCSA.

Historical Problem

According to research funded by the Australian inquiry, ACCSA, there has been a decline in child sexual abuse in the Anglican Church in Australia over the past 15–20 years.⁹ This is supported by the data collected from the Anglican Church in Australia. Moreover, it is consistent with the available figures for child sexual abuse in the Anglican Church in the UK that have been released by the IICSA and, for that matter, other churches, that have been the subject of inquiries into child sexual abuse, more generally. For instance, according to the John Jay Inquiry in the USA, “The ‘crisis’ of sexual abuse of minors by Catholic priests in the USA is a historical problem. The count of incidents per year increased steadily from the mid-1960s through the late 1970s, then declined in the 1980s and continues to remain low.”¹⁰

Thus, 75 per cent of the allegations in the data from the Anglican Church in Australia concern acts of child sexual abuse that allegedly took place in the period from 1950 to 1989 inclusive. The largest number of allegations concern acts of child sexual abuse that are alleged to have occurred in the 1970s (226 allegations, or 25 per cent of all allegations with known dates).¹¹ These figures are consistent with the temporal distribution of allegations in other inquiries, including the ones in Ireland and the USA.¹² We can assume this is also the case in the UK. Consider, for instance, the statistics provided by the Ecclesiastical Insurance Office to the IICSA¹³: 231 claims were made against the Church of England up until December 2018 and, of these, 217 fell under an insurance policy; 122 of the 217 claims involved abuse by clerics, 30 of whom were deceased when the claim was

⁸IICSA, ‘Scope of Investigation’, *Child Sexual Abuse in the Anglican Church*. <https://www.iicsa.org.uk/investigations/investigation-into-failings-by-the-anglican-church?tab=scope> (accessed 24 August 2019).

⁹Keith Kaufman and Marcus Erooga, *Risk Profiles for Institutional Child Sexual Abuse. A Literature Review* (The Royal Commission into Child Sexual Abuse; Sydney: Commonwealth of Australia, 2016), p. 51.

¹⁰Terry, ‘Causes and Context of Sexual Abuse of Minors’, pp. 2-3.

¹¹ACCSA, ‘Analysis of Complaints’, p. 12.

¹²Commission to Inquire into Child Abuse, ‘Commission Report’, Vol. 3, Section 9.09; Terry, ‘Causes and Context of Sexual Abuse of Minors’, p. 2.

¹³IICSA, ‘Anglican Church Investigation’, <https://www.iicsa.org.uk/key-documents/12305/view/public-hearing-transcript-1-july-2019.pdf>, p. 10.

received; 199 out of the 217 claims were made more than 20 years after the alleged abuse took place.¹⁴

We can reasonably assume that the reduction in cases of child sexual abuse in the Anglican Church can be attributed to the increased awareness of the harm of child sexual abuse, improved vetting and reporting processes in the Church, improved child safety processes in the Church, better training for priests, the creation of government laws, and a greater awareness of the psychology of offenders (see the subsection 'Institutional Response of the Anglican Church' below).¹⁵ Notwithstanding the largely historical nature of child sexual abuse in the Anglican Church, and churches more generally, at least in Australia, the USA, Ireland, the UK, the Netherlands and Germany, members of the general public are generally of the belief that most of the allegations of child sexual abuse identified and aggregated by the various official inquiries into child sexual abuse concern contemporary cases of abuse and that mishandled complaints are largely contemporary cases. This is, in part, due to misleading media reports and in part due to the significant delay of reports of child sexual abuse. For instance, in the Anglican Church in Australia the average delay in reporting was 29 years.¹⁶ Although 75 per cent of allegations pertain to events that allegedly took place prior to 1989, 89 per cent of these allegations were received between 2000 and 31 December 2015.¹⁷ Similarly, in the IICSA data most of the claims concern events that allegedly occurred more than 20 years earlier.¹⁸

As the Australian inquiry suggests, it is possible that the figures of current incidents of child sexual abuse in the Anglican Church – as well as, of course, the allegations of child sexual abuse on which these figures are based – are underestimations. However, this claim of a significant underestimation of current rates of abuse in the Anglican Church should be approached with considerable caution, given the current climate of awareness of, and responsiveness to, allegations of child sexual abuse – and the considerable opportunities, processes and requirements for reporting child sexual abuse. Moreover, it is highly unlikely that the number of actual acts of child sexual abuse in the 2000s and since is anywhere nearly as high as the corresponding number for the 1960s and 1970s. For one thing, the number of incidents of child sexual abuse that allegedly took place since the 2000s is much lower proportionally than the corresponding number for the 1960s and 1970s. Accordingly, there is a presumption in favour of the proposition that the actual rates of child sexual abuse in the Anglican Church over this period sharply declined, notwithstanding unevicenced speculation on the part of commissions of inquiry to the contrary. For instance, the ACCSA has suggested that there is a delay of 30 years between an act of child sexual abuse and the reporting of that act.¹⁹ However, the figure of 30 years is, as the ACCSA states, simply an average; it is not as if all or most reports come after 30 years and there are few, if any, after (say) 10 or 20 years. Given

¹⁴IICSA, 'Anglican Church Investigation', p. 10.

¹⁵Terry, 'Causes and Context of Sexual Abuse of Minors', p. 3; ACCSA, 'Analysis of Claims', p. 9.

¹⁶ACCSA, 'Final Report: Religious Institutions', p. 582.

¹⁷ACCSA, 'Analysis of Complaints', p. 31.

¹⁸IICSA, 'Anglican Church Investigation', p. 10.

¹⁹ACCSA, 'Final Report: Religious Institutions Book 1', p. 18.

that the 30-year time lag is an average then one would expect there to be a much larger number of allegations pertaining to acts of child sexual abuse that are claimed to have occurred during, say, the 20 year period 1995–2015 than the relatively small number of such allegations that have in fact been received.²⁰

Moreover, we note that there has been a significant spike in the number of allegations during the period when the ACCSA called for victims to come forward. Consider this quote from the chair of the Royal Commission, Justice McClellan, ‘And, as you know, once out in the public domain, many more people have come forward. I mean, thousands have come to this Commission, many of whom had never been to anyone else before.’²¹ Thus an important causal factor in the generation since 2013 of large numbers of complaints of child sexual abuse (as opposed to the actual acts of abuse complained about) is the establishment of the ACCSA itself (which commenced in 2013). This institutional intervention has, therefore, disrupted any pre-existing pattern of delay between an alleged offence and the reporting of it. Arguably, it has made it more likely that (at least) adults who are the relatively recent victims of child sexual abuse perpetrated by priests in the Anglican Church (and in other churches), for example, who suffered abuse in 1995–2010, are now more likely to come forward and make a complaint (and, indeed, seek redress in the form of payment – see the subsection ‘Institutional Response of the Anglican Church’). Yet, as already stated, there have been very few such complaints. Accordingly, it seems reasonable to assume that few of those who have made complaints – whether as a result of the ACCSA or otherwise – have made allegations of incidents of child sexual abuse in the post-1995 period and, especially, since 2000 (or, at least, 2000–10), because in fact there were few incidents to report.

