

Institutional Responses to Child Sexual Abuse – Deontological missiology: how ethical frameworks implicitly and explicitly effect the risk factors of institutional child sexual abuse.

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Introduction

The Royal Commission into Institutional Responses to Child Sexual Abuse was initiated in 2013 by the Australian Government in response to allegations of incidences of child sexual abuse in the Australian Roman Catholic Church, its affiliated organisations, and a range of other religious and non-religious institutions. The Royal Commission spanned all 7 states and territories, and involved the gathering of evidence from members of the public. The evidence that was gathered included over 600 testimonies of abuse across 10 different Roman Catholic religious orders and 49 other religious and non-religious institutions. The final report of the findings of the Royal Commission were released in December of 2017. At a federal level, the recommendations of the Commission resulted in a national response, including the establishment of a National Redress Scheme, the National Office of Child Safety, and a National Centre of Excellence to develop support structures and best practice for training.

The findings and recommendations of the Commission also raises some significant issues for the Australian church. As we explore the outcomes and implications of the Royal Commission into Institutional Responses to Child Abuse, one of the recurrent underlying themes that has emerged from the transcripts of the testimonies and from the conclusions of the Commission itself – both explicitly articulated, and implied – is the impact that specific theological frameworks and doctrines have had on the cultural climate in which this abuse flourished. Most pertinently, it seems that the theological frameworks around missiology, and the impact that underpinning ethical principles have on the development and implementation of Christian missiology is a critical component of this discussion.

To adequately discuss these implications, it is valuable to firstly delineate the assumptions implicit in the discussion.

Firstly, that the primary context for this discussion is Reformed Protestantism.

There is already a considerable quantity of discussion around these findings, particularly as it pertains to the theology and function of the Roman Catholic Church in Australia. However, this discussion centres around Protestant theology and the implications it has for the broad Protestant community in Australia.

Secondly, that the deontological approach has been the primary ethical framework underpinning Reformed Protestant theology since the Reformation¹

¹ Berens, Bill. 2007. Vox Reformata. <http://www.rtc.edu.au/RTC/media/Documents/Vox%20articles/Kingdom-Ethics-BB-72-2007.pdf?ext=.pdf> accessed 9/1/20

Derived from the Greek for ‘study of duty’, deontological ethics focuses on moral obligation, based on a set of rules or principles. It is worthwhile to note at the outset that, in deontological ethics, the obligation to act in accordance with the codified set of principles is upheld, regardless of contextual implications or outcomes. This holds deontological ethics as distinct from utilitarianism and consequentialism.

Utilitarianism holds the moral obligation to act as dependent on the overall positive outcome or consequence – the closer to the absolute good, the more ideal the moral obligation. Consequentialism emphasises the outcome, regardless of the degree of morality of the action itself.²

Deontological ethical frameworks deal with a sense of absolutism that is notably absent from utilitarianism and consequentialism: in deontological ethics, there are actions that will always be ethically wrong, regardless of the outcome, and by extension, there are actions that will always be ethically right, regardless of the outcome. In essence, the morality of an action is held against the set of principles, independent of any outcome.

In classical Kantian ethics, this external set of laws or principles is expressed as a manifestation of the unique human capacity for rational comprehension of the natural world. Kant’s theory formulates a series of categorical imperatives, consistent with his understanding of absolute rational superiority. These categorical imperatives are, in brief: firstly, internal and external consistency – that is, morally right regardless of context, agent and motivation, and free of internal contradictions; secondly, nothing is a means to an end, but exists, rationally, as an end in itself; thirdly, lesser ethical considerations are deferred to the greater concern.

In religious ethical frameworks, we see examples in the theology of Augustine, Kierkegaard, Descartes and Calvin of the deontological ethics described as *Divine Command Theory*, which establishes a divine authority as the external source of moral obligation, as opposed to the rational comprehension of natural laws. In this framework, the focus is on the universal law as determined by God. From its schismatic beginnings, Reformed Lutheran theology has used the concept of systematic, rational laws to define and codify the Protestant understanding of sin, sacrifice and justification³.

One of the most relevant subsequent ethical implications to arise from the Divine Command Theory school of ethical thought is the development of the *Doctrine of Double effect* which is often invoked to explain the permissibility of an action that causes a serious harm, such as the death of a human being, as a side effect of promoting some good end. According to the principle of double effect, sometimes it is permissible to cause a harm as an unavoidable or unforeseen side effect (or “double effect”) of bringing about a good

² Alexander, Larry and Moore, Michael, "Deontological Ethics", The Stanford Encyclopedia of Philosophy (Winter 2016 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/win2016/entries/ethics-deontological/>.

³ Berens, *ibid*

result even though it would not be permissible to intentionally cause such a harm as a means to bringing about the same good end.⁴

This type of deontological ethics is a significant contributor to the Reformed Protestant theological framework and has significant, profound implications as we look at the outcomes of the Royal Commission.

