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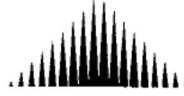
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Dysfunctional Organization? Institutional Abuse of Children in Care in Ireland



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This paper explores organisational behaviour from the point of view of perversion, literally turned about the wrong way. In exploring perversion, the incidence institutionalised of child abuse by Catholic Church in Ireland is explored to suggest that both Church and State, while seeking (a Catholic inspired) justice in the wake of revelations of institutionalised child abuse, are both engaged in a process collusion and idolatry. The complexity of their mutual positions is acknowledged as are the limitations of conventional explanations of organizational behaviour.

Keywords *Perversion, Institution Child Abuse, Idolatry, Church, State, Collusion.*

When we attend to the needs of those in want, we give them what is theirs, not ours. More than performing works of mercy, we are paying a debt of justice.¹

The background of this paper lies in the story of institution abuse of children in care in Ireland, Saorstát Éireann (The Irish Free State) and later the Republic of Ireland from 1922, the year of the State's foundation, to the 1980s, by which time most of the institutions in which abuse took place had closed. The institutions which offered care were contracted to do so by the State, and were almost exclusively owned and managed by religious orders of the Catholic Church, bodies of men and women who had, ostensibly, entered the *religious life* in the service of God. At the hands of some members of a number of these Orders, thousands² of the estimated one hundred thousand children cared for by the institutions experienced horrific institutionalised abuse involving neglect, physical, sexual and emotional abuse.

The scale of the abuse has only recently been exposed, primarily through a television documentary broadcast on RTE, Ireland's state broadcasting body, titled 'States of Fear' and through the publication by Mary Raftery (with Eoin O'Sullivan) of *Suffer The Little Children: The Inside Story of Ireland's Industrial Schools*, a book that contains interviews with some of the survivors of abuse. As a result of this media attention, The Government of the Republic established a Commission of Enquiry to Enquire into Child Abuse on an administrative basis in May 1999. The Commission reported to the Government in September and October 1999. The Commission to Enquire into Child Abuse Act, 2000 was enacted on April 26th 2000. This became known as the Laffoy Commission. The legislation follows closely the recommendations in the reports of the non-statutory Committee. Ms. Justice Mary Laffoy, the Commission's first Chair, resigned in 2003, and the Commission became known as the Ryan Commission, under the chairmanship of Mr Sean Ryan, also a judge in the High Court. The Commission continues the enquiry to this day. The last public hearing took place in November 2006. The Commission is now in the process of writing the report of its enquiry.

The Statutory Commission, established under the Act has three primary functions³

- to **listen** to the victims of childhood abuse who want to recount their experiences to a sympathetic forum,

- to fully **investigate** all allegations of abuse made to it, except where the victim does not wish for an investigation, and
- to **publish** a report on its findings to the general public.

The Commission was given the additional functions under the Commission to Inquire into Child Abuse Act, 2000 (Additional Functions) Order to inquire into

- A the three vaccine trial referred to in the Report of the Chief Medical Officer entitled "Report on Three Clinical trials Involving Babies and Children in Institutional Settings 1960/1961, 1970 and 1973" and
- B any other vaccine trial found by the Commission to have taken place in an institution between 1940 and 1987 based on an allegation by a person who was a child in that institution that he or she was the subject of such a vaccine trial⁴.

Media coverage of sexual abuse, and child abuse in Ireland generally, has not been limited to the experience of children in care. In 2002, The Dublin Rape Crises Centre published *Sexual Abuse and Violence in Ireland (SAVI) Report*, which suggested, based on interviews with over three thousand adults, that twenty per cent of the adult population of the Republic of Ireland had experienced "contact" sexual abuse. A charity established to offer succour to the victims of abuse claims, as its name suggests, a higher incidence of the experience of abuse, one in four of the adult population. In 2005 The Ferns Report⁵ was published, this being the report of an enquiry into child sexual abuse (CSA) in the Catholic Diocese of Ferns (in the south-east of Ireland) which followed the suicide of Father John Fortune, a diocesan priest, days before he was to stand trial in a criminal court on a total of sixty-six charges laid against him in 1995 alleging his pederasty. The Ferns Report is seen as a watershed in the history of the Irish State in that relations between the Catholic Church and the State were severed or rather heavily diluted. The theocracy which had governed the state almost from its inception, had been brought to an end with the resignation on April 1st 2002 of Bishop Brendan Comiskey, the BMW-driving Bishop of Ferns⁶, a diocese in which, it was alleged a paedophile ring operated. The findings of Ferns Report did not support this allegation.

The scandal of abuse in the Catholic Church is not limited to Ireland. Further afield, in North America, for example, allegations of child sexual abuse by members of the Catholic clergy have been widely publicised, and in Britain, the Archbishop of Westminster, Cardinal Cormac Murphy-O'Connor has

faced criticism over his handling of the case of an abusing priest during his time as Bishop of the Arundel Diocese.

Repugnant as the incidences of CSA are -- more so when contextualised within the institution of organised religion -- it is argued (but not as an excuse) that only three per cent of those who sexually abuse in Ireland are members of the clergy. However the scale of abuse of children by some members of some religious orders over a period of sixty years has drawn attention to the failures within those religious orders and the regulatory bodies of the State to address or even acknowledge the widespread abuse. The guesstimate is that for every abusing cleric, there were one hundred child victims.

