

The Furrow, 57 (Apr 2007) 207 - 220

Accused but Innocent

– what should a priest do?

Patrick Connolly
Eamonn Conway
Eugene Duffy
Enda Lyons

Many priests in Ireland feel somewhat vulnerable at the moment. They fear that if an accusation of sexual misconduct with minors is made against them, they will be removed from their duties with great publicity, without due process, and without a proper defence or hearing. They fear that a false accusation or perhaps even a suspicion arising from misunderstanding might result in their being left for a long time in a kind of 'limbo' with little opportunity to restore their reputation or good name. What follows is an attempt to provide diocesan priests with some basic information and a few pointers regarding how to respond to an accusation.

By way of introduction, it must be said that this article will not consider the onerous nature of the responsibility of bishops and religious superiors towards alleged victims, nor the rights of victims to justice and compensation. The focus of both society and the Church is quite rightly on the need to protect children from abusers. This, as everybody must agree, is of primary importance. Children will always be among the most vulnerable members of society and least able to assert or defend their natural rights, and therefore it is necessary to have comprehensive procedures to protect them from any and every form of abuse. Nothing in this article is meant to take away from the horror of child abuse or to help abusers to evade justice. Yet false or malevolent abuse accusations, while rare, are possible. Lawyers have pointed out the parallels here with rape: it is a dreadful crime, yet complaints can be made mischievously or maliciously and these can have devastating consequences for the accused. Pointing this out does not detract from the awfulness of rape.

The focus of this article is quite narrow: it deals exclusively with the rights of a diocesan priest in dealing with his bishop when first

Patrick Connolly, Eamonn Conway, Eugene Duffy and Enda Lyons are priests and theologians working in the West of Ireland.

facing an accusation.¹ What we have to say will be surprisingly legalistic in tone and will be pointing out that, when accused, a priest may have to relate to his bishop in a way to which he is not at all accustomed and which in fact in Ireland, at least, is altogether new. Sad, as this may be, it is nonetheless necessary. In a situation of an allegation or suspicion of child sexual abuse a bishop will necessarily have interests other than the good name of the accused priest. He will have to be especially concerned to act justly towards complainants, and to treat allegations with the greatest seriousness. He will likely want to minimize any risk of civil claims against the diocese. He will also be understandably concerned about protecting his own reputation and to be seen as acting appropriately in the view of the media and public opinion. Besides, along with the other Irish bishops, he will have committed himself to following the detailed procedures contained in the document published in December 2005 entitled *Our Children, Our Church: Child Protection Policies and Procedures for the Catholic Church in Ireland* (hereafter *OCOC*).² In doing so, he will have for instance obligated himself to a policy of mandatory reporting of child sexual abuse. Unpalatable, then, as this may be, once an allegation or suspicion arises the bishop cannot and will not be dealing with the priest primarily as a father, brother and friend, or even as bishop as this was usually understood in practice.³ Equally unpalatable as it may be, the accused priest has therefore no choice but to take an informed approach towards responding to a process the terms of which he did not set. Remember, anything a priest might say to his bishop in these circumstances could be used in evidence in court (see *OCOC* 10.2.2, p. 56). A new element has been introduced into the relationship between the priest and his bishop, and apparently there is no going back. In fairness to himself the priest must be very aware of this.

1. For consideration of other aspects of this issue see: E. Conway, E. Duffy and A. Shields (eds) *Sexual Abuse and the Catholic Church – Towards a Pastoral Response* (Dublin: The Columba Press, 1999) and E. Conway, 'Touching our Wounds', *The Furrow* (May 2002), 263-270; 'Caring for Clergy Offenders', *The Furrow* (April 2003), 218-224; 'Operative Theologies of Priesthood: Have they played a part in Child Sexual Abuse?' *Concilium: International for Theology*, 03/04, 2004, 72-86.

2. Irish Bishops' Conference / Conference of Religious of Ireland / Irish Missionary Union, *Our Children, Our Church. Child Protection Policies and Procedures for the Catholic Church in Ireland* (Dublin: Veritas, 2005), available on-line at <http://www.catholiccommunications.ie/ourchildrenourchurch/ourchildrenourchurch.pdf> (accessed 12 March 2006).