Nature of Allegations

Inquiries into child sexual abuse, including ACCSA and IICSA, have generally operated with wide definitions of child sexual abuse in two respects. First, they have tended to define a child as someone who is under 18 years of age; ACCSA and IICSA follow suit.²² This leads to problems.²³ For instance, if a person who is 18 or 19 engages in a sexual act with someone who is 16 or 17 then – according to the ACCSA and the IICSA – the former may have perpetrated an act of child sexual abuse if, for instance, the act is otherwise inconsistent with community standards.²⁴ Yet the current age of consent in Australia is 16 or 17 years of age depending on the state²⁵ and in the UK it is 16. There are, of course, laws relating to sexual abuse and

²⁰ACCSA, ‘Analysis of Complaints’, p. 26.

²¹Justice McClellan, Transcript (Day 254) of the hearings of the Royal Commission, <https://www.childabuseroyalcommission.gov.au/case-studies/case-study-50-institutional-review-catholic-church-authorities> (accessed 1 September 2018).

²²ACCSA, ‘Analysis of Complaints’, p. 64, and IICSA, ‘Glossary of Terms’. <https://www.iicsa.org.uk/sites/default/files/glossary.pdf> (accessed 24 August 2019).

²³ACCSA, ‘Final Report: Religious Institutions Book 1’, p. 5.

²⁴ACCSA, ‘Final Report: Our Inquiry, Vol. 1’, pp. 320 and 325.

²⁵Judicial Commission of New South Wales, ‘Sexual Assault Trials Handbook – Offences’. https://www.judcom.nsw.gov.au/publications/benchbks/sexual_assault/offences.html (accessed 2 September 2018).

power imbalances in institutional settings which rightly have the effect of restricting sexual relations between clergy and young persons who have passed the age of consent. For instance, it is currently an offence in some states of Australia to engage sexually with 16- or 17-year-olds in special care, including in pastoral care provided by priests. We note that this law only came into force in NSW in a nascent form (*Carnal knowledge by teacher*) in 2002 and is not in force in Queensland, Tasmania and the Commonwealth.²⁶ In the UK the Sexual Offences Act 2000 prohibits a person in authority from having sex with a person who is under 18 years of age.²⁷ However, these laws were not in force during the period when most instances of child sexual abuse were alleged to have taken place and, in any case, do not necessarily apply to lay persons who constitute a significant percentage of those who are alleged to have engaged in child sexual abuse within the Anglican Communion and the Church of England.

Another problem with defining a child as someone less than 18 in the context of child sexual abuse is that it blurs important distinctions between perpetrators. For instance, it conflates those who compulsively sexually abuse pre-pubescent children (paedophiles) with those who have consensual sex with 16- or 17-year-old post-pubescent youths. Indeed, the media now regularly blur distinctions and refer to all of those who engage in child sexual abuse by the lights of the definitions of the ACCSA and the IICSA. For instance, someone who engages in sexual conduct with a person under the age of 18, is a paedophile.²⁸ This is simply false.

Secondly, the inquiries operated with a wide definition of the acts of sexual abuse perpetrated on children and, more specifically, a number of the inquiries, including the ACCSA and the IICSA, failed to differentiate serious from less serious offences. If they did not, then, for instance, an allegation of a violent rape counts as one allegation and, therefore, has the same weight in the statistics as a lewd comment. The John Jay Inquiry categorized offences into 20 categories including the following ones: touching over the victim's clothing; touching under the victim's clothes; cleric performing oral sex; victim disrobed; penile penetration or attempted penile penetration, and so on.²⁹ Similarly, the Irish Inquiries categorized allegations according to the seriousness of the abuse. Categories included: inappropriate fondling and contact; abuser forcing the child to perform masturbation on the abuser; the use of violence; anal rape; masturbation of the child by abuser; oral/genital contact; non-contact sexual abuse; attempted rape; kissing; and digital penetration.³⁰ Furthermore, the Irish Inquiries and the John Jay Inquiry noted that most incidents of sexual abuse involved multiple categories. Hence, the specifics of the offences were considered in detail. By contrast, the ACCSA and the IICSA did not inquire

²⁶Australia, Judicial Commission of New South Wales, 'Sexual Assault Trials Handbook – Offences'.

²⁷United Kingdom, 'Sexual Offences (Amendment Act) 2000', <http://www.legislation.gov.uk/ukpga/2000/44/section/3> (accessed 24 August 2019).

²⁸Stephen Johnson, 'Shocking Church Data Finds SEVEN Per Cent of all Catholic Priests Are Accused Pedophiles – and in Some Orders the Number Jumps to More than One in Five', *Mail Online*, 6 February 2017. <http://www.dailymail.co.uk/news/article-4194452/Catholic-Church-reveals-7pct-priests-accused-abusers.html> (accessed 1 September 2018).

²⁹Terry, 'The Nature and Scope of Sexual Abuse of Minors', p. 6.

³⁰Commission to Inquire into Child Abuse (UK), 'Commission Report', Vol. 3, Section 7.117-7.120, <http://www.childabusecommission.ie/rpt/03-07.php> (accessed 17 June 2019).

into the nature of the alleged act of abuse; serious and less serious forms of child sexual abuse were lumped together.