Thirdly, that Reformed theology upholds the fundamental applicability of the doctrine of original sin

The doctrine of original sin is seen as one of the cornerstone positions of the Reformed theological framework. The Reformed understanding of the universal depravity of human nature and the consequent necessity of the death of Christ as a salvific event that precipitates a process of sanctification in individuals underlines the practical necessity for missiology.

Fourthly, that missiology, as a core function of the Christian church, implicitly and explicitly reflects the ethical and theological frameworks of the church.

Briefly, missiology is the broader discipline of ‘the work of the church in the world’. Based on the Great Commission in Matthew 28, the role of the church is understood to be to “Go into all the world and make disciples”. Mays (1999) argues that over time, the focus of the ‘church’ has become the institution, rather than the mission, out in the world.⁵ This shift of “going out” to “bringing in” has a number of fairly broad implications for the way in which mission, evangelism and discipleship are executed as functions of the church, and specifically, with reference to the impact of deontological ethics on this functionality, the way that individuals, families and cultures are treated in the process.

Observations

A consistent theological theme that emerged from the Royal Commission findings was a sense of underlying threat: that salvation and the promise of heaven was to be found through the church, and that ostracism from that community, and subsequent hell and damnation was the alternative - the consequences of failure to be obedient. This is put into further perspective in the context of Divine Command Theory. One interesting characteristic of Divine Command Theory is that it presupposes that none can be moral without knowledge of God. Whilst this is one of the more significant criticisms the theory draws from secular ethical philosophers, it is also a critical point of pertinence - it is the convergence of this point with the assumptions mentioned earlier that perhaps brings the discussion into focus. In the context of deontological ethics and missiology – and in particular, the theories of Divine Command and of Double

⁴ McIntyre, Alison, "Doctrine of Double Effect", The Stanford Encyclopedia of Philosophy (Spring 2019 Edition), Edward N. Zalta (ed.), URL = <<https://plato.stanford.edu/archives/spr2019/entries/double-effect/>>.

⁵https://www.academia.edu/36706251/Reformed_theology_today_Practical_theological_missiological_and_ethical_perspectives?email_work_card=interaction_paper

Effect as mentioned earlier – a clear, and deeply problematic pattern becomes visible. We see a theology emerge that is shaped around the central idea that none can be moral outside of the faith, and that original sin in fact renders humanity not simply unable to be truly moral, but as utterly depraved, rebellious degenerates. In a missiological framework, this bleeds out into the way that historically missionaries have engaged with the cultures and people groups outside of Christendom – fundamentally depraved, fundamentally unable to function morally, fundamentally unable to make good choices. In a significant number of the testimonies provided to the Royal Commission, there is a similar thread of theology – when the position of original sin is assumed, then all children are fundamentally flawed, fundamentally depraved, fundamentally incapable of morality or goodness until such point as they are ‘saved’. In a practical sense, this becomes evident in the institution of Children’s Homes. Penglase has commented that while the motivations for setting up these homes ‘were almost certainly benevolent within the contemporary meanings of that term’, Christian views of sin and punishment were used to rationalise the repressive character of the care that many of these institutions provided: The guilt and sin of Catholic doctrine, the dour anti-pleasure ideology of the evangelical Protestants – Methodists, Presbyterians, Salvationists – and the chilly austerity of the Anglican Church all found expression in Children’s Homes, in a practice that had little to do with love or comfort and much to do with the repression of all feeling.⁶

Repeatedly, the testimonies included survivors recollecting that they were subjected to horrendous abuse in order to save their souls. ‘Boyd Charles’, a survivor of abuse in a Protestant-run Aboriginal mission, told the Commission he fought to keep his own beliefs and traditions, and that when the kids were baptised, he would not join in: ‘I take my hiding. I don’t believe in Jesus ... I don’t even know him. He don’t come from my tribe’. He said, ‘Blackfellas lived here for 60,000 years without Jesus. All of sudden they’re ramming Catholic and everything down our throats, and Jesus and the Bible down our throat. But they’re flogging hell out of us’.⁷

The Commission heard that survivors were often made to feel worthless and ashamed. Some recall being called names including ‘filthy little beast’, ‘dirty little bugger’ or ‘ungrateful little bastard’ during violent physical or sexual assaults. A number of survivors told the Commission that they believed their treatment by Salvation Army officers was intended to ‘break them’ or ‘break their spirits’. During private sessions, the Commission heard similar accounts from people who recounted abuse as children in Salvation Army institutions. Some told us they believed their treatment by The Salvation Army was intended to save or redeem them.⁸

⁶ Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report: Volume 16, Religious Institutions Book 1, (Commonwealth of Australia: 2017), p 151