3. For how Vatican II saw the bishop-priest relationship, see the Dogmatic Constitution on the Church, *Lumen gentium*, no. 28; Decree on the Pastoral Office of Bishops in the Church, *Christus Dominus*, nos. 16, 28; Decree on the Ministry and Life of Priests, *Presbyterorum ordinis*, no. 7.

The assumption throughout the article is that the accused is innocent. However, even priests who are guilty have rights and are entitled to due process. It is also important to remember that the presumption of innocence underpins our State legal system, and associated with this presumption is the right of the accused to be made aware of an accusation and the fundamental legal principle *audi alteram partem* (hear the other side). Obviously, internal Church procedures should not be any less sensitive to a person's rights.

A word, if only in passing, about the nature and status of the document *OCOC* itself: at the moment it is unclear whether or not the procedures outlined in it have any canonical binding force in Irish dioceses (apart from those sections where it repeats universal canon law). The document has not received *recognitio* from the Holy See.⁴

We have decided to use a question and answer format with a view to clarity. The questions represent many of the concerns which we have heard raised by priests in recent months.

My bishop has asked to see me. Do I have the right to know in advance what the meeting is about?

Because of the seriousness of the matter and the legal nature of the process the bishop is about to initiate, we believe that a bishop should inform you at the outset of the reason for the meeting.

Am I entitled to bring someone with me?

Once you know that the meeting has to do with an allegation or suspicion of child abuse it is reasonable to ask to have someone present as support and who can help you afterwards to recall what was said at the meeting. If you are going to be accompanied, it would, of course, be appropriate to inform the bishop of the person's name. You might also wish to consider having legal representation present, and this would be considered reasonable in the circumstances. It would also be advisable to ask whoever accompanies you to take notes – this is in fact regarded as standard

4. The outside cover and first page of *OCOC* carry the names of the Irish Bishops' Conference, the Conference of Religious of Ireland, and the Irish Missionary Union, but there is no preface from anyone representing these sponsoring bodies and authorizing the document's provisions, in addition to which the Introduction explaining its background is unsigned. Beside a mention that it was first published in 2005, there is no indication in *OCOC* of the date on which the new 'policies and procedures' come into effect, so the reader is left unclear as to when precisely this new document, or parts thereof, supersede the provisions of *Child Sexual Abuse. Framework for a Church Response – Report of the Irish Catholic Bishops' Advisory Committee on Child Sexual Abuse by Priests and Religious* (Dublin: Veritas, 1996), familiarly called the 'Green Book' available at <http://www.cpo.ie/images/site/assets/csaframework.pdf> (accessed 10 March 2006).

procedure in similar situations in other organizations; indeed the bishop himself will be aware of the procedure.

Does the bishop have to tell me in advance if he is going to have others present at the meeting?

In similar situations in other organizations it would be normal practice to clarify in advance who will be present. If this is not clear, you should ask. And if the bishop is going to have others present and you are not allowed, then, given the circumstances, it might not be prudent for you to agree to attend the meeting alone.

Can I ask to meet the bishop on my own and to speak to him in confidence?

In view of the Irish bishops' commitment to a policy of mandatory reporting, it is unlikely that the bishop, in his own interests, will agree to a confidential meeting relating to an allegation or suspicion of sexual misconduct with minors. Indeed such a meeting might not be in your interests: anything you say in these circumstances could be used in evidence in a state or ecclesiastical court (see *OCOC* 10.2.2, p. 56).

What is likely to have happened before I am informed of an allegation?

—Whoever is making the allegation should have been asked by whomsoever is receiving it to make it known immediately to the civil authorities (in the Republic, the Health Service Executive and An Garda Síochána).

—Whether or not the person making the allegation has done so, the Church's Director of Child Protection (hereafter DCP), once aware of the allegation, must report it to the civil authorities if he or she thinks that there are 'reasonable grounds for concern' and 'at least a semblance of truth'. If in any doubt about the credibility of the allegation, he/she is still supposed to contact the civil authorities.

—The DCP should also have informed the bishop immediately.

—It is likely that before you are informed, a meeting has taken place between the DCP and the civil authorities and that this has been reported upon to the bishop.

—A view will also have been formed on the potential risk you are considered currently to pose to children, and the DCP, following from the meeting with the civil authorities, will have recommended to the bishop the action that should be taken against you pending the outcome of a civil investigation.

—On hearing that an allegation has been made which contains 'at least a semblance of truth', the bishop should also have decreed

the initiation of a preliminary Church investigation. It should be noted that the threshold for what constitutes 'a semblance of truth' is considered in practice to be low.

—It should also be noted that, in practice, on the basis of the allegation's having been considered to contain 'a semblance of truth', those advising the bishop, and perhaps also the civil authorities, are likely to have proposed that you should 'step aside'. Whatever about the theory, the practice now is likely to be that even before the preliminary investigation has been initiated the pressure will be on to have you 'step aside'.

—The DCP might have decided not to report the allegation at all: but only if satisfied that it would have been impossible for you to have committed the alleged offence, e.g. that you were out of the country at the time. In this case you should be informed that a spurious allegation has been made which is not being pursued.

What is a preliminary investigation?

The preliminary investigation is an ecclesiastical administrative enquiry to determine if there is sufficient basis to pursue a canonical case, in other words to decide whether or not there are solid grounds for holding that an offence has been committed and which would warrant a full canonical process. By the way, the idea of a preliminary enquiry is found in many organizations besides the Church and is based on the principle that more formal action should not be started unless there are facts and circumstances which justify it.

Usually a bishop does not conduct the preliminary investigation himself but delegates somebody else to do it. It should not be difficult for a bishop, acting on competent canonical advice, to have a fair and thorough preliminary investigation conducted expeditiously. The norms of canon law and the provisions of *OCOC* leave room for the discretionary judgment of the bishop, and the individual bishop in a given case can do much to speed up the process, which is very important in alleviating the humiliating burden of 'stepping aside' if such has to take place.

The provision of a written report from the person investigating the matter is implicitly presupposed at the end of the investigation, at which point the bishop issues a concluding decree with supporting reasons for his decision on how to proceed. It needs to be remembered that a preliminary investigation is indeed only *preliminary* and so in practice the bar can be quite low for establishing credible *prima facie* grounds requiring further action.

Will I know that I am the subject of a preliminary investigation?

The 1983 Code of Canon Law for the Latin Church does not

explicitly demand the involvement of the accused during a preliminary investigation (cc. 1717-1719), though it has been cogently argued that canon 50 implicitly requires such when it says that before issuing a singular decree the person in authority should seek necessary information and proof, and as far as possible, consult those whose rights might be harmed.⁵ While it might be argued that the all-important imperative of child protection allows for the non-involvement of the accused at this early stage, this could not be considered best practice, and would arguably be at odds with natural justice. Can a preliminary investigation be considered to have been satisfactorily conducted without your personally being heard, especially in the context of such a damaging, reputation-destroying allegation?

All that said, it is conceivable that a preliminary investigation could be conducted and concluded without your being heard. Either with or without your involvement, if such a preliminary investigation concludes that the accusation is credible, the bishop will issue a written decree, closing the investigation, and refer the matter to the Congregation for the Doctrine of the Faith.

So who tells me about an allegation and when?

After the meetings described above have taken place, according to *OCOC*, the bishop is to meet you in person and inform you that an allegation has been made.

According to *OCOC*, the 'manner and timing' of the meeting with your bishop is to take account of your rights in natural justice, but it is not specific in this regard. Nor is it made clear whether or not the bishop is to meet you before, during or after the preliminary investigation. On the one hand, *OCOC* says that the preliminary investigation should begin as soon as the Ordinary hears of the allegation (10.2.3, p. 57). On the other, the section referring to the accused's meeting with the bishop makes no reference to the preliminary investigation (10.2.2, p. 56).

According to *OCOC*, when you meet with the bishop, he is to inform you of 'a summary of the substance' of the allegation, and to remind you of your right not to respond, and of your right to legal representation and canonical advice. You are entitled to know of what precisely you are being accused. The bishop is also to remind you that anything you say to him or to anyone else can be used as evidence in a civil or Church court. The bishop will offer you a support person to give you pastoral assistance, but you

5. Interestingly, the 1990 Code of Canons of the Eastern (Catholic) Churches explicitly demands that the accused be heard before a decision is made to initiate a full canonical process. See *Codex Canonum Ecclesiarum Orientalium* c. 1469 §3.

have the right to propose someone yourself. He will also instruct you to have no contact whatsoever with the complainant. The bishop will then ask you to meet the DCP.

If it is a matter of a suspicion of child abuse rather than an allegation *per se*, you are entitled to be told of the objective indications of abuse or neglect which led to the reasonable suspicion about you. Curiously, *OCOC* doesn't deal with a meeting at which you are being informed of a suspicion rather than an allegation, despite the document's previously having a separate section on how to respond to suspicions (8.7) as distinct from allegations (8.6). There is only discussion of meetings where you are to be told of an allegation by the Ordinary and the DCP (10.2.2 and 10.2.4).

With regard to the meeting with your bishop, should you have agreed to meet him on your own or at least without legal and/or canonical representation, our advice would be as follows.

- As soon as the facts of the allegation are communicated to you, and if you believe yourself to be innocent, assert this clearly and briefly.
 - Ask the bishop which document is being followed in dealing with your case – the 1996 'Green Book' or *OCOC*.⁶
 - Bring the meeting to a conclusion, disallowing further discussion, especially relating to issues such as 'stepping aside' or undergoing psychological assessment.
 - Inform the bishop that you will agree to meet with him again when you have secured appropriate legal and canonical advice/representation.
 - Request an undertaking, in writing, that the diocese will underwrite the costs of all legal and canonical representation (*OCOC* says that you are entitled to 'appropriate help' in obtaining such assistance).
 - Make contemporaneous notes of the meeting or agree a written record of the meeting with the bishop before you leave.
- All of this advice equally applies if the bishop or his representative arrives at your door unexpectedly, rather than calling you in.

You may not find it easy to deal with the bishop in this way, but in our view, what we suggest here accords with natural justice and is critical in protecting your civil and canonical rights. We also believe that it does not contradict the procedures outlined in *OCOC*.

Why do I need both legal and canonical advice?

Because of the traditional priest-bishop relationship, many priests are reluctant to involve a solicitor so quickly when first facing an allegation or suspicion of abuse: they may feel for instance that

6. See note 4.

bringing a solicitor to meetings with the bishop is heavy-handed. Besides, there is a real dilemma here, as the involvement of lawyers may tend to bring a confrontational tone. However, it is important to remember that in facing an allegation of child abuse you are confronting a most serious charge, and that the bishop necessarily has responsibilities in this matter other than the protection of your rights. Hence it would be prudent for you to obtain objective legal advice as soon as you become aware of an allegation.

It is important also to have canonical advice, as civil lawyers are often ill-informed about canonical concepts and processes. Unfortunately, there are not many canon lawyers available for this kind of work. In the short-term and under pressure facing an allegation, canonical issues may not seem pressing for you, but once matters are resolved with the civil authorities, any attempt by you to return to ministry will have a canonical dimension, so it would be wise to seek canonical as well as legal advice from the beginning. It should not in any way compromise their interests if bishops were to ensure that the best canonical advice is available to accused priests.

What about meeting the Director of Child Protection (DCP)?

The bishop will require you to meet with the DCP and according to *OCOC* it is the DCP who provides you with the details of the allegation.

- The meeting with the DCP should not take place without legal/canonical representation; this is recognized by *OCOC* (10.2.2)
- At this meeting, you or your representative(s) should request copies of any documentation relating to the case so far. For example, there should be notes made by the person who received the complaint initially, and also notes of the meeting between the DCP and the civil authorities and the DCP and the bishop.
- If the preliminary investigation has concluded, there should also be a decree in writing with supporting reasons by the bishop, indicating his decision on how to proceed, and probably a written report by the investigator. It would seem a matter of natural justice that you would be given a copy of these documents as well.
- You should also ask if the bishop has forwarded your case to the Congregation for the Doctrine of the Faith (CDF), as this would indicate that in his view the accusation is credible. If the case has been forwarded to the CDF, then you should consider, with the assistance of your canonical adviser, writing to the CDF

protesting your innocence and also raising any questions or concerns you might have regarding the handling of your case by diocesan authorities to date.

What is 'stepping aside'?

This is the issue of most concern to accused priests and also the issue that is most shrouded in confusion and ambiguity. In the recent past, the term 'administrative leave' was used about clergy in some Church documents, and came in for criticism from canonists. Now the terms 'stepping aside' or 'leave from ministry' have apparently replaced it.

The term 'stepping aside' would seem to be explained in *OCOC* 10.2.5 (p. 58): it means temporarily ceasing to exercise the priestly office and refraining from any act of public ministry. Practically speaking, it is difficult to distinguish 'stepping aside' from being formally suspended. In theory, 'stepping aside' (unlike removal from office) has no punitive implications in the strict canonical sense, but rather is a precautionary temporary measure.

Can I be required to 'step aside'?

OCOC 10.2.5 (p. 58) invokes a number of canons to support the notion that the bishop has the authority to take disciplinary action against an accused cleric and that he can issue him with a penal precept requiring him to stand aside from ministry. Curiously, there is no mention of c. 1722, the obvious canon which could be cited as a basis for compulsory 'stepping aside' or involuntary 'leave from ministry', while there is reference to cc. 192-193 and cc. 1740-1744 which are about removal from an ecclesiastical office rather than a temporary ceasing to exercise an office or position. The statements in the second paragraph of section 10.2.5 do not make for clarity.

If a bishop is in the position to require a priest to 'step aside', why would he go through the motions of asking the priest to volunteer to do so? Perhaps the intention is to avoid conflict with the priest, or possibly steer clear of a possible recourse to the Holy See by the priest against the bishop's action.

Also, the situations of parish priests and curates are different. A parish priest is the holder of an ecclesiastical office and thus has more rights than a curate; the latter can be removed from his position for a 'just reason' (c. 552) whereas the former's removal from his ecclesiastical office requires a more formal process (cc. 1740-1746). 'Stepping aside' is not the same thing as removal. Section 10.2.5 of *OCOC* (p. 58) alludes to this when it mentions at its very beginning the rights of an accused cleric to hold a particular ecclesiastical office, rights which are left intact by 'stepping aside'.

If asked to 'step aside', what do I do?

It depends on timing. According to *OCOC*, the bishop can ask you to 'step aside' at any time. This means he can ask you to do so prior to the conclusion of the preliminary investigation, although this might seem quite unreasonable. It would seem very unwise of you to 'step aside' at least until after the preliminary investigation has been concluded and you have seen the decree (with its supporting reasons) issued by the bishop concluding that investigation. The bishop would be on 'thin canonical ice' if he tried to insist on your 'stepping aside' before the preliminary investigation had concluded.⁷

If the result of the preliminary investigation is that the accusation against you is considered credible and worthy of full investigation, then the bishop will want you to 'step aside'. Currently, it seems the practice is to try to get a priest to do so voluntarily. If you refuse, according to *OCOC* as discussed above, the bishop can take action which will have the same effect as if you had voluntarily stepped aside. It may be suggested to you by the bishop that it will somehow be to your credit in the process if you appear co-operative and agree to 'step aside' voluntarily, and, conversely, it may be implied that because you did not co-operate this will be held against you when it comes to re-admission to active ministry. If anything of this nature is implied, then you or your legal representative(s) should ask the bishop to specify why and how this would be the case.

The first sentence of the second paragraph of *OCOC* 10.2.5 (p. 56) is unnecessarily convoluted or else subtly written, depending on how one might wish to read it. It seems to be saying that the bishop may limit your ministry if (1) it is considered that you currently pose a risk to children and/or (2) that knowledge of the accusation has rendered your ministry ineffective or a source of scandal. Yet no criteria are proposed for determining that you might present a current risk, or that the bare fact of an accusation against you is proving to be a source of scandal or rendering your ministry ineffective. It would seem at least debatable that you pose a current risk to children if the accusation is quite historical. Similarly, for a historical allegation, would a bishop be able to satisfy the second criterion (above) if your Parish Council were to issue a statement saying that they wished you to continue in your duties pending the findings of a civil and/or canonical investigation? It would seem appropriate for you or your representative to

7. See the compelling argument that the measures of c. 1722 can come into operation only after a formal canonical process has been initiated, not during the preliminary investigation, in John P. Beal, 'Administrative Leave: Canon 1722 Revisited' in *Studia Canonica* 27 (1993) 314-315.

seek clarification from the bishop on which if any of these issues are informing his request that you 'step aside', and the basis for his conclusion.

If you are asked to step aside, we suggest that you do not enter into discussion on this matter unless you have legal and canonical representation present. There have been cases where letters have been polite, inviting priests to consider 'stepping aside', while, whatever the intention, follow-up conversations on the phone or in person have been experienced by the priest as harassment. Your representatives should seek a precise clarification of what 'stepping aside' means in your case, and of the terms and conditions that would apply. They should remind the bishop of your entitlement to your good name and reputation and ensure that everything is done to avoid any defamation of your character.

What if I agree to 'step aside'?

Any agreement on your part to 'step aside' should be really an agreement and not simply giving up your rights.

- You should insist on clarity as to what will be said about your case to your parish and in the media, etc., by the bishop, the DCP and/or their representatives.
- If the bishop insists on your vacating your parish house then you may insist on appropriate alternative accommodation being provided.
- It should be clear also that you are entitled to your salary and the benefits normally given to priests of your diocese. In the unlikely situation of failure by the bishop to provide you with your rightful income and/or a residence there should be an immediate response from you and your legal and canonical advisors, where necessary making recourse to the Congregation for the Doctrine of the Faith as mentioned in *OCOC* 10.2.5 (p. 58).
- It would seem reasonable to expect that you should have access to basic office facilities, etc. so that you can conduct your defence properly and that you should be allowed any additional resources necessary for you to fund your representation, both legal and canonical.
- There have been cases where priests have agreed 'voluntarily' to 'step aside' but in retrospect realize that they did so under duress from diocesan authorities. If subsequently you believe this has happened to you, you should have your representatives put this on the record with the bishop in case, at some later stage, you wish to seek redress. This might also be important in terms of your reinstatement.

Finally, it can be argued that when an accusation appears credible but the crime in no way is proved as yet, the bishop has a duty to provide some work for the priest. It may not be difficult, especially in a major diocese, to find an opening where the accused is totally removed from the proximity of children and yet can have the dignity of having some work.

While 'stepped aside', may I wear clerical dress? May I attend Church-related events, e.g. meetings of clergy?

These are the kinds of issues you should clarify in detail before you agree to 'step aside'. The principle is simple: while nothing is proved, no more privation should be imposed than is absolutely necessary. In this context the comments of Cardinal Avery Dulles are worth noting:

[A] corollary of the presumption of innocence is that while an accused priest may be prohibited from exercising public ministry while his canonical case is pending, it would be unjust to order him not to wear clerical garb, especially since Canon 284 obliges him to wear such garb. Also it would be unjust and lacking in charity to tell an accused priest, as some bishops have done, that he is not welcome to attend gatherings of priests, including the diocesan priests' convocation, the Chrism Mass or priests' retreats.⁸

Can I be forced to undergo psychological assessment?

According to *OCOC* you may be asked to seek 'appropriate medical or psychological evaluation at a mutually acceptable facility'. As the document acknowledges, you cannot be forced to undergo such an evaluation; nor can you be forced to reveal the results if you do.

Any attempt to compel you to undergo such an evaluation or to reveal the results of such an evaluation, or any attempt to interpret negatively your refusal to undergo such an evaluation, should be communicated to both your legal and canonical representatives so that they can take appropriate action on your behalf. There has been much concern in the Roman dicasteries about bishops compelling priests to undergo such assessments and/or revealing the results. This concern reflects the Catholic moral tradition in its resistance to 'forced revelation of conscience'.

If after reflection you in fact are willing to undergo evaluation, make sure that you first consult your legal and canonical advisers, so that the written contract about the future use of the

8. Avery Dulles, 'Toward a Revision of the Dallas Charter and the Essential Norms', *America*, June 21-28, 2004.

medical/psychological report(s) is properly formulated (see *OCOC* 10.2.5, pp. 59-59).

What is the time frame for a full investigation?

This is one of the major problems. After the preliminary investigation by the bishop has concluded, the full canonical process formally initiated and the matter handed over to the Congregation for the Doctrine of the Faith, the diocesan authorities do nothing more until such time as the civil investigation reaches a conclusion. It has often happened that priests have been 'stepped aside' even before a criminal investigation has commenced. It has also happened that when criminal cases have concluded and no charges have been laid, priests have not been returned to active ministry. If matters are resolved with the civil authorities in your favour, there is a question of whether there will be a canonical process against you, and should that fail, there is still no guarantee of a return to ministry (see *OCOC* 10.1, 11, 12). Hence you should ensure that your legal representatives keep pressure on both civil and diocesan authorities, reminding them that undue delays are unfair and offend against natural justice, and also make it impossible for you to retain your good name as long as the case goes on without definite resolution.

Unlike criminal law, canonical procedures can drag out forever. In the present Church system it's only the bishop and no one else who has the right and power (and we would add duty) to speed the process up in the interest of everybody. There are a number of priests who are in a limbo for an excessively long time and without any information as to when it may end. Justice delayed is justice denied. And it can only ultimately lead to scandal among faithful Catholics that the Church's own procedures can take so long compared to those of the State.

If the allegation against me does not relate to misconduct with a child but with an adult, does OCOC apply?

No, though there would seem to be a tendency on the part of some bishops to deal with all complaints regardless of their nature in accordance with guidelines introduced to deal with the sexual abuse of minors. Section 8.9 (*OCOC* p. 51) speaks of cases where the complaint does not concern child abuse but rather indicates inappropriate behaviour, misconduct or a breach of standards, and says it may be necessary for the Church person in authority to take further action or institute disciplinary proceedings. In other words, this kind of case is not meant to be covered by *OCOC* but by other provisions. It would seem prudent on your part to follow the advice outlined here especially with regard to ensuring

adequate legal representation. As there is no apparent risk to children, it would be more difficult for the bishop to insist that you 'step aside'. In recent cases pressure in this regard has come from the media, but it would be unacceptable and unjust that the decision on whether or not a priest should be required to 'step aside' would depend on this.

CONCLUSION

Unspeakable damage has been done to children by some members of the clergy who abused their positions of trust. As a result, the protection of children from future abuse must be central to the concerns of all of us. Furthermore, nobody should seek to deny the truth that lies behind many if not most allegations, and the necessity for the Church authorities to treat all allegations with the utmost seriousness.

It is, however, also important that in the process of protecting children we do not inadvertently create another set of vulnerable people, namely those who can be wrongfully or maliciously accused of child sexual abuse, and then unfairly left to languish without an expeditious resolution of their cases. For such people, relevant information is very important, especially in what has, inevitably it would seem, become a significantly transformed ecclesiastical context.⁹ It is important that priests today be fully and properly apprised of their civil and canonical rights. That is the background against which the above limited number of questions and answers has been set out.

9. See Patrick Connolly, 'Priest and Bishop – Implications of the Abuse Crisis,' *The Furrow* 57 (2006), 131-141.

Discernment. Furthermore, it is important to note that one does not have to believe in God in order to do a discernment. Most religious people spontaneously or deliberately look to God for guidance; and Christians often see this guidance as coming from the Holy Spirit. But atheists and agnostics, relying on their human abilities, may make equally wise decisions.

—DONAL DORR, *Spirituality of Leadership* (Dublin: The Columba Press) p. 124

Being a Catholic in Ireland Today

Breda O'Brien

Seamus Dooley of the National Union of Journalists once told me cheerfully that it took a monumental ego to be an opinion columnist. How could anyone possibly believe that they had something of value to say on a wide range of topics, fifty times a year for years on end? I am beginning to believe that it must have required a monumental ego to cheerfully accept an invitation to address the question, 'What does it mean to be a Catholic?' However, for what it is worth, here is my take on what it means to be a Catholic in Ireland, including a few side-roads and diversions which are often mistakenly believed to sum up what it means to be a Catholic in Ireland today.*

Firstly, I believe that being a Catholic is to be a member of a family, whose members are to be found on every continent, and whose history stretches back generations. It is a family with a difference. It is one that did not come into being in the normal fashion. Despite what Dan Brown of *The Da Vinci Code* fame would have us believe, the evidence is that the founder was celibate. So already, the ties of blood and bone that bind most families together, are not central to this family. They are of a different nature. They centre around the founder, firstly, and his outrageous claim that he was the Son of God, that he came that people should have life, and have it to the full, and that to achieve that life in all its fullness, it could not be 'business as usual' ever again. Instead, our lives would never be settled, because he is an unsettling presence. You never know what he might ask of you. The only consolation is that along with the unsettling comes that miraculous gift, grace. My husband is a U2 fan, and I am indebted to him for drawing the U2 song 'Grace' to my attention. I have to sheepishly admit that I had heard it before he made me listen to it properly,

*This is the text of a public lecture to a Developing Parish Seminar at All Hallows College, Dublin, 20 February 2006.

Breda O'Brien, columnist for *The Irish Times* and frequent radio and television commentator on social, political and religious issues, teaches in Muckcross Park College, Donnybrook, Dublin 2.