THE CONTEXT OF CATHOLICISM IN IRELAND

The role of the religious in the provision of social care services, health services, schooling and education is not unique to Ireland. In the Anglophone world, for example Australia and the United States, there is widespread involvement by the Church in the provision of such services. The provenance of this contracting of services by the State to religious orders is not difficult to see. Centres of learning in ancient societies were aligned to power/knowledge axes and from that the application of knowledge, medicine, education, and later welfarism, were transmitted through religious Orders whose *raison d'être* was the provision of a specialist service. So the order of Sisters of Charity was established to provide charity to the poor. The order of the Jesuits (The Society of Jesus) was established to provide rearguard support to the Catholic Church in the wake of the challenges of protesting Christians during the Reformation and to provide an intellectual elite in an age of increasing doubt. Orders such as the De La Salle Brothers were established to educate and train young men and boys. Historically many of the Orders were funded by charitable donations and benefactions from wealthy families. Colonial expansion by European power was accompanied by orders specialising in evangelism, resulting, for example, in the Christianising of South America and, later, large tracts of Africa. With the rise of the centralised State and welfare reforms, many orders were contracted to provide their specialist service. Orders continue to emerge, however. For example, Opus Dei is a religious order founded in the twentieth century, as was The Legionaries of Christ, a religious Order established by a politically disaffected Mexican priest with the aim of challenging the political regime in his home country. More established Orders in the Catholic Church -- Augustinians, Benedictines, Franciscans - had their origins in doing acts of good work, charity, prayer,

and providing succour to their fellow humans in dealing with the challenges of living.

Christianity in Ireland is predominantly Catholic⁷. The Irish Church, with its origins in the fifth century, is credited with securing Christianity in Europe in the Dark Ages. The Church administration there could not develop along the lines that emerged on continental Europe for the simple reason that Ireland had no metropolitan centres over which a bishop might have ecclesiastical authority. Towns and, later, cities developed following the arrival of the Vikings. Rather monasticism defined the organising characteristic of the Irish Church in the second half of the first millennium. A reforming papacy in the late eleventh century and the later arrival of Benedictines, Augustinians and Cistercians were to have profound effects on the structure of the Church in Ireland (Lydon 1998, 41). In 1072 Archbishop Lefranc of Canterbury claimed authority over Ireland in an attempt to assert the primacy of his see over the rival York. The reforming Pope Gregory VII soon afterwards reminded the bishops, abbots and the then King of Ireland, Turlough O'Brien, that "their obedience was due to the successor of St. Peter in Rome" (Lydon 1998, 45). Following the synod of Rath Breasail in 1111, two metropolitan sees and twenty-four dioceses were established in Ireland. The structure of the Church in Ireland had at last followed a model favoured by Rome. Further colonial involvement in Ireland by its powerful neighbour, perfidious Albion, led to the upheavals of the sixteenth and seventeenth centuries which saw the physical elimination of the Catholic Church and the establishment of Anglicanism in the form of the Church of Ireland. The nineteenth century saw the emancipation of Catholics in the United Kingdom of Great Britain and Ireland in 1829. This freedom, together with the pan-European nationalist movements, saw Catholicism in Ireland closely allied to a new national identity.

Unlike England and large parts of Scotland, the reform of 1829, following several decades of Catholic relief, required entirely new infra- and super-structures for Catholicism in Ireland. Other political 'reforms' emanating from London in the fields of health, welfare and education provided platforms upon which Godly entrepreneurs could build their enterprises. Most notable among these in Ireland was Edmund Ignatius Rice⁸, today revered as a national hero, founder of the Christian Brothers in 1801, an order that was to become one of the main providers of education for boys in Ireland. The Sisters of Mercy likewise emerged to provide schooling for girls. Both of these orders have been exposed to being host to the greatest number of perpetrators of abuse against children in their care. Other orders emerged within Ireland, and yet others moved in to fill the opportunities to which the

emancipation of the largely Catholic population gave rise. This accounts, for example for the presence of orders such as the De La Salle Brothers, The Sisters of Notre Dame des Missions, Marists, Rosminians, The Pallotine Fathers, the Little Sisters of the Poor, Carmelites (Brothers, Sisters and Fathers), Passionists, among many others in addition to the more ancient orders, already mentioned, the Benedictines, Augustinians, Franciscans and Dominicans, and the Jesuits who had established schools in Ireland in the late eighteenth century.

In Ireland then, the care of the Catholic self (body, mind and soul) was provided for by the hermetically sealed ministrations of the Catholic Church. This became more acute from the foundation of the Free State which emerged from the (erstwhile temporary) division of the island into two states, the other being Northern Ireland. Each State had its own parliament, but in the Free State, arguably, there were two governments, one the democratically elected government which sat in Dublin, the other being the theocracy which was based in Maynooth, established in 1795 to train Irish priests in Ireland rather than continue the practice of their being trained in France where, it was feared, they may have been influenced by revolutionary ideals circulating there at the time.

From the middle of the nineteenth century nationalism became closely identified with Catholicism much to chagrin of the founders of the nationalist movement Young Ireland for whom the ideal was a united self-governing society. This did not come about, however, and the treaty which was signed in London in 1921 (ratified in 1922), made concrete the scars of an island divided. The first government of the Irish Free State, headed by the socially conservative and conventional Catholic Cosgrave, courted the Catholic church, introduced a ban on divorce and introduced censorship legislation, banning any works that might be indecent or obscene and those which advocated birth control (Lee 1990, 158). What was emerging was a

... confessional rather than a pluralist state, in which the government adopted the role of civil handmaid to the theological demands of an infallible church. (Clarke, 1984, 94)

The Catholic Church became the 'established' church by the recognition its special position in the 1937 Constitution (Bunreacht na hEireann), this special position being *beyond* the gift of a mere civilian constitution. If the civilian constitution had the power to gift something to the Catholic Church, it would ironically have been asserting power over the Church. It would, in other words, have had something to give. The preamble to the 1937 Constitution is

worthy of mention. Here we can see that everything in it is subject to the Trinity.

In the Name of the Most Holy Trinity, from Whom is all authority and to Whom, as our final end, all actions both of men and States must be referred, We, the people of Éire, Humbly acknowledging all our obligations to our Divine Lord, Jesus Christ, Who sustained our fathers through centuries of trial, Gratefully remembering their heroic and unremitting struggle to regain the rightful independence of our Nation, And seeking to promote the common good, with due observance of Prudence, Justice and Charity, so that the dignity and freedom of the individual may be assured, true social order attained, the unity of our country restored, and concord established with other nations, Do hereby adopt, enact, and give to ourselves this Constitution⁹.