⁷ Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report: Volume 16, Religious Institutions Book 1, (Commonwealth of Australia: 2017), p401

⁸ Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report: Volume 16, Religious Institutions Book 3, (Commonwealth of Australia: 2017), p52

As we witness these survivors' stories, it becomes particularly clear that the doctrine of Double Effect has profoundly shaped the expectations and practice of missiology – the outworking of which is that a significant portion of the abuse inflicted upon the children and families who have included their testimonies in the Royal Commission includes this kind of collateral damage that served the perceived greater goal of eternal salvation. It is notable that even in the context of sexual abuse, much of it was framed as serving the priest or minister – being obedient to a superior. Recurrent in the witness testimony is the pedestalisation of the priest or minister: the survivors recount their understanding of their abuser, not even as merely a respected person in their community, but as the very manifestation of God amongst them – “As a child we were taught that people of the cloth were representatives of God, and above the usual person. It was like a magical connection with God ... We lived church every day ... The problem was the utmost respect for all clergy without defining the difference between the flesh and the spiritual. This is where things went very wrong. Some of the people of the cloth used this holy mask to satisfy their twisted minds.”⁹

The conflation of the two identities – God, and the human minister of God – resulted in a blurring of the sense of responsibility and expectation placed on children in particular, in these contexts. To return to the framework of deontological ethics, we see the complex ramifications of the intersection of hierarchy and Divine Command Theory: the person in authority becomes God, and the will of God is the ethical law to adhere to, regardless of the consequence.

In the context of the Royal Commission, we witness the very real impact of deontological missiology on minority groups, marginalised or at risk populations, and indigenous populations – and most significantly, on the children of those populations. We see some significant themes emerging about the establishment of external codes of ethics that, when applied to missiological engagement with at-risk or vulnerable communities, failed to prevent real harm from occurring as a result of the actions, and in fact, caused harm by – perhaps inadvertently – creating a particularly fertile environment in which these specific types of abuse was able to flourish. It is notable that this framework has historically functioned as a systematic prioritisation of a hierarchical structure of submission and obedience, with the emphasis on the distinctive Divine Command Theory. According to Kantian deontology, the natural law is the rational, reasonable grounds upon which ethical considerations are built, and in the cultural context of colonisation, this natural law is manifest in cultural, gendered, age-based and religious hierarchies. The overlay of Divine Command Theory further codifies these hierarchies, and inevitably places the child in a position of significant powerlessness – and the more intersectional (disabled, minority, indigenous, poor) the child, the less significance is lent to the voice of the child. Bishop Robinson was asked by Senior Counsel Assisting whether undertakings about repentance had anything to do with those who believed that an accused

⁹ Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report: Volume 16, Religious Institutions Book 1, (Commonwealth of Australia: 2017), p447

individual or a person who had admitted or was convicted of child sexual abuse could return to ministry. He responded: Yes. Yes. For a lot of bishops the fault was a moral one and the sin was a sexual sin. That was the big mortal sin. The harm that might have been caused to the minor was not treated as seriously. It was not realised often, that came slowly, so that they simply adopted the policy that the church had had for centuries in dealing with its concept of sexual sin, that if you repented you were forgiven and you were restored, so they would have seen, ‘Well, that’s what we should do here’.¹⁰

The deontological ethical framework has, as a manifest example of the Double Effect Theory, created an environment in which abuse has been rationalised, ignored or covered up, largely in deference to the greater good. In his testimony provided to the Royal Commission, Archbishop Coleridge noted “that: A certain triumphalism in the Catholic Church, a kind of institutional pride, was a further factor ... which leads to a determination to protect the reputation of the Church at all costs ... What mattered was to present well in public in order to affirm ourselves and to others that we were ‘the great Church’. Such hubris will always have its consequences.”¹¹ Given the scope of the abuse, it seems fair to extrapolate that this hubris, and its consequences, was not limited to the confines of the Roman Catholic Church. The Royal Commission also heard that some survivors who did disclose to their religious family were discouraged by family members from making further disclosure. In *Case Study 18: The response of the Australian Christian Churches and affiliated Pentecostal churches to allegations of child sexual abuse*, evidence was presented that Pastor Frank Houston sexually abused the witness known pseudonymously as AHA from 1970 over a period of years, when he came to Australia to preach for the Assemblies of God in Sydney. AHA gave evidence that when he told his mother about the abuse she said words to the effect of, ‘You don’t want to be responsible for turning people from the church and sending them to hell’.¹²

Monsignor John Usher, chancellor of the Catholic Archdiocese of Sydney, said: I suspect you’ve seen this in many institutions, that the need to protect the good name of the institution is a very strong motivation for people who are in charge of large institutions, or even small institutions, and when one of their number commits a crime that is going to bring the reputation of that institution into disrepute, I don’t know, it’s almost predictable that people will try to defend the institution before they give care to a victim. I don’t know why. I can’t tell you why that happens. I just see it happen.¹³ Within this secretive clericalist culture,