The net effect of the definition of a child as someone under 18 and the failure to differentiate between categories of child sexual abuse is to obliterate morally important distinctions between, for instance, an evil paedophile priest, such as Gerard Ridsdale,³¹ who sexually abused dozens of children, including having penetrative sex with a 6-year-old, and the case of a church worker accused of staring at an older child while supervising swimming activities.³² The point is not that the latter action is not, at least potentially, morally problematic, but rather that the former is self-evidently a heinous moral offence – heinous by virtue of both the magnitude of harm done to the child victim and the desire and willingness on the part of the offender to do such harm. It is, of course, the likes of Ridsdale, and the seeming unwillingness on the part of many church leaders, including in the Anglican Communion worldwide, to intervene to protect children, that has rightly appalled members of the public. However, as mentioned above, there is a tendency for the media and, as a result, members of the public to conflate the less serious forms of child sexual abuse with the more serious, indeed with the heinous forms. However, there is a need to resist this tendency and to provide a differentiated response: punitive for the paedophile Catholic priest, Ridsdale – for example, long-term incarceration – but potentially no action to be taken against the church worker, depending on the outcome of the investigation of the complaint. Moreover, some offences and offenders, such as a case of a novice priest who engages in a one-off sexual act of kissing the cheek of a 17-year-old, sexually active, consenting parishioner may well be ultimately forgivable following an investigation and caution, even if inconsistent with the priestly role, strictly speaking. Here, as elsewhere, it is important not to confuse moral preciousness with maintaining higher moral standards. Further, as Wolfhart Pannenberg said, ‘Love discovers possibilities for . . . reintegrating even lawbreakers into society . . . [but] we are not to think of a fawning love that knows no responsibilities and creates no obligations.’³³ A further aspect of the moral complexity in this area is that a significant number of perpetrators of child sexual abuse were themselves sexually abused as children.³⁴ In short, the perpetrators of child sexual abuse are not infrequently also victims of it.

A total of 1119 allegations of child sexual abuse were made to the Anglican Church in Australia.³⁵ These allegations concern 569 alleged perpetrators. Of these perpetrators, 133 were unknown people and hence there could be some double-counting of offenders in this number. Of the known alleged offenders 247 were ordained clergy (43 per cent of all known alleged perpetrators) and 285 were lay people (50 per cent of all known alleged perpetrators). So while clergy comprised a minority of the alleged offenders they were, nevertheless, a significant minority. Of all alleged perpetrators, 94 per cent were male.³⁶ Of the alleged victims 75 per cent

³¹Broken Rites Australia, ‘Full Story: Father Ridsdale’s Life of Crime – and the Church’s Cover-up’. <http://brokenrites.org.au/drupal/node/55> (accessed 3 March 2019).

³²Commission to Inquire into Child Abuse, ‘Commission Report’, Sections 13.44 and 13.49.

³³Wolfhart Pannenberg, *Systematic Theology* (Grand Rapids, MI: Eerdmans, 1991), Chapter 6.

³⁴Terry, ‘Causes and Context of Sexual Abuse of Minors’, p. 74.

³⁵ACCSA, ‘Analysis of Complaints’, p. 14.

³⁶ACCSA, ‘Analysis of Complaints’, p. 13.

were male.³⁷ Accordingly, there was a preponderance of male on male child sexual abuse as opposed to male on female or, for that matter, female on male or female on female. Of course, the tiny number of alleged female offenders is reflective in large part of the small number of female clergy during the period in question. However, it may also be reflective in part of female sexuality – females may be less likely than males, other things being equal, to engage in child sexual abuse. At any rate, regarding male on male child sexual abuse, in the key findings of the Anglican Church's report (2009), it is remarked, 'Unlike patterns of abuse in the general population, three quarters of complainants were male and most were between the ages of 10 to 15 at the time of abuse.' Furthermore, 'Ongoing abuse lasting three years or more was significantly more common among male complainants.'³⁸ This finding is consistent with findings in relation to Catholic priests in the USA and elsewhere. For instance, according to Sullins:

The most striking feature of sexual misbehavior by Catholic clergy is not that it is more common than in similar institutions or communities – rather, by most comparisons, it's substantially less. What is notable is that the large majority of victims are male. In most settings the victims of male sexual assault are generally female, but in U.S. Catholic parishes and schools over the past 70 years, the victims of sexual assault by male Catholic priests have been overwhelmingly male.³⁹

According to the ACCSA, in relation to allegations of child sexual abuse made against church workers in the Anglican Church in Australia the average age of the complainant at the time of the first alleged incident of child sexual abuse was approximately 11 years of age;⁴⁰ 51 per cent of the allegations concern people who were under the age of 13 years when the alleged abuse first occurred and 49 per cent who were 13 years or older;⁴¹ 61 per cent of the alleged abuse occurred within a single year and 11 per cent of alleged abuse occurred over a period of five years or more.⁴² The average number of complaints against alleged perpetrators was 1.8 complaints per alleged perpetrator.⁴³ The allegations include ones that are substantiated and ones that are unsubstantiated.⁴⁴ As mentioned above, no details were sought about the seriousness of the abuse.⁴⁵ Therefore, there is no way to differentiate the claims of child sexual abuse that were provided to the ACCSA with respect to their degree of seriousness, for example, between child sexual abuse involving penile penetration and a lewd comment.⁴⁶

³⁷ ACCSA, 'Final Report: Religious Institutions Book 1', p. 581.

³⁸ ACCSA, 'Final Report: Religious Institutions Book 1', p. 586.

³⁹ D. Paul Sullins, 'Is Sexual Abuse by Catholic Clergy Related to Homosexuality?' *The National Catholic Bioethics Quarterly* 18.4 (2018), pp. 671-97 (682).

⁴⁰ ACCSA, 'Analysis of Complaints', p. 12.

⁴¹ ACCSA, 'Analysis of Complaints', p. 30.

⁴² ACCSA, 'Analysis of Complaints', p. 12.

⁴³ ACCSA, 'Analysis of Complaints', p. 44.

⁴⁴ ACCSA, 'Analysis of Complaints', p. 7.

⁴⁵ ACCSA, 'Analysis of Complaints', p. 8.

⁴⁶ ACCSA, 'Analysis of Complaints', p. 4.

As far as the IICSA is concerned, the Church of England provided the inquiry with information regarding known convictions for sexual offending against children, in what is described as, 'in the recent past'. The alleged offenders were all in positions of trust in the Church of England. Many of the allegations concerned indecent images of children that were downloaded from the internet.⁴⁷ As mentioned above, the Ecclesiastical Insurance Office also provided statistics to IICSA. However, as also mentioned, the vast majority of the claims were historical (199 out of the 217 claims were made more than 20 years after the abuse allegedly took place). Moreover, only one claim went to trial.⁴⁸

Furthermore, the Church of England provided the IICSA with statistics regarding complaints received after 2015. As of 2017, there were 1257 complaints received. Most of the claims concern events that allegedly occurred more than 20 years earlier.⁴⁹ Approximately 50 per cent of the allegations relate to sexual abuse. A third of the allegations were referred on to statutory bodies. A total of 736 of the allegations concern church officers (43 per cent of complaints concern clerics). Most of the allegations made to the Church of England about clergy concern child sexual abuse. Furthermore, 21 per cent of all allegations concern volunteers. Approximately half of all cases which were referred to dioceses, both about children and vulnerable adults involving clerics, were reported on to social services or the police. Disciplinary measures were undertaken in 72 cases. In 2017, 36 individuals were referred to the Disclosure and Barring Service to determine whether or not they should be placed on a list of people who are unsuitable to work with vulnerable children and adults.⁵⁰ Over 50 years, 20 individuals with connections to Chichester Diocese have been convicted on charges relating to child sexual abuse. This figure is greater than the figures in other large dioceses. For example, there were 7 convictions in York, 5 in Birmingham and 3 in London over similar periods of time.⁵¹