A national constitution, in addition to outlining the power and duties of government, also guarantees rights to the people. In placing the above as a preamble, the enactment of the Irish Constitution was an acknowledgement of a special position of the Church to the people and the people to the Church. The legal construct of the human rights enshrined in the Constitution were thus corrupted so as to put the Church beyond civilian scrutiny. This is of relevance later in this paper.

The Constitution document which was the product of de Valera who formed his first government in 1932. "Little else in his career throws such a shadow over contemporary Ireland" (Coogan 1995, 489). De Valera's parentage remains the speculation of a number of commentators and the influence of this on him gave rise to Dwyer, one of his not unsympathetic biographers, commenting, "If behind the cold, impersonal countenance of the subject of this biography, there seems to be no real humanity, possibly it's because there was none" (Coogan 1995, 11). This suspected lack of humanity and his attempts to compensate for the stigma with which he grew up may have underlain De Valera's idealised vision of Ireland expressed thus in his sixty first year, on St. Patrick's Day 1943:

The Ireland which we have dreamed of would be the home of a people who valued material wealth only as a basis of right living, of a people who were satisfied with frugal comfort and devoted their leisure to things of the spirit; a land whose countryside would be bright with cosy homesteads, whose fields and villages would be joyous with the sounds of industry, with the romping of sturdy children, the contests of athletic youths, the laughter of comely maidens; whose firesides would be forums for the wisdom of serene old age. It would, in a

word, be the home of a people living the life that God desires that men should live. (Moynihan 1988, 466)

De Valera's vision of Ireland was that of Catholic and Gaelic speaking community. By 1980 the Gaelic speaking population had fallen by ninety per cent over the sixty years since the foundation of the State. Conversely, the influence of the church and her teachings had flourished. Speaking to the Dail in 1953, Brendan Corish, the new leader of the Labour party expressed the Church's influence thus:

I am an Irishman second; I am a Catholic first... If the Hierarchy gives me any direction with regard to Catholic social teaching, or Catholic moral teaching, I accept without qualification in all aspects the teaching of the Hierarchy and the Church to which I belong. (Lydon 1998, 390)

Coogan, writing of the period, characterised the influence of the Church in (the by now Republic of) Ireland as having converted it into a "Green Vatican state" (Coogan 1995, 647).

THE ECONOMICS OF SINFULNESS

A theory that makes profit the exclusive norm and ultimate end of economic activity is morally unacceptable. The disordered desire for money cannot but produce perverse effects¹⁰.

For many of the various religious orders to survive and grow in the newly independent Free State their services were contracted to the State, this being so in the case of education and health. Some religious orders provided a number of services, for example in the arena of child welfare and education, the Christian Brothers provided secondary education, ran orphanages and the notorious industrial schools, all for boys. The Sisters of Mercy provided similar services for girls, and the notorious Magdalen laundries. The supply of vocations to the various religious orders was ensured by a poorly performing economy and aided by there being no opportunities open to the children of large families living on small holdings other than emigration, which during the 1950's topped forty thousand people a year. The bread and butter of the orphanages and industrial schools, the steady supply of unwanted, unplanned, unacknowledged and illegitimate and delinquent children ensured their survival. This human resource was to some extent the result of a puritanical Catholicism which, since the foundation of the state, ensured a ban on artificial contraception and from 1925, a ban on divorce.

The involvement of the Christian Brothers in managing the Industrial Schools dates from 1868 when they approached to do so by the Archbishop of Dublin as the local authorities were unwilling to contribute towards the maintenance of children in care because of ongoing complaints about inadequate funding from the Exchequer¹¹. Similar complaints have been a feature of the defence of some of the religious orders in the Public Hearings:

I appreciate that the Christian Brothers say, "Look, we were underfunded, we didn't have enough money," and we know from other institutions that there is a degree of controversy about whether the money was properly spent and all that. That is an issue and we have experts looking at that.¹²

Each child in the orphanages attracted a capitation grant, which in the 1950's amounted to £4.10s a week to cover board, bed, and schooling. This was just under half the average weekly industrial salary at the time and was roughly equivalent to the average agricultural wage and is today regarded as having been a considerable sum of money. In addition to this, many of the orphanages were run on an industrial scale, being home to hundreds of children. The Artane Institution in North Dublin throughout the 1940s, 1950s and 1960s was home to about eight hundred boys. Furthermore, the children in the Industrial Schools were often expected to be economically active, for example working on the farms owned by the religious orders, cleaning the monasteries, convents and schools, or working in the convents. In the case of the Magdalen laundries, a dual supply of labour was ensured. The unmarried mothers were expected to work following their confinement and when they had been separated from the newborn child. An average of 8,000 children were housed each year in up to 70 institutions in the years 1868-1969 (Shield 2006, 27).

The ethos of these institutions was that the unmarried mothers were fallen women who had sinned and, in Jansenist thought¹³, were irretrievably damned, their pregnancies and illegitimate children being testimony to their sinfulness. The children too, being the product of an illicit and sinful sexual congress, were understood to bear the sins of their parents (mothers) in addition to the burden shared by all Catholics of being born in a state of original sin. The orphans were treated in a way quite different from children who may have attended the convent or monastery school, and who in many senses could be understood to be privileged when compared to the orphans.

