

A THEOLOGICAL REFLECTION ON THE MCLELLAN REPORT

By Fr. Paul Kelly

The scandals involving abuse in the Catholic Church are only too well known. As a result, rigorous safeguarding procedures have to be in place in every parish. There are staff working at this at the diocesan level, at the national level of the Church in Scotland, as well as at parish level. Volunteers working with children and vulnerable adults have to be cleared through the PVG scheme. This is indeed a legal requirement with which the Church must comply.

Perhaps for most parish priests, ensuring that the right safeguarding procedures are in place is something of an administrative chore. It is like making sure that fire risk and other assessments have been done. It may seem that this is done to satisfy insurance requirements rather than to promote the good of the people. Possibly for this reason there may be tendency for some clergy to avoid as far as possible doing anything that involves more “hassle” and which might occasion the risk of something going wrong. There have been anecdotal instances of this happening. There is also the risk of doing no more than the law requires.

The Bishops of Scotland commissioned a report into its current safeguarding policies, procedures and practice. The Commission, headed by the Very Rev. Professor Andrew McLellan, produced its report this year. It is clear from this Report that safeguarding must be seen as a lot more than an administrative chore and avoiding risk. The demoralising effects of past cases of abuse have sapped the confidence of priests and people. The McLellan Report remarks on this:

Because confidence is low within the Church, as well as public confidence being low, there is an increasing likelihood that, for fear of doing wrong, priests and parishes will do nothing. Lack of confidence means that good things are not done in case mistakes are made in the process. It is not that the fear is of further abuse. It is that the confidence and courage are no longer there to attempt new and courageous things. So parish priests sometimes feel the Church is not being the force for good that should be (2.62).

One might add that, as long as safeguarding seems like an administrative chore, then the energy for “new and courageous things” will also be sapped.

Of course safeguarding has to be more than that. It has to be central to the pastoral care of the parish because it is about protecting vulnerable human beings. One way, and perhaps this is the only way, we can take on a mind-set that sees safeguarding as being so central is if it is also central to our faith and theology. It is not just putting in place that which is required of us by the law of the land. Indeed, it is not just about what we do or fail to do. It is about what we think and believe. Moreover, theology helps us to unify our experience and resist the temptation to compartmentalise it. Hence, the McLellan Report stresses the importance of developing “a clear and simple theology of safeguarding, which emphasises that the protection of the weak is not merely a Christian duty but a

divine privilege” (p. x). Only when we have developed this theology will we be able to hear that oft repeated phrase in Scripture: “do not be afraid.” Maybe we will also be able to look at fire and risk assessments in the same light. For surely that is also about protecting vulnerable human beings. It should be noted that the Scottish bishops have fully accepted the provisions of the McLellan Report and are committed to ensuring the development of “a clear and simple theology of safeguarding.” It is the Church itself that must

set out a compelling and coherent theology of safeguarding for the Catholic Church in Scotland... Without it, survivors will hear no word of hope and healing from the Church. Without it, what will the Church say to perpetrators of offences? And without a compelling and coherent theology of safeguarding, how will the Church ever be confident that it is supporting people with safeguarding responsibilities, clergy and lay people alike? That theological work is necessary to help make the Church a safe place for all (McLellan 3.85).

On 22 November 2015 the Bishops’ Conference of Scotland stated their intention to set up a sub-committee of the Commission for Doctrine of the Bishops’ Conference to develop a theology of safeguarding between January and September 2016. It is not for me to pre-empt this; but what I aim to do here is to set out some of the things which I, as a pastor, see as being worthy of development in a theology of safeguarding that is simple and clear.

In practice safeguarding is above all about protecting children and vulnerable adults. But it is wider than that and a theological understanding of safeguarding can help us to see that. In the words of McLellan: “It needs to be recognised that anyone can be at risk. In certain situations, confronted with certain behaviour, even the strongest and most resilient can be at risk” (3:18) One might say that this view comes from a theology of creation in which God creates human beings as being vulnerable. We are all potentially vulnerable because that is simply how we are. Right through Scripture there is the theme that God pulls down the mighty and raises up the lowly. Actually, huge amounts of Scripture are about the vulnerable – the very young, the elderly, the sick, the poor and the oppressed. And St Paul has some pertinent things to say about human weakness (for example, 1 Corinthians 1:27 and 2 Corinthians 12:7-9).

Further we put in place adequate safeguarding policies and procedures, not simply because we have to according to the law of the land, but because it is *right* to do so. Moral theology should be able to say something about safeguarding. The law provides only minimum requirements. That is never enough for us. Love requires us to go further.