Of note, the Independent Review by Lord Carlile into the case of Bishop George Bell highlighted many deficiencies in the processes of the Church of England as far as they relate to people who have been accused of child sexual abuse. These deficiencies are also common to the ACCSA and the IICSA. They are as follows: allegations were not investigated but were rather simply accepted as true without investigation; the harm to innocent persons caused by false accusations was not given significant weight; the Church and the commissions of inquiry (the ACCSA and the IICSA) were both overly concerned with their reputations and ideological commitments; those making allegations were called 'survivors' despite the fact that many of these claims were untested; neither the Church nor the commissions of inquiry ensured that members who were the subject of an allegation of child sexual abuse received justice; the possibility of false memories were not

⁴⁷ACCSA, 'Analysis of Complaints', p. 9.

⁴⁸ACCSA, 'Analysis of Complaints', p. 10.

⁴⁹IICSA, 'Anglican Church Investigation', p. 10.

⁵⁰IICSA, 'Anglican Church Investigation', pp. 10-11.

⁵¹IICSA, 'The Anglican Church. Case Studies: 1. The Diocese of Chichester 2. The response to allegations against Peter Ball. Investigation Report', (UK) May 2019, p. iii.

accorded any weight in the statistical findings; and exculpatory evidence was not considered.⁵²

Certainly, these inquiries have undervalued the need to safeguard against false claims in particular. False cases have now been proven in many countries including Ireland, Spain, Australia and the USA.⁵³ For instance, in 2007, Paul Anderson was imprisoned for three years for falsely claiming that he was raped by a priest in 1981. Anderson admitted to the High Court of Ireland that his claims of child sexual abuse by Fr Tim Hazelwood were false.⁵⁴

Nor are the criminal courts exempt from blame when it comes to such miscarriages of justice. On the basis of an allegation of child sexual abuse, Archbishop George Pell, Australia's most senior Catholic cleric, was initially convicted of this crime in a lower court in the state of Victoria and served over a year in jail. However, the conviction was eventually quashed in the High Court of Australia in a unanimous judgment which was scathing in its rejection of the criminal justice process that led to Pell's conviction and the prosecution's case in particular.⁵⁵

Designing an Integrity System

As stated above, an integrity system is an assemblage of institutional entities, mechanisms and processes, the fundamental purpose of which is to ensure compliance with minimum moral standards (including those enshrined in the criminal law) and to promote the pursuit of ethical ideals among institutional role occupants. Designing an integrity system for the Anglican Church of Australia or the Church of England would be a complex institutional task requiring not only empirical data and ethical analysis, but also theological input. We cannot undertake such a task here. Rather our focus is on that fragment or sub-system of an integrity system pertaining to child sexual abuse. In fact, the process of designing and implementing such a sub-system is well underway. Let us first review the work that has already been done.

Institutional Response of the Anglican Church

The Anglican Church in Australia began developing a national level response to the issue of child sexual abuse in the 1990s. The following are a selection of developments in the Anglican Church related to child-safety measures. In 2001, the General

⁵²Lord Carlile, 'Bishop George Bell: The Independent Review', (UK) 2017. <https://www.churchofengland.org/sites/default/files/2017-12/Bishop%20George%20Bell%20-%20The%20Independent%20Review.pdf> (accessed 24 August 2019).

⁵³Patsy McGarry, 'Falsely Accused of Child Sexual Abuse: Ordeal of Innocent Priests', *The Irish Times*, 1 September 2018. <https://www.irishtimes.com/news/social-affairs/religion-and-beliefs/falsely-accused-of-child-sex-abuse-ordeal-of-innocent-priests-1.2972906> (accessed 1 September 2018). Raphael Minder, 'Spanish Court Clears Priest in Abuse Case Taken Up by Pope Francis', *The New York Times* (11 April 2017). <https://www.nytimes.com/2017/04/11/world/europe/spain-pope-francis-roman-martinez.html> (accessed 3 July 2019). Michael J. O'Loughlin, 'Chicago Diocese Wins Claim against False Sex Abuse Allegations', *America. The Jesuit Review*, 1 November 2017. <https://www.americamagazine.org/faith/2017/11/01/chicago-archdiocese-wins-claim-against-false-sex-abuse-allegations> (accessed 23 June 2019).

⁵⁴McGarry, 'Falsely accused of child sexual abuse'.

⁵⁵*George Pell v The Queen*, The High Court of Australia, 7 April 2020.

Synod of the Anglican Church established the Child Protection Committee and began working on child-safety policies. In 2002, the General Synod established the Sexual Abuse Working Group to develop protocols and other measures for the handling of sexual abuse matters by Anglican institutions.⁵⁶ The 13th Session of the General Synod in 2004 was particularly relevant on this front as it recommended the standardization of policies and procedures relating to child-safety measures, for example, screening and training clergy and church workers, reporting allegations to the police. Furthermore, a professional standards framework was introduced, and all of the 23 Anglican dioceses in Australia were encouraged to use it.⁵⁷ In 2007 the General Synod of the Anglican Church commissioned researchers to study the nature and extent of child sexual abuse in the Anglican Church in Australia.⁵⁸ In 2009 a National Register of sex offenders and suspected sex offenders in the Anglican Church in Australia was put in place.⁵⁹ At the 17th Session of the General Synod in 2017 a number of canons were passed regarding the goal of creating national minimum standards.⁶⁰

In the Church of England and the Anglican Communion worldwide different dioceses have had different approaches to safeguarding. The following is a sample of changes that have been made prior to the IICSA inquiry and while the commission of inquiry was underway. In 1995 the Church of England introduced its first safeguarding policy.⁶¹ From 1995 to the present day the Health Department run background checks on all candidates for ordination.⁶² In 2004 the House of Bishops created the policy, 'Protecting All God's Children.' In this document it was stated that each diocese should create a child safety group.⁶³ In 2011 the guidelines 'Responding well to those who have been sexually abused' was created – it was revised in 2017. In 2012, the Anglican Consultative Council recognized the Safe Church Consultation as an official network of the Anglican Communion. The Safe Church Consultation is concerned with identifying best practices to assist Anglican entities in matters related to child sexual abuse. The Anglican Consultative Council also adopted the Charter for the Safety of People within the Churches of the Anglican Communion and encouraged all member churches to adopt and implement the charter.⁶⁴ In 2013 the Archbishop's Commissaries issued a report on safeguarding in the Diocese of Chichester. Since this time the Church has been working to improve safeguarding processes, including improved training in child-safety for church workers. The National Safeguarding and Steering Group was established in 2016. This committee is responsible for the strategic oversight of national safeguarding activity. It makes recommendations regarding

⁵⁶ACCSA, 'Final Report: Religious Institutions Book 1', p. 587.