A basic assumption existed in Irish society that the system provided charitable care to protect and promote 'the rescue of orphans from evil ways.' I would suggest that this was an enactment at a societal level of

an omnipotent mechanism by which State and Church, heavily defended against external influences, punished by internal exile visible 'failures' of the idealized Catholic family.... (Shield 2006, 27)

**PERVERSIONS ONE:
THE ABUSE OF CHILDREN IN CARE**

Those responsible for business enterprises are responsible to society for the economic and ecological effects of their operations. They have an obligation to consider the good of persons and not only the increase of profits.¹⁴

When considering so-called sexual perversion from a Foucauldian perspective, what may be considered is the accounting for and writing of perverted sexual behaviour resulting in a policing and eradication of, for example, masturbation and what may be loosely termed unnatural behaviour (Foucault 1978, 40). The perversion, which is being addressed here, is the behaviour of some members of some religious orders and others in their employment, abusing physically, sexually, emotionally and by neglect those who the State and other agencies had placed in their care, ostensibly to act in *loco parentis* to the orphans and as guardians of their moral development. The children in these institutions thus had an additional resource role, being the playthings of those members of those institutions, both religious and lay, with paedophilic and other abusive tendencies. Unlike the regulation of sexuality of which Foucault writes, what was developing in some of the care agencies of some of the religious orders in Ireland was the *institutionalisation of perversion*. The blind eye turned by regulatory bodies, for example the Department of Education and the various Health Boards, aided this. The brutal barbarity experienced by children is quite well reported in publications referred to in other parts of this paper and will not be reported here. However, by way of illustration, I will refer to some instances of physical abuse.

The abuse took various forms and has various consequences. Consider, for example, the fate of Joseph Pike, a sixteen year old who died in 1958 in hospital, after receiving a severe beating. Joseph had returned to the school from his work placement with which he was not happy. This was with a family, probably on a farm. Often the children met with abuse in their work placement which rivalled the abuse they met in the schools. Two death certificates were issued, one in Dublin and one in Co. Kerry, Tralee, where the beating took place. The death certificate, which was issued in Co. Kerry, stated that Joseph had died from septicaemia and plural effusion. The death certificate issued later in Dublin said "senility." This was, perhaps, a

transcription error. Nonetheless the Dublin-issued certificate was the one which stood. There isn't a link between the beating in the dining hall, Joseph's death and the death certificate. It is unclear if the beating was related to his death, but a number of versions of the story surrounding his death tally. The suggestion being that the Christian Brothers caused his death through an act of violence. What is known is that he was taken to hospital after the beating and there he died.

The testimony of Brother Nolan to the Ryan Commission is instructive in shedding light on how the Christian Brothers themselves viewed the difficulties which the presence of abusing clerics in their midst caused. When allegations were made against members of the Christian Brothers, the allegations of abuse and the subsequent report were written up in Visitation Reports. Some of these have been made available to the Commission of Enquiry. Hitherto these were not seen other than by senior members of the Order. Following allegations of misconduct at an institution, these were written up by a Visitor, and the Brother Superior was made aware of the allegations. As Mary Raftery¹⁵ puts it, the allegations were along the lines that "a number of Brothers were having difficulty in controlling their temper, to put it mildly." One such Brother had been moved from the Order's institutions in Clonmel and Tralee and on to Glin, where he broke a boy's jaw. The Department of Education was made aware of this, following the procedure that when a child was moved from an institution, it had to be informed using the appropriate paperwork. The child was hospitalised because of his broken jaw. The information which the Department of Education received stated that the child had been hospitalised because of a facial injury. What then happened then was that this matter came to the attention of a temporary junior official in the Department of Education who, when seeing the report, called the institution at Glin and was advised that they would return his call in a few days. Three days later, the Provincial of the Order in Ireland called the Department of Education, saying that he must meet the officer as soon as possible over the weekend. The Head Brother's concern was that there might be some negative publicity attached to this incident. He was worried that there might be a Dail¹⁶ question or media exposure. There was no concern expressed regarding the hospitalised boy's welfare. When he was assured that there would be no adverse publicity, he disclosed, after being questioned by the official, that the boy's injury was caused by either a blow from a strap or, more likely, as a result of a collision with a brother during punishment. The Provincial of The Christian Brothers refused to disclose the identity of the assailing Brother, but did admit that he had been transferred away from Glin and that the problem had been sorted. Subsequently the

Brother had been transferred back to the Tralee School where he inflicted punishment on boys for another six years. The Commission has evidence from the Visitation Reports of continued physical abuse by this Brother. Brother Nolan on behalf of the Christian Brothers, in evidence to the Commission, said he could not understand this dereliction of duty on the part of the (Christian) Brothers.

What can be seen here is that the Order would appear to be attempting to manage internally matters which should have been addressed that to the criminal justice system. There was no contrition by the testifying Brother Nolan on behalf of his Order for what had happened over the previous eighty years. He himself was not standing trial but simply there representing his employing organisation. He was not being cross-examined but simply testifying to the evidence which the Christian Brothers had submitted to the Commission. The Garda, the Irish police, were not involved, nor was the matter referred to the judicial system, regardless of the potential for charges of grievous bodily harm, in this case and, in the case of Joseph Pike, a charge of manslaughter.

What did happen subsequently was that the junior temporary official passed the matter up the chain of command in the Department of Education recommending, in the interests of all and given the circumstances, an investigation of the accident or assault. A "bird had been flushed which otherwise may have lain concealed," the temporary junior official wrote making reference to another case at a school in Bundoran where a number of girls had had their heads shaved as punishment following a scalding accident. That barbarity came to light when pictures of the shorn girls were published in a British tabloid. Despite the recommendation by the junior official, no further investigation was undertaken.

PERVERSIONS TWO: BROTHERLY LOVE

When the Ryan Commission met on 31st January 2006 it heard the story of Peter Tyrrell¹⁷, who was in the care of the Christian Brothers very soon after the foundation of the State at St. Joseph's Industrial School, Letterfrack, which is in Connemara in the West of Ireland. The former school is now a Visitor Centre for the Connemara National Park, an area of outstanding natural beauty. Peter Tyrrell became a whistleblower later in his life in an attempt to expose the cruelty that he had experienced as a child in care in Ireland. After he left care he joined the British Army, saw action in Europe, was captured by the enemy and was imprisoned in a prisoner-of-war camp, which he described as a "holiday camp" and a "tea-party" compared to the

privations he experienced as a child in Ireland. In the 1960s he contacted a left-leaning group, Tuairim (Opinion), which produced a number of pamphlets critical of governance in the Republic of Ireland. Tyrrell managed to interest the group to investigate the Industrial School System which resulted in a Tuairim publication dedicated to the Industrial School system. Tyrrell's experiences were not included, and the report pulled its punches. Tyrrell's motivation was to alert the Christian Brothers to the abuses that had taken place, and in all likelihood were taking place at the time of the correspondence, in an effort to protect the children in their care.