But where does our theology of safeguarding begin? It must begin with Jesus and his words about children. When people brought children to him for him to bless them, the disciples tried to turn them away. But Jesus says: “let the children come to me and do not hinder them; for to such belongs the kingdom of heaven” (Matt. 19:13). *Do not hinder them*. How can children learn about the love of God if they have been abused? In the words of McLellan:

No good theology of safeguarding will be content with platitudes about the sweetness of children. A good theology of safeguarding will recognise the depth of hurt and damage, the depth of wrong, which abuse regularly causes. It will not avoid the deepest questions of evil and the God of love and it will proclaim the justice of God for those who cry out for justice and against those who seek to flee from justice (3.82).

On another occasion, Jesus declares: “If any of you put a stumbling block before one of these little ones who believe in me, it would be better for you if a great millstone were fastened around your neck and you were drowned in the depth of the sea” (Mark 9:42). The “little ones” referred to here possibly refer to all those who have faith – all of us are vulnerable when it comes to faith! This is about causing anyone to stumble in their faith and is particularly applicable to children who are growing in their faith. And “their angels always behold the face of my father who is in heaven...so it is not the will of my Father who is in heaven that one of these little ones should perish” (Matt. 18: 10.14).

Surely, these words speak directly to those who have been abused, who can say: “Yes, I have been abused and I am still alive. Yes, I have been damaged and yes my spirit is still there; for no-one can take away my dignity as a child of God and nothing can separate me from the love of God revealed in Jesus Christ (Romans 8: 38-39). The Lord will guard my soul (Psalm 9). The Christ in me is protected and kept safe as Mary and Joseph kept safe their son as they fled into Egypt to escape from Herod” (Matt.2:13-15).

When the disciples were concerned about who was the greatest in the kingdom of heaven, the Lord says: “Truly I say to you, unless you turn and become like children, you will never enter the kingdom of heaven. Whoever humbles himself like this child, he is the greatest in the kingdom of heaven.” This is not about becoming childish, but rather recovering the openness and trust of a small child. Jesus also says: “Whoever receives one such child in my name receives me” (Matt. 8:1-5). Jesus praises his Father for revealing the secrets of the kingdom of heaven to babies (Matt. 11:1: 25-27). So it is not simply a case of adults leading children to God. Rather children can lead adults to God.

Perhaps those who have been abused have a special part in that mission. In reaching out to survivors, the Church comes closer to Christ. It may seem strange that those who feel their faith has been shattered by the experience of abuse, and who would never darken the doors of any church, are close to God and can bring others to God. That is how God exalts those who have been cast down. Of course I do not believe that the expression of such sentiments will bring people “back to the Church.” But I hope that somehow the Church will go to them. Not all those who have been abused were abused by clergy. There are countless others who have been abused by family members, various professionals and people who were supposed to care for them at a particular time in life.

As the Lord identifies himself with children, so he identifies himself with all those who are vulnerable – those who hunger and thirst, sick, in prison, without clothes, those who are foreigners or refugees – that is where he is in the world and where

he comes to meet us (Matt. 25). One of the great insights of the Second Vatican Council is that Jesus not only reveals God to human beings, but also reveals authentic human nature. In him we see what is to be human (*Gaudium et Spes*, no. 22). This Christian humanism was developed by Pope St John Paul II in his early encyclicals, *Redemptor Hominis* (1979) and *Salvifici Doloris* (1984).

And what do we see in Christ? Only two images of the Lord come from our Christian tradition: that of a babe in arms and a man dying on a cross – images of human vulnerability. There he reveals God and he reveals us. That's who we are: vulnerable human beings who are born and who need protection during the childhood years, who suffer and who eventually die.

So safeguarding is safeguarding Christ – safeguarding the Word of Life (cf. 1 John 1) – and enabling the world to believe in him. So where is the Church in this?

The Roman Catholic Church is undoubtedly a powerful institution. In the past it was even more powerful than it is now. It competed for power among the kingdoms of this world and indeed became one of the kingdoms of this world. It still has many of the trappings of worldly power. The Pope is an absolute monarch with a court, though Pope Francis is working on that one. Bishops and clergy are powerful authority figures who have been rarely challenged on the way they use their power. It is in this context that abuse has happened; for ultimately all abuse is an abuse of power. Some clergy have abused children because they thought they could get away with it and would never be brought to account. Because of the abuse scandals, the Church has lost a lot of its prestige and indeed a lot of its power. That in itself is no bad thing.

Of course the Church is not exclusively an institution. Forty years ago, in developing the teaching of the Second Vatican Council, the late Cardinal Avery Dulles wrote of other “models” of the Church in *Models of the Church: A Critical Assessment of the Church in all its Aspects* (Dublin, 1974). The Church is more than an institution. And not long after, Leonardo Boff arguing along the same lines, though much more provocatively, in *Church, Charism and Power* (London, 1985), contended that the Church, like all human institutions, has tended to succumb to the temptation of becoming “a system of power and repression over creativity and criticism...power became a powerful temptation for domination and a substitution for God and Jesus Christ.” As a result, there is “a deep chasm between the Church that thinks, speaks, and yet does not act, and that Church which does not dare to think, cannot speak and yet acts” (pp.48-49).