⁵⁷ACCSA, 'Final Report: Religious Institutions Book 1', pp. 556-57.

⁵⁸ACCSA, 'Final Report: Religious Institutions Book 1', p. 578. The resulting report, 'Study of Reported Child Sexual Abuse in the Anglican Church', was published in May 2009 (the 2009 report).

⁵⁹ACCSA, 'Final Report: Religious Institutions Book 1', p. 615.

⁶⁰ACCSA, 'Final Report: Religious Institutions Book 1', p. 558.

⁶¹ACE002357 as cited in IICSA, 'The Anglican Church. Case Studies: 1. The Diocese of Chichester 2. The response to allegations against Peter Ball. Investigation Report', p. 11.

⁶²ACE025772_015 as cited in IICSA, 'The Anglican Church. Case Studies', p. 11.

⁶³ACE024892_030 as cited in IICSA, 'The Anglican Church. Case Studies', p. 57

⁶⁴ACCSA, 'Final Report: Religious Institutions Book 1', p. 621.

safeguarding to the Archbishops, the House of Bishops and the National Church Institutions. It is currently working to increase support for victims/survivors of child sexual abuse, develop processes relating to clergy, for example, selection processes and structural changes to improve safeguarding. In 2017 the House of Bishops released 'Promoting a Safer Church Safeguarding policy statement for children, young people and adults'. Furthermore, research has been commissioned, safeguarding audits were carried out on dioceses, the Church has worked with victims/survivors to create the Safe Spaces Project (an ecumenical support project including a helpline for victims/survivors) and all bishop and senior staff teams in dioceses have undertaken safeguarding training. In 2018 the House of Bishops approved a revised policy regarding the permission for clergy to officiate. The 2016 Measure amended a number of other measures including the Clergy Discipline Measure (2003) and the Churchwardens Measure (2001), among other things.⁶⁵

An important feature of the Anglican Communion's response to child sexual abuse has been the provision of redress to victims and, specifically, redress schemes that provide for financial compensation. In the UK there is as yet no redress scheme, albeit there are pressures to establish one, especially given the existence of a national redress scheme in Australia to which the Anglican Church of Australia is a party. Thus in England, Peter Hancock, Bishop of Safeguarding, announced at the 'Safeguarding General Synod on July 2019' that the Church had begun to explore the possibilities of a redress scheme.⁶⁶ Let us consider the redress scheme in Australia.

In Australia, the ACCSA recommended, and caused the Commonwealth Government to establish, a national redress scheme for victims of child sexual abuse perpetrated within institutions, including the Churches, and the General Synod of the Anglican Church created a Standing Committee to engage with the Commonwealth redress scheme on behalf of Anglican entities and to provide redress to victims of child sexual abuse who do not utilize the Commonwealth scheme.⁶⁷

A total of 472 allegations of child sexual abuse were made to Anglican Church dioceses in Australia between 1 January 1980 and 31 December 2015. Over this period 42 per cent of these claims resulted in claims for redress. In total AU \$34.03 million was paid out in redress claims with an average of approximately AU\$72,000 per payment. We note that the Anglican Church of Australia does not have a national redress scheme but rather most independent dioceses, which previously had diverse approaches to redress, have bought into the Commonwealth Government's redress scheme.⁶⁸ The ACCSA recommended that the Commonwealth Government redress scheme pay compensation of up to AU \$150,000 to victims of child sexual abuse over the last sixty years at participating

⁶⁵General Synod Document GS 2092, 'Report by the National Safeguarding Steering Group', <https://www.churchofengland.org/sites/default/files/2018-06/GS%202092%20-%20SAFEGUARDING%20%28REPORT%20FROM%20THE%20NSSG%29.pdf>, pp. 1-3, 7-8.

⁶⁶The Church of England, 'Safeguarding General Synod July 2019', <https://www.churchofengland.org/safeguarding/promoting-safer-church/safeguarding-news-statements/safeguarding-general-synod-july> (accessed 10 September 2019).

⁶⁷ACCSA, 'Final Report: Religious Institutions Book 1', p. 669.

⁶⁸ACCSA, 'Final Report: Religious Institutions Book 1', p. 582.

institutions. Participation in the scheme was voluntary.⁶⁹ However, the churches, including the Anglican Church, were under significant pressure to join, including from the then Prime Minister of Australia, Malcolm Turnbull, who made a public address saying: 'If a church or a charity or an institution does not sign up, I hope they will be shamed.'⁷⁰

Integrity Systems and Ethics

As noted above, if it is to succeed, an integrity system, or subsystem, must be animated by the appropriate moral attitudes, otherwise it will simply be an empty formal structure. However, it is unlikely to be so animated unless the principles in accordance with which the integrity system is designed meet the following three requirements: (1) enhance the overall effectiveness of the integrity system, for example, reduce crime, corruption and ethical misconduct including, what is of interest here, child sexual abuse and toleration of same; (2) morally justifiable, for example, are reasonable and fair; and (3) accepted by those who 'operate' the system, for example, bishops, clerics and lay persons.

As we saw in the subsection 'Historical Problem', on the basis of the evidence provided by all the main commissions of inquiry into child sexual abuse in the Church, including ACCSA and IICSA, the problem is largely historical in nature. Moreover, as we saw in the subsection 'Institutional Response of the Anglican Church' above, the Anglican Communion, and for that matter, the Catholic Church, have made significant progress in terms of designing and implementing an integrity system, or subsystem, for combating child sexual abuse. That said, given the horrendous nature of many cases of child sexual abuse and the past history of both abuse and failure to address abuse, there is no room for complacency. Moreover, in the Anglican Communion's decentralized institutional arrangement based on dioceses, there are likely to be gaps and inconsistencies. Thus, certain dioceses, such as Chichester in England, and Newcastle in Australia, failed adequately to implement best practices models of child safety in a timely manner and, perhaps, there are some dioceses that continue to fail in this regard.⁷¹ Moreover, there are at least two fundamental issues that have not been adequately resolved. The first concerns male on male child sexual abuse, the second redress schemes.