On June 16th 2005, The Commission heard of letters Tyrrell sent the Christian Brothers (dated variously August 16th 1953, August 18th 1953 and March 27th 1957) detailing floggings, sadism, grievous bodily harm etc. In their reply to Tyrrell, the Christian Brothers informed him of the name of their solicitors, Maxwell Wheldon & Company. In alerting their solicitors of Tyrrell's activity, the Order said that Tyrrell's doctors had said that his "troubles were due to the treatment he had received at the hands of the School" and that they took it to be that he was attempting to blackmail the Brothers and that Wheldon and Co. would know what to do with him if he showed up.

In 1965 Tyrrell wrote to Father Augustine Nash S.J. (a Jesuit) who had a column in *The Sunday Press*, a paper from a publishing group, now defunct, established by de Valera. His letter included an article he had written which bore the title 'Memories of an Irish Boyhood: Letterfrack 1925-1932' in which Tyrrell described mealtimes in the refectory at Letterfrack, during which boys were prohibited from speaking for weeks or sometimes even months at a time. When the meal had finished, the boys rushed to the exit for they knew that the last one out of the refectory would be hauled back by the kitchen supervisor and was subject to blows to the head, neck and back with an implement made from a motor tyre. On Saturday evenings, at eight o'clock, according to Tyrrell, the boys would be made to stand under the showers, which were either too hot or too cold while Brother X beat them on their naked bodies. That practice continued for five years.

When Tyrrell's allegations were put to Brother Gibson, for the Christian Brothers, by Counsel for the Commission, Brian McGovern, Senior Counsel (SC), on June 16th 2005, he was asked by Counsel if he had any comment to make. Brother Gibson's reply, referring to the School's log, was that it was unlikely that Brother X would have been supervising the showers. And, that as Tyrrell was writing thirty years after the events, it was likely that he had got some of the names wrong.

Brian McGovern SC I think he (Tyrrell) had a sad ending: he set himself alight in London¹⁸.

Brother Gibson Correct.

Brian McGovern SC He died. When you look back at the correspondence of the meeting he has ...

Brother Gibson Yes

Brian McGovern SC Does that suggest anything to you?

Brother Gibson I think it was a totally inadequate response.

The Institutional response was to blacken the name of the complainant in this and other cases. The complaints made to the Department of Education, and there are many, were rubbished, as were those made to the religious Orders. Tyrrell was accused of being a blackmailer.

Letterfrack is of particular interest as it is the only institution from which Christian Brothers have been criminally convicted of child abuse. According to one Brother's testimony to the Commission, it was an awful place. Another Brother was known in the village of Letterfrack for his use of a horsewhip on boys in his care. There was an extraordinary number of paedophiles in the Christian Brothers. The Order dealt with the problem by transferring Brothers in and out of its institutions.

Mary Raftery's point in bringing this to the attention of a wider public is that the Christian Brothers were aware of the extent of the problem, of its criminal nature. The Order had disclosed to the Commission in 2005 that *thirty* Canonical Trials had been held *in Rome* between the 1930s and 1960s, *thirty trials*, not just thirty cases, in which Brothers had been found guilty of Child Sexual Abuse. The existence of a hitherto unknown management group within the Christian Brothers also came to the attention of the Commission on January 10th, 2006, that is the Christian Brothers Industrial School Managers' Association, which met once a year. In the history of the State, a State that contracted aspects of its social care out to the Christian Brothers, this disclosure was the first time the existence of such a body was made known. When Counsel for the Commission asked if members of the Order had received any guidance on interpersonal relations, Brother Nolan, for the Christian Brothers, informed the Commission of the existence of *The Directory*, published in 1927, which went into detail about the conduct of behaviour, by Christian Brothers. It told, he said, of the dangers of having 'pets' in school and the temptations of sexual abuse.

In 1941 a Visitation Report on Letterfrack was submitted to the Brother Provincial in which the author, a member of an inspection team, wrote the following of one particular brother which Brian McGovern, SC, read to Brother Gibson.

Brian McGovern SC It is alleged that his relations with the boys are immoral and, if the statements which I have got from the boys which I now submit to the Brother Provincial are true, he has been living a deprived, unclean and gravely immoral life for years. So bad are the charges that I could not conscientiously allow him to remain with the boys any longer. Availed of the fact that he got a fit on the day I arrived to send him to the O'Brien Institute. What was the O'Brien Institute?

Brother Gibson The O'Brien Institute was an institute for orphaned children. In fact he was sent there for a very short period before he was dismissed from the Congregation.

Brian McGovern SC Just before we deal with (pause) his dismissal, eh; so if I am to understand you correctly, his behaviour was so bad that the authorities of the Order felt that he couldn't be allowed to stay with boys any longer and he was then sent to an orphanage albeit for a short time. Is that what you were saying?

Brother Gibson It is. It would appear that he was there for a month.

Brian McGovern SC Well let's leave how long he was there; do you think that this is extraordinary?

Brother Gibson Well I do. I think that it's extraordinary that he had any contact with people and, presuming that he had no contact with the young people there, but I think it's extraordinary that he was sent there.

Brian McGovern SC Yes. We know that in 1954 there was another incident involving a Brother and there was a letter from Brother Murphy to the Provincial saying 'I am very sorry to inform you that X has been dealing immorally with two boys. I have asked him about it and he has admitted it.'

Brother Gibson Yes

Brian McGovern SC Do you know what happened to this particular Brother?

Brother Gibson Yes. The Brother was dismissed from the Congregation and he left that year.

Brian McGovern SC I don't propose to go through individual Brothers you have named individual Brothers in the Submission¹⁹ ...

Brother Gibson Yes

Brian McGovern SC ... and you have said that what has happened to them, for example on Page 84 you deal with the brother you refer to as Brother X ...

Brother Gibson Yes.