¹⁰ Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report: Volume 16, Religious Institutions Book 2, (Commonwealth of Australia: 2017), p 262

¹¹ Archbishop Coleridge 2010 Archbishop of Canberra and Goulburn, Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report: Volume 16, Religious Institutions Book 2, (Commonwealth of Australia: 2017), p633

¹² Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report: Volume 16, Religious Institutions Book 1, (Commonwealth of Australia: 2017), p522

¹³ Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report: Volume 16, Religious Institutions Book 2, (Commonwealth of Australia: 2017), p234

we heard that ‘misbehaviour and immoral activities are ignored, tolerated or tacitly accepted’ in order to avoid scandal and protect the reputation of the priesthood and good name of the Catholic Church.¹⁴

Implications

The findings of the Royal Commission provides an uncomfortable illumination of the complex, flawed consequences of some elements of Christian theology. It, rightly, should be a sobering and confronting experience for the Christian community to realise that abuse was perpetuated in the midst of our communities, and that the theological and ethical frameworks that underpin some of the core functions of ministry and mission have allowed space for that abuse to exist. It is not enough to ask if our programs and spaces are Child Safe. It is time to ask whether our theology is. The Royal Commission into Institutional Responses to Child Sexual Abuse provides us with the opportunity to revisit the theology that we allow to form our presuppositions, and interrogate its robustness and truthfulness in the light of the consequences of its existence.

It is significant that when we interrogate the deontological ethics of missiology in the light of the discussion that has emerged from the findings of the Royal Commission, it becomes clear that the system fails the three categorical imperatives that Kant holds as core tenants of the ethical framework – that is, always, consistently true; actions exist as an end to themselves, rather than as a means to an end; and that lesser ethical concerns be deferred for greater concerns. In the specific situation of the ongoing, systemic child abuse inside Christian churches and institutions, we find that the robustness of deontological ethics is challenged in the following ways:

Firstly, internal and external consistency.

Classical Kantian deontological ethics argues that for an action to be objectively morally right, it must be free from inconsistency. If an action is right, it is always right, or, alternatively, if an action is wrong, it is always wrong. In the specific framework of this Royal Commission, we see a persistent reframing of actions that are culturally understood to be inexcusable. What, in other contexts, is framed as ‘sin’ is here framed as a ‘lapse of judgement’. At its first hurdle, the issue fails to clear the bar.

Secondly, that actions exist in themselves, and that nothing is a means to an end, but an end in itself.

Kantian ethics challenges us to interrogate and evaluate the actions along a path, not merely the end goal. Tied with the first categorical imperative, the second challenges us to examine the ways that inconsistency may exist in a situation. In this circumstance, we can observe that the focus has been the end goal, and the

¹⁴ Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report: Volume 16, Religious Institutions Book 1, (Commonwealth of Australia: 2017), p533

patterns of behaviour that have purported to facilitate that end goal, or that exist as collateral damage of the pursuit of the end goal certainly present a challenge to the meeting of this criterion. Moreover, it becomes apparent that Divine Command Theory and its concomitant Doctrine of Double Effect highlight the ethical, moral and theological gymnastics required to justify the functional specifics of the execution of the ‘Christian mission’. The “unintended consequences” that the doctrine of Double Effect provides a handy loophole for, in this particular case, has been enormous, and the price has been paid by the bodies and the lives of children.

Thirdly, that lesser ethical concerns be deferred for the greater.

In what is the most ethically dubious outcome of the Royal Commission, the ethical concerns of child abuse are deferred, dismissed or devalued in favour of upholding reputation, esteem and power. In the context of the Christian mission, this is particularly abhorrent.

Conclusion

In the ongoing aftermath of the Royal Commission’s findings, it is critical for us, as a corporate Christian body, to allow ourselves to grieve the profound, long term, horrendous suffering that exist in our collective history. It is also vital for us to collectively examine the implications of these theological and ethical frameworks, not only in the context of the impact that they had on historical events and culture, but in the context of the ways that they exist today. This Royal Commission has opened up an opportunity for us to more clearly see the flaws in a theological framework that has allowed such horrendous abuse to exist – clarity that has come at great emotional, physical and spiritual cost to those people who brought their testimony, and the pain of their lives, to light. We have seen, through the course of this discussion, the ways in which deontological ethics has failed missiology, and in turn, missiology has failed the body of Christ. We have seen the implications of Divine Command Theory and the harm that exists when it is wielded in the context of hierarchical, institutionalised contexts. Let us also be mindful of the ongoing implications of this Commission, and the ongoing imperative to radically overhaul the frameworks of church life and mission in order to create a truly safe Church culture.