As stated above, in the Anglican Church in Australia, not only were 94 per cent of the alleged offenders male⁷² but also 75 per cent of alleged victims were male.⁷³ Indeed, the evidence provided by the ACCSA and IICSA inquiries (and other similar) into child sexual abuse shows that child sexual abuse in religious institutions is overwhelmingly committed by men who abuse boys. The cases of women

⁶⁹Andrew Lansdown, 'Journeying into Injustice: The National Redress Scheme and the Christian Churches', <https://www.lifeministries.org.au/journeying-into-injustice-the-national-redress-scheme-the-christian-churches/> (accessed 31 May 2020).

⁷⁰Rahsida Yosufvai, '“Shame”: PM to Churches, Institutions that Fail to Sign Redress Scheme', *SBS News*, 9 March 2018, <https://www.sbs.com.au/news/shame-pm-to-Churches-institutions-that-fail-to-sign-to-redress-scheme>

⁷¹IICSA, 'The Anglican Church. Case Studies', and ACCSA, 'Analysis of Complaints'.

⁷²ACCSA, 'Analysis of Complaints', p. 13.

⁷³ACCSA, 'Final Report: Religious Institutions Book 1', p. 581.

committing acts of child sexual abuse, lesbian or otherwise, are very low. For instance, in the ACCSA, 3 per cent of the allegations involved a female only, 2 per cent of the claims involved a male and a female, and in 1 per cent of the claims the gender of the alleged offender was unknown. Only 1.2 per cent of the claims concerned a religious sister.⁷⁴ This has led some to conclude that there are aspects of male sexuality in particular ('hegemonic masculinity'⁷⁵) that are likely, at least under certain social or institutional circumstances (e.g. those prevailing in 'closed' institutions), to lead to a tendency to engage in sexual acts with minors.

Yet, notwithstanding these striking figures the ACCSA and the IICSA both deny that male homosexuality was or is an issue of concern in relation to child sexual abuse in the Anglican Church. (We note here the historical nature of the allegations.) Here the ACCSA and the IICSA rely on the argument put forward in the John Jay Inquiry report. According to the John Jay Inquiry report, 'Treatment data show that priests who identified as homosexual, as well as those who participated in same-sex sexual behavior prior to ordination (regardless of sexual identity) were not significantly more likely to abuse minors than priests who identified as heterosexuals'.⁷⁶ However, this argument is contested on the grounds, for instance, that it relies on 'subjective clinical estimates' and 'second hand narrative reports of apparent homosexual activity in seminaries' that might not be reliable and, even if reliable, not representative.⁷⁷ Moreover, another key claim of the John Jay Inquiry report is also contested, namely, the proposition that the rise in incidents of male on male abuse in the Catholic Church in the USA was not associated with an increase in homosexual priests. According to Paul Sullins, this claim is false because it relies on a poor (and confused) indicator of the number of homosexual priests, namely, seminarians and ordinands who 'came out'. But, as Sullins points out,⁷⁸ ordinands and seminarians are only a tiny proportion of Catholic priests, and the number of seminarians 'coming out' understates the actual number of homosexuals. Rather Sullins relies on a *Los Angeles Times* survey⁷⁹ (also used by the John Jay Inquiry for other purposes). Says Sullins: 'The share of homosexual men in the priesthood rose from twice that of the general population in the 1950s to eight times the general population in the 1980s. This trend was strongly correlated with increasing child sex abuse.'⁸⁰

The claim that male homosexuality does not explain the preponderance of male on male child sexual abuse in the Church typically relies in large part on the claim that this preponderance is to be explained by the absence of opportunities for male on female child sexual abuse, for example, so-called 'generalist' offenders⁸¹ who are motivated to abuse males and females, adults and children, but have much greater opportunities to abuse boys. The thesis that the male on male acts of child sexual

⁷⁴ACCSA, 'Final Report: Religious Institutions Book 1', p. 81.

⁷⁵Marie Keenan, *Child Sexual Abuse and the Catholic Church: Gender, Power and Organisational Culture* (Oxford: Oxford University Press, 2012), p. 121.

⁷⁶Terry, 'Causes and Context of Sexual Abuse of Minors', p. 74.

⁷⁷Sullins, 'Is Sexual Abuse by Catholic Clergy Related to Homosexuality?', p. 683.

⁷⁸Sullins, 'Is Sexual Abuse by Catholic Clergy Related to Homosexuality?', p. 683.

⁷⁹Los Angeles Times Polls, 'Catholic Priests in the United States [Machine-Readable Data File]. USLAT2002-471' (New York: Roper Center for Public Opinion Research, 2002).

⁸⁰Sullins, 'Is Sexual Abuse by Catholic Clergy Related to Homosexuality?', p. 693.

⁸¹Terry, 'Causes and Context of Sexual Abuse of Minors', p. 54.

abuse are situational in nature and not connected to a homosexual orientation is disputed by, indeed apparently found to be offensive to, many members of the homosexual community. Generally, the LGBTQI community claim that any argument concerning situational homosexuality is largely heteronormative in its outlook. It is their claim that it is heteronormative because it diminishes the homosexual relationship as a relationship that was only entered into because of the lack of a more suitable partner.⁸²

At any rate, the opportunities afforded to Catholic priests working in communities, and certainly afforded to Anglican priests in Australia and the UK, to abuse girls appear to be many; but yet they overwhelmingly chose boys. Regarding Anglican priests in particular, as noted above, 43 per cent of alleged child sexual abusers in the Anglican Church in Australia were priests (and 50 per cent lay persons), but priests were the alleged offenders in only some 30 per cent of complaints of child sexual abuse in ‘closed institutions’, such as orphanages/residential homes and residential schools – the other 70 per cent of complaints being made against lay persons.⁸³ This presumably reflects the fact that Anglican priests tend to operate more in parishes and ‘open institutions’. Moreover, ‘closed institutions’ were the sites of a minority of child sexual abuse complaints against the Anglican Church in Australia (approximately 25 per cent).⁸⁴ Further, the assumption that a very large proportion of those priests who in fact engaged in sexual abuse of boys would have engaged in sexual abuse of girls had they been afforded greater opportunities to do so, is questionable and essentially speculative, especially in the light of the fact that crimes are a function not only of opportunity but of motive, and that Anglican clergy, in particular, had ample opportunities to engage in sexual abuse of girls. Indeed, according to Sullins in his work on Catholic priests in the USA – priests who by and large had fewer opportunities than the Anglican counterparts – ‘Opportunity may have worked in complicated ways, of course, but if the multiple offenders were better at making use of opportunities, by priming, grooming and the other ways described by JJR2, they appear to have used their skills to obtain access to more boys, not fewer.’⁸⁵ In addition, says Sullins: ‘the data . . . present a picture of men [Catholic priests] who, when younger boys are replaced by younger girls, prefer older boys rather than younger girls as victims’.⁸⁶ Certainly, neither ACCSA nor IICSA has provided anything approaching compelling evidence for their contrary claims in this regard.