Brian McGovern SC ...and he had been dealing immorally with two boys and you describe what he been doing; you say that he was dismissed from the Congregation and left in 1954. You say this demonstrates how quickly the authorities acted when a complaint was brought to their attention. By 'authorities', again I think you were talking about internal authorities?

Brother Gibson Yes.

Brian McGovern SC There is no question of the Civil Authorities being notified.

Brother Gibson No.

Brian McGovern SC On Page 85 of your Submission, you talk about Brother P who had been in the O'Brien Institute in 1960 and two boys had made written statements to the Superior complaining of Abuse. Was that in the O'Brien Institute?

Brother Gibson That was in the O'Brien Institute.

Brian McGovern SC the Superior forwarded the statements to the Provincial, Brother Mulholland, asking him to change Brother P to a day school. This was done. He was sent from the orphanage to a day school and he was then sent as a Superior to Letterfrack in 1971.

Brother Gibson 1973

Brian McGovern SC Sorry. I beg your pardon. No! He remained until 1973.

Bother Gibson Oh I'm sorry. '71. You're right.

Brian McGovern SC How could that have happened that he was sent from an orphanage to a school and then on to Letterfrack, which was a residential institution for boys, having been involved in sexual impropriety?

Brother Gibson As I said in the comment there, the leadership team that dealt with the incident in the O'B I had been replaced in 1966. The event had happened in 1960. Now there was one member of the original team who had remained there who should have remembered. I'm not sure why he didn't remember, I'm just conscious that there was one member there. His Personnel File appears not to have been consulted so it was rather a bad decision.

These references to systems failures, which had devastating repercussions on the lives of thousands of young vulnerable people, are not atypical of the testimony of those representing the various Religious Orders at the Commission. The gentleness of the cross-examination does not challenge this. While the State is being apprised of the admissions of the general shortcomings and brutality of the Religious Orders, the public, who are after all paying for this, and the victims are not being made aware of the full story. The Commission is now in its eighth year.

St Joseph's, Letterfrack, closed in 1974. In the files of the Department of Education Mary Raftery found a letter from the Minister of Education writing in glowing terms of the good work the Christian Brothers had done with the boys there over the previous one hundred years.

The Commission²⁰ spares offending the sensibilities of the wider public, and the decorum of the venue in which it takes place by not going into the detail of the abuse. This is quite well catalogued in publications such as Mary Raftery's (2000) book and others, which have followed in its wake. The details do not form part of the public process of the Commission of Inquiry. But it is hard not to imagine the scale of the brutality when one's hears of testimony from members of the clergy who themselves were critical of the management of the Religious Orders.

One such Order, the Oblate Fathers managed two Reformatory Schools, one of which was St. Conleth's, in Daingean. It was peopled by boys who had been convicted in the Criminal Court system for a variety of minor offences. Literally hundreds of complaints were made about the regime there. One former Oblate Father, now living in Britain, said he couldn't even begin to describe the level of violence he had experienced there, saying that beatings were meted out for anything and everything. There was a ritual beating every

night by the head priest, Father McGonagle, in the stairwell of the sleeping quarters, who denies aspects of the allegations. The location of the ritual beating ensured that the cries of the boys being ritually abused could be heard along the corridors and dormitories where the other boys were lying awake, in an effort to intimidate and terrify them, it is alleged. The Department of Justice sent members of the Kennedy Committee²¹ to investigate. Father McGonagle admitted that he used to beat the children, *who had to be naked, as he found that this humiliated them more*. He said he beat them for whatever infringement they had committed that day. The Department of Justice official was so outraged that he reported the matter to the Secretary of the Department of Justice. An explanation was demanded for the level of brutality from the Department of Education which attempted to fob off the Justice Department. When the Department of Justice official refused to agree to the contents of the Kennedy Committee Report unless it included an account of the brutality he found at Daingean, The Department of Education relented. The published report recommended the closure of St. Conleth's, which ceased business very shortly afterwards.

PERVERSIONS THREE: THE ORGANISATION OF THOUGHT

What are we to make of the goings-on in the Republic of Ireland surrounding Child Abuse? Perhaps it depends on what questions are being asked and by whom. Dunne compares the Roman Catholic Church in Ireland to a secular bureaucracy and suggests that it ought to "re-affirm its values" and hold "a sincere belief in the intrinsic dignity of all persons" (2004, 493). The implication here being that the Church is acting less like the institution it pretends to be and more like an entity whose survival becomes an end in itself, regardless of the welfare of its members.

What is clear is that two powerful institutions, Church and State, are deeply implicated in the genesis and attempts at resolution of issues, which have been brought into the public and political domains. But the Church and State may, at times be understood to be the same organisation, a *total institution* (Goffman 1961), as many of the country's leading politicians and members of the Government are sympathetic to the Catholic Church there. The thinking of politicians is Catholic *and* political. The thinking of the Church leaders and the clergy is Catholic *and* institutional, by which is meant their activities are as much about maintaining the survival of their Church and Religious Orders as it is about propagating 'The Faith'. This paper suggests that in Ireland, the waters were muddied seven decades ago by the enactment of the

1937 Constitution in which everything in that document was made subject to the Trinity. As has been argued above, the legal construct of the human rights enshrined in the Constitution were thus corrupted so as to put the Church beyond civilian scrutiny. That the State is paying the lion's share of the compensation, some ninety per cent of the forecast Euro 1.16bn, being awarded to victims of institution abuse suggests that the collusion between the two parties of the 'total institution' continues, as does the lack of scrutiny of the Religious Orders by counsel for the Department of Education at the Public Hearings, and the decision not to publish the allegations made against the Religious Orders in the closed sessions of the Enquiry.