One can perhaps see the same chasm in the Church today. It seems to have been one of the fault lines in the Synod of Bishops in 2014 and 2015. Pope Francis has adverted to this issue in his Apostolic Exhortation, *Evangelii Gaudium*, where he famously declares: “I prefer a Church which is bruised, hurting and dirty, because it has been out on the streets, rather than a Church which is unhealthy from being confined and from clinging to its own security” (no. 49). Certainly the Pope wants to see the Church as being less clerical and more connected with the lives of ordinary people, especially the poor.

Dulles observed that the consequences of “institutionalism” were clericalism, juridicism (that is authority modelled on the pattern of that of the secular state), and triumphalism (*Models of the Church*, pp. 35-36). Writing in our own times, Fr George Wilson, SJ, in *Clericalism: The Death of Priesthood* (Collegeville, 2007) sees the scandals arising from sex abuse in the Church as deriving from a clerical culture. It is surely the case that a preoccupation with the Church as an institution that must be protected at all costs has led to a “culture of secrecy” in the Church and that has led to abuse being hidden for many years (McLellan, 2.26).

There is still this “culture of secrecy” in many of the transactions of the institutional Church and one wonders whether the secrecy is always necessary. Why, for example, is the choice of bishops shrouded in secrecy? Of course, one practical problem with secrecy is that there are inevitably leaks. Eventually we get to know what happened in papal conclaves, for example; and there have been the notorious instances of “Vatileaks” and in 2015 the documents leaked by two officials in the Curia. What compounds the damage to all concerned in cases of abuse is that a “culture of secrecy” actually does not work even from a strictly utilitarian point of view. The truth will come out eventually. Of course, as the dismal story of the Savile affair has shown, a culture of secrecy is not peculiar to the Catholic Church.

The mission of the Church in all its aspects is to continue that of Christ and to be his presence in the world. Its purpose is to protect the vulnerable and to preach the good news to the poor - the two things go together. Its clergy are there to serve its people, not to dominate or control them, and they should be seen to be doing that. Nor are the clergy there to preserve the institution at all costs or promote the glory of the institution rather than the glory of God. Certainly there are procedures in the Church which must be confidential. This is different from a culture of secrecy. If there are leaks, there should be no embarrassment.

The Church must always have an institutional side. It must have official ministers, creeds, prescribed forms of worships, organisation and so forth. It could not perform its mission without some institutional features. This means that individuals and groups in the Church will have power. There has to be authority. But if this power is exercised in secret, then it is always potentially dangerous. Only by making those in power accountable can the danger be obviated. That means bishops and priests must be made accountable. And that means positions of authority as well as of administrative responsibility, for lay people in the Church.

The Church already makes use of professional lay people, such as accountants, lawyers, doctors, therapists, teachers, archivists, museum curators, architects and builders in its administration. And strangely enough, the lay people who are in positions of authority in safeguarding have some power to call priests and bishops to account. But it seems to be the case that lay people have authority in the Church because of their expertise, not because they are baptised. There has to be more than that. The Second Vatican Council emphasised the importance of lay people

in the mission of the Church: “The apostolate of the laity is a sharing in the salvific mission of the Church” (*Lumen Gentium*, no. 33). “From the fact of their union with Christ the head flows the laymen’s [and lay women’s!] right and duty to be apostles (*Apostolicam Actuositatem*, no. 3. And far from being placed over the laity, “priest have been placed in the midst of the laity so that they may lead them all to the unity of charity” (*Presbyterorum Ordinis*, no. 9). We are still some way off from putting this theological vision into practice.

A theology of safeguarding must consider how the institutional Church has acted in the past and the kind of changes that we must now move towards. Clergy must become more accountable for the decisions that they take. There must be move away from the kind of clerical culture to which we have become accustomed. Disconcertingly, Fr George Wilson points out that the creation of this clerical culture is not someone else’s fault but the fault of many people in the Church up to now (*Clericalism*, pp. 101-102). So many of us, priests and people, have bought into this clerical culture and are complicit in it. I include myself in that statement. And so are all those who suspend their critical faculties and who are happy to do just what Father or what the bishop wants. This means that that changes we need to see in the Church are not simply the responsibility of someone else – all of us are responsible. We all need a change of heart. Pope Francis has already signalled the kind of direction in which we must move in his Apostolic Exhortation, *Evangelii Gaudium*, and in numerous addresses and homilies. When all is said and done, a theology of safeguarding is central to the *raison d’etre* of the Church

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