In any case, and whatever the merits and demerits of the arguments for and against the role of male homosexuality in child sex abuse in the Church, the hard facts remain: child sexual abuse in the Anglican and other churches has historically been overwhelmingly male on male and, therefore, measures needed to be put in place to protect, in particular, boys from men, for instance, by reducing opportunities for sexual abuse of boys by men. This historical fact is unchanged irrespective of the relative causal roles of biological sexual drivers, social conditioning,

⁸²Ann Cronin, ‘Sexuality in Gerontology: A Heteronormative Presence, a Queer Absence’, in Svein Olav Daatland and Simon Biggs (eds.), *Aging and Diversity: Multiple Pathways and Cultural Migrations* (Bristol: Bristol University Press, 2006).

⁸³ACCSA, ‘Analysis of Complaints’, p. 56.

⁸⁴ACCSA, ‘Analysis of Complaints’, pp. 55–56.

⁸⁵Sullins, ‘Is Sexual Abuse by Catholic Clergy Related to Homosexuality?’, p. 671.

⁸⁶Sullins, ‘Is Sexual Abuse by Catholic Clergy Related to Homosexuality?’, p. 682.

organizational cultures, ‘clerical masculinities’⁸⁷ and so on. Moreover, the problem of male on male child sexual abuse has been acknowledged and acted upon by the Anglican and other churches. For instance, research commissioned by Professional Standards Commission of the Anglican Church in Australia in 2009 made the following recommendation: ‘Focus educational efforts on awareness of the risk of abuse of boys.’⁸⁸ Indeed, the Catholic Church has gone so far as to prohibit the ordination of men with ‘deep-seated homosexual tendencies’ and done so in large part as a child safety measure.⁸⁹ This policy has been, to say the least, highly controversial in the Catholic Church. Furthermore, this same issue of the alleged tie between homosexual priests and the sexual abuse of boys is a source of division within the Church of England.⁹⁰ However, from the perspective of an integrity subsystem focused on child safety it does have the virtue of seeking to address what the statistics would seem to indicate is in fact a problem or, at least, has historically been a problem and one which, given it is seemingly based on sexual orientation (specifically, an orientation of male adult on male boy) and/or a permissive culture within the relevant homosexual community (predatory homosexual sub-cultures⁹¹) and/or opportunity, is unlikely to go away or, given the evidently historical nature of the problem, stay away, absent countervailing interventions. That said, it could be argued that the homosexual community has already taken measures to distance itself from predatory sub-cultures. For example, gay activism in North America in the 1970s was connected to paedophile promotion groups such as NAMBLA (North American Man Boy Love Association). However, in the mid-1990s the International Gay and Lesbian Association, under pressure from its own members who were strongly opposed to paedophile promotion groups, dissolved its association with NAMBLA.⁹²

It seems that ACCSA and IICSA might have been somewhat naïve in respect of the history of paedophile promotion groups and gay activism in the 1970s and, as a result, have denied that male on male child sexual abuse was in fact a problem and dismissed those who claim it was as blinded by prejudice against homosexuals. Thus, according to IICSA: ‘For these reasons, it is important not to conflate same-sex orientation and child sexual abuse. Selective blindness is a problem that can arise in any community, religious or otherwise, which is intolerant of homosexual acts and does not openly debate such matters.’⁹³ It is, of course, true that same-sex orientation should not be conflated with child sexual abuse, and also true that homosexuals have been in the past unfairly and significantly discriminated against

⁸⁷Marie Keenan, *Child Sexual Abuse and the Catholic Church: Gender, Power and Organisational Culture* (Oxford: Oxford University Press, 2012).

⁸⁸As cited in ACCSA, ‘Final Report: Religious Institutions Book 1’, p. 586.

⁸⁹Congregation for Catholic Education, *Instruction Concerning the Criteria for the Discernment of Vocations with Regard to Persons with Homosexual Tendencies in view of their Admission to the Seminary and Holy Orders*. (2005) http://www.vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccatheduc_doc_20051104_istruzione_en.html

⁹⁰Harry Farley, ‘Did the Church of England’s Divisions over Homosexuality Contribute to Child Sexual Abuse Cover-up’, *Christian Today*. <https://www.christiantoday.com/article/did-the-church-of-englands-divisions-over-homosexuality-contribute-to-child-sex-abuse-cover-up/126952.htm> (accessed 6 March 2018).

⁹¹Sullins, ‘Is Sexual Abuse by Catholic Clergy Related to Homosexuality?’, pp. 27–30.

⁹²Unknown author, ‘North American Man/Boy Association’, *LGBT Project Wiki*. https://lgbt.wikia.org/wiki/North_American_Man/Boy_Love_Association (accessed 31 May 2020).

⁹³IICSA, ‘The Anglican Church. Case Studies’, p. 94.

in the Anglican Communion, as elsewhere. However, these truths should not be confused with, or allowed to shut down open debate on, the issue at hand, namely, the statistical preponderance of male on male child sexual abuse in the Anglican Church and, for that matter, in other churches.⁹⁴

If in fact the prevalence of male priests sexually abusing boys should be an issue of particular concern, as the statistics seem to indicate, then this denial on the part of ACCSA and IICSA is problematic for two main reasons: (1) These inquiries have been established as evidence-based, truth-seeking inquiries and, therefore, they should not only communicate the facts uncovered, they should not seek to explain away 'inconvenient' truths; (2) These inquiries are making recommendations for child safety in institutions, and their ideological commitments or concern to avoid offending the homosexual community should not be allowed to prevail at the expense of child safety. Here we note the comment made by Rowan Williams regarding homosexual priests in the Anglican Church. Williams said that there was 'a rather paradoxical consequence of the traditional view of homosexuality within the Church; you want to overcompensate a bit for it'.⁹⁵ Perhaps so. However, such overcompensation, while it may be defensible in relation to some matters, is presumably not acceptable if it puts children at risk.