The Catholic Church in Ireland, and elsewhere, as we have seen, sees Herself as an institution apart from the State, as being a kind of virtual organisation with a foothold on territories across the globe, but with its headquarters in a State of its own, Vatican City in Rome. It has its own courts and legal system. It is like Guantanamo Bay, an outpost of civilisation and colonialism, operating beyond the legal and constitutional constraints of the territories in which it has a presence. Unlike the pretence of Guantanamo Bay, the Church liberates offenders from the path of retribution. None of the thirty canonical trials in Rome resulted in Christian Brothers being imprisoned. This virtual status of the Catholic Church impacts on its members, who may be understood to give their libidinal energy to it, witness Brendan Corish's statement above in which he states that he is a Catholic first and an Irishman second. In Catholic Irish minds, Rome is the centre of the Universe, home to the Universal Church. It is super-ordinate, or certainly was, for the best part of the last century. And so Irish Catholics, and perhaps Catholics generally, may be understood to live in two States, that of the Church and that of the State. Being loyal to Rome and to one's secular State brings about the conflicts with which the Irish State, in the form of the Ryan Commission, is wrestling. English Anglicans, adherents of the *new* religion were deeply aware of this, hence the suspicion with which Catholics were (are still) viewed in the public imagination in England. All this is grist to the Northern Ireland Loyalists' mill that demonises Popery, a stance which holds that the Catholic Church does not promulgate the Word of God.

Yet the attempts at distinguishing one way of thinking from another, of establishing the *truth*, of favouring the rational thinking of a secular state over the *hocus-pocus* of pre-modern institutions, for example the Catholic Church, may itself be understood to be a perversion, literally *turned about the wrong way*. Management and organisational behaviour literature is premised on the convenient fictions which are products of work by early thinkers in the disciplines which study the social and the behavioural. Terms which were

introduced by them as heuristic devices have over the years become concrete concepts in orthodox approaches to the study of society, behaviour, work, organisations and so on. Within the past couple of decades the ephemeral nature of such concepts has been highlighted and broadly accepted on the critical boundaries of the established disciplines. As the complexity of the human being, of the social, or organisation becomes more widely understood and enters the literature so the tools by which these are studied also come under scrutiny. The work of the early thinkers themselves, for example Freud, Weber and James, is also often approached in a new light and their thinking is revealed for its complexity and their dissatisfaction with the oversimplification of their work and its dissemination. As Cooper puts it in the case of Weber "[his] intellectual tensions increased with his gnawing realization that rationality, instead of clarifying and edifying our understanding of society, made it more problematic" (2003,147). This type of enlightenment may be familiar to scholars who come to understand that organisations themselves are defence systems against disorganisation; they are composed of their opposite. Stated attempts at explicating policy and facilitating change may be understood as doing the very opposite, that is of muddying the waters and maintaining the status quo, at least in terms of maintaining the exercise of power. This paper contends that this is precisely what we are observing in the case of the Commission of Inquiry into Child Abuse.

PERVERSIONS THREE: IDOLATRY

2113 Idolatry not only refers to false pagan worship. It remains a constant temptation to faith. Idolatry consists in divinizing what is not God. Man commits idolatry whenever he honors and reveres a creature in place of God, whether this be gods or demons (for example, satanism), power, pleasure, race, ancestors, the state, money, etc. Jesus says, "You cannot serve God and mammon." Many martyrs died for not adoring "the Beast" refusing even to simulate such worship. Idolatry rejects the unique Lordship of God; it is therefore incompatible with communion with God.

2114 Human life finds its unity in the adoration of the one God. The commandment to worship the Lord alone integrates man and saves him from an endless disintegration. Idolatry is a perversion of man's innate religious sense. An idolater is someone who "transfers his indestructible notion of God to anything other than God."²²

Such quotations from the *Catechism* here and elsewhere in this paper serve to remind us of the teaching of the Catholic Church. The Religious Orders engaged in child abuse in Ireland may be understood as going against the teaching of the Church in addition to being host to criminal activity. Much remains unknown about the scale of the abuse and its management and its impact. By the Orders own admissions, and in their own defence, they claimed they were understaffed, under-resourced, highly institutionalised. Given their secrecy and unwillingness to allow the State to know of their financial well-being for three decades, if their defence is to be believed, and there is a remarkable similarity across the various Orders in their mitigating pleas, they must be understood to be the architects of their own demise and the emiseration of the lives of those in their care. In the pursuit of the bottom line, they may be understood to be creating false gods, of being guilty of the sin of idolatry. The State too must be understood to be culpable, and while there is a baying for the incarceration of the abusers, there are no such calls for State officials to be incarcerated. Indeed the State has not at any time attempted to diminish the role it played in all this, even when it has been roundly criticised. The point is to stave off scandal for the Church, the reputation of which had to be upheld at whatever cost, the pain and the abuse ignored and hidden. However, for both parties to continue to engage in this process sees both moving away from Catholic teaching, as they collude politically and financially²³. The thinking and the teachings of the Church don't appear to be able to help the parties find a way out of the dilemma. But such hope may itself be the product of thinking which is inappropriate to the issue surrounding the incidence of institution child abuse and conventional approaches to its eradication. Cozzens explains the idolatrous "organizational behaviour" of some members of some congregations in terms of acting in "bad faith" in being in denial with regard to institution abuse:

Especially prone to the dynamics of denial are individuals whose identity and self-worth are determined by the expectations of others, especially others who have positions of authority over them. For these individuals, being perceived as a loyal soldier in one's thinking and external behaviour is of vital importance. (Cozzens 2004, 28)

The *Catechism* teaches that Idolatry is a perversion of man's innate religious sense. An idolater "transfers his indestructible notion of God to anything other than God."²⁴ It may well be that the Church/State delivered by the 1937 Constitution provided an environment in which idolatry thrived, an unforeseen consequence of the politicians' actions, an example of 'Modernism, the synthesis of all heresies' which Pius X had condemned in his 1907 encyclical *Pascendi Dominici Gregis*.²⁵

CONCLUDING THOUGHTS

In October 2005, following the publication of the Ferns Report²⁶, the Communications Office of the Diocese of Ferns issued a statement by its Bishop, Eamonn Walsh, in which he announced the establishment of the Diocesan Advisory Panel “which is composed of the following disciplines: therapeutic, child protection, *managerial*, and legal (*civil and canonical*)” (emphasis added). The presence of all these disciplines is rather optimistic, speaking as they do with different tongues. One wonders how the Panel will come to decisions which are in line with Catholic teaching if managerialism prevails, or, even civil law?

Bishop Walsh, includes the following paragraph:

I wish to thank the people of the Diocese for their continued support of the priests. Your trust and loyalty have been tested. You have been let down and your task of leading your children in the faith has been made more difficult.

By suggesting that members of his diocese “have been tested” may be understood as placing the guilt for what had happened on their shoulders, as if they would have sinned, or at least lost out, had they not come through the Ferns Inquiry without remaining Catholics.

Doubtless what the Bishop says in the trust and loyalty of the faithful being tested rings true. At the time of writing this paper, Easter 2007, the Commission has not yet reported finally on the Enquiry. For now it is worth entertaining the thought that, despite the apologies issued by the State and the Religious Orders and despite the compensation awarded to the victims of abuse, that a greater abuse will yet emerge, that is the collusion between Church and State in the management of the Enquiry in seeking to be mutually protective of each other’s power and status.

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¹ From the *Section on Social Doctrine in the Catechism of the Catholic Church* (2423). I am indebted to Heather Höpfl and Premyslaw Piatowski for this information, and Ann Rippon of the SCOS capillary of power for bringing this to my attention.

² By the end of 2005 when it stopped receiving applications, the Residential Institutions Redress Board – established to compensate the victims of institutional abuse – had received 14,541 applications. Of the claims settled to date, over 96% were awarded an average compensation of Euro 75,000. Source [www.riib.ie Annual Report 2005](http://www.riib.ie/AnnualReport2005) retrieved March 30th 2007

³ This information may be accessed via the following website:
<http://www.mcMahonandcompany.com/irishsurvivors/accessstojustice.html>

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- ⁴ I hope that I am excused the inclusion of this detail, but quite frankly it astonishes me. Eileen McMahon writes that she is "also aware of accounts of abuse in mother and baby homes in Ireland, the day schools, **children who suddenly disappeared, children who were taken out of the country** and finally those who were placed with foster parents, with little or no supervision." (Emphasis added)
- ⁵ The report may be accessed at <http://www.ferns.ie>
- ⁶ As portrayed in the BBC TV Correspondent programme *Suing the Pope* <http://news.bbc.co.uk/2/hi/programmes/correspondent/2681141.stm> accessed on March 31st 2007. Noel Browne, formerly a Minister for Health, recalls meeting Dr Michael Browne, in 1951, a bishop and member of the Episcopal Committee. "He handed me a silver casket in which lay his impeccable hand made cigarettes. 'These cigarettes', he intoned, 'I had to have made in Bond Street'. Then he offered me a glass of champagne. 'I always like champagne in the afternoon', he informed me in his rich round voice. He appeared ignorant of the social solecism of mixing cigarettes and champagne. My feeling of awe was mixed with a sense of astonishment that this worldly sybarite considered himself to be a follower of the humble Nazarene." (1986, 168)
- ⁷ 93% of the population believe in God: Source <http://www.ferns.ie/College%20of%20Surgeons.htm> accessed on July 1st 2006.
- ⁸ A successful Waterford merchant until he devoted his life to the poor and the alleviation of poverty.
- ⁹ I am indebted to Paul Egan of Mason Hayes+Curran, Solicitors, Dublin, Ireland for these observations.
- ¹⁰ From the Section on Social Doctrine in the *Catechism of the Catholic Church* (2424).
- ¹¹ As outlined by Mr. Justice Sean Ryan, Chairperson of the Enquiry in the Transcript of Public Session held on September 15th 2005. Retrieved January 14th 2007 http://www.childabusecommission.ie/public_hearings/documents/091505_CHILD_ABUSE.txt
- ¹² *ibid*
- ¹³ Named after Cornelius Otto Jansen (1585-1638), which, even by the standards of the Jesuits, was regarded as conservative and morally rigorous.
- ¹⁴ From the Section on Social Doctrine in the *Catechism of the Catholic Church* (2432).
- ¹⁵ On RTE Radio 1 'Vincent Brown Tonight' January 11th 2006.
- ¹⁶ Lower house of the Oireachtas, the Irish Parliament.
- ¹⁷ Mary Raftery, author of *Suffer The Little Children: The Inside Story of Ireland's Industrial Schools*, chose these cases from the Ryan Commission hearings for discussion on the 'Vincent Brown Tonight' programme on RTE Radio. A fuller account of Peter Tyrrell's story, together with a newspaper report on the conviction

of the first Christian Brother to be found guilty of Child Abuse may be found at <http://www.paddydoyle.com/tobin.html>

- ¹⁸ On Hampstead Heath in 1967. His remains lay unidentified for a year afterwards in a London morgue.
- ¹⁹ The documents prepared by each Religious Order for the Commission of Enquiry.
- ²⁰ There are two constituent Committees of the Commission. The purpose of the **Confidential Committee** is to meet the needs of those victims who want to speak of their experiences but who do not wish to become involved in an investigative procedure. This Committee will provide the Commission with a general report on the issues encountered in its work. The **Investigative Committee** attempts to facilitate victims who wish both to recount their experiences and to have allegations of abuse fully inquired into. This Committee's role is to report to the Commission.
- ²¹ A body established to enquire into the Management of Industrial Schools and Reformatories
- ²² http://vatican.mondosearch.com/search_en.aspx?query=catechism+idolatry. Retrieved April 1st 2007.
- ²³ The State accepted Euro 40,000,000 in cash and Euro 80,000,000 in property from the Church in 2003 by way of settlement. By the end of 2004 payments through the Religious Institutions Redress Board totaled Euro 185,000,000 and is expected to treble, the bulk of which is expected to be met by the State, some estimate as much as 90% of the final figure. Source *Church and State Magazine* Autumn 2003
- ²⁴ http://vatican.mondosearch.com/search_en.aspx?query=catechism+idolatry. Retrieved April 1st 2007.
- ²⁵ Retrieved