The empirical evidence of the high incidence of male on male child sexual abuse in the institutional life of the Anglican Communion (UK and AU) draws attention to disagreements in the Church not only concerning the issue of the ordination of homosexual priests but the issue of the moral acceptability of homosexuality more generally, and pits so-called 'liberal' Christians against so-called 'conservative' Christians. Here we make three points. First, as already noted, an integrity system or subsystem is unlikely to succeed if there is widespread disagreement within an institution concerning the nature and extent of a moral problem and, therefore, concerning the appropriate response to it. Secondly, to reiterate, if the evidence indicates that child sexual abuse within the institutions of the churches is, still, largely male on male, then measures need to be in place to protect, in particular, boys from men, irrespective of the outcome of debates on the role of homosexual versus 'generalist' sexual abusers. Thirdly, from the fact that child sexual abuse in the Church was largely male on male it does not follow that all or most or even many homosexual priests engage in child sexual abuse. However, it does suggest that a male on male sexual orientation was a risk factor in institutional settings and may still warrant some appropriate intervention. This, it needs to be stated, does not necessarily mean prohibiting the ordination of homosexuals. For such a prohibition would unfairly discriminate against homosexuals who pose no threat to children and simply want to serve the Church. Moreover, if child sexual abuse in the Anglican Communion is largely a historical problem, as the statistics suggest, then perhaps the 'crisis' is much less serious than the media might have the public, including

⁹⁴While this statistical preponderance in relation to historical complaints of child sexual abuse is well documented it is sometimes claimed that male on male child sexual abuse, as opposed to male on female child sexual abuse, is no longer a problem. Unfortunately, the statistical evidence for this has not been provided in the relevant inquiries, for example, in the ACCSA or IICSA.

⁹⁵IICSA, 'The Anglican Church. Case Studies', p. 94.

Lord Carlile, 'Bishop George Bell: The Independent Review'.

members of the Anglican Communion, believe. On the other hand, many of the victims of past acts of child sexual abuse continue to suffer and, in any case, unaddressed past injustices need to be addressed in the present. Hence the need for redress schemes.

On that note, let us now turn to the matter of redress schemes and, in particular, the national redress scheme established in Australia – given there is, as yet, no such scheme in the Anglican Church in England. Some Churches delayed signing up to the Australian scheme early as there was concern about the details of the scheme. Importantly, Church bodies were considering the implications of the very low standard of proof in the redress scheme. A significant concern was that insurance companies would not cover payments made at such a low threshold.⁹⁶ Notably, the burden of proof can be satisfied without corroborating evidence. Consider the following quote from the Australian Government website:

In determining reasonable likelihood, the Operator must also consider that the Scheme was established in recognition that some people:

- have never disclosed their abuse and disclosure to the Scheme may be the first time they have done so;
- would be unable to establish their presence at the institution at the relevant time (the institution's records may have been destroyed, record keeping practices may have been poor, or the survivor may have attended institutional events where no attendance record would have been taken)
- do not have corroborating evidence of the abuse they have suffered.⁹⁷

Of concern, the guidelines of the independent assessors will not be made public or made available to institutions who have opted in to the scheme and the accused will not be notified of the accusation unless the police choose to investigate the accused person or if the institution in question decides to implement risk management measures in relation to the accused person, for example, by terminating their employment. Whether or not the Anglican Church decides to implement risk management measures in relation to accused priests is a fraught issue.⁹⁸ Churches are very risk averse at the present time. However, surely it is unreasonable and unfair to terminate a person's employment or otherwise restrict a person's livelihood on the basis of a claim that is not only unsubstantiated but that the accused has no right of reply to?

The underlying problem in this area is evidential in character. On the one hand, most instances of child sexual abuse in the Anglican Church in Australia and, presumably, in the UK, are historical in nature and the evidence for allegations of child

⁹⁶Shine Lawyers, 'Redress Scheme Update', <https://www.shine.com.au/service/abuse-law/royal-commission/redress-scheme-update> (accessed 21 February 2009).

⁹⁷Australian Government, 'Guides to Social Policy Law: National Redress Scheme', <http://guides.dss.gov.au/national-redress-guide/2/2/1> (accessed 21 February 2009).

⁹⁸Andrew Lansdown, 'Journeying into Injustice: The National Redress Scheme and the Christian Churches', <https://www.lifeministries.org.au/journeying-into-injustice-the-national-redress-scheme-the-christian-churches/> (accessed 31 May 2020).

sexual abuse is, frequently, weak evidence; it consists in the uncorroborated testimony of the accuser. Hence, there is a problem of injustice to victims of child sexual abuse, given a relatively high standard of proof, for instance, beyond reasonable doubt or, even, the balance of probabilities. Accordingly, in the interests of according justice to victims, the standard of proof – at least in the Australian redress scheme – has, in effect, been lowered. However, this generates a different injustice; injustice to priests and others who are falsely accused of child sexual abuse. Nor is this injustice a small matter; minor collateral damage to be lived with. For in the case of those priests and others who are falsely accused of child sexual abuse the seriousness of the offence, and the public outrage against those believed to be perpetrators, more or less guarantees that the lives of the falsely accused are ruined.

Accordingly, there is a need for the Anglican Church in Australia, the Church of England and others in the Anglican Communion to think very carefully about the design and implementation of any redress scheme on offer before signing up to it. The issue is not simply a matter of institutional self-interest, as some such as former Prime Minister of Australia, Turnbull, have suggested, but principally one of natural justice.

Conclusion

In this article we have introduced the notion of an integrity system for institutions and indicated how it might be applied to the institution of the Church, albeit only with respect to the moral problem of child sexual abuse in the Anglican Communion. In doing so we have relied on the empirical evidence of various commissions of inquiry to identify both the nature and extent of the problem and the institutional mechanisms that have been put in place to address it. We have argued, *inter alia*, that the evidence indicates that the problem, while widespread and profoundly disturbing, is largely historical in nature and that mechanisms have been put in place to address it, especially over the last couple of decades. Nevertheless, a number of issues remain, including that of identifying the causes of the problem; for example, what are the key risk factors, and what to do by way of redressing wrongs done to victims. In relation to the former issue, we have discussed the high incidence of male on male child sexual abuse, and in relation to the latter, the problem of securing justice for victims without doing an injustice to innocent clergy by utilizing a low standard of proof.

By way of conclusion we return to our starting point. The Church and its clergy have a critical role to play in the maintenance of moral norms of society, given the Church's mission in the world. When clergy and other church leaders abuse their authority and the Church violates its own stated purposes this not only undermines the Church, but also harms its host society. Hence the importance of designing and implementing an empirically informed integrity system for the Church that is grounded on moral principles consistent with the Christian faith, a task to which this article seeks to make an initial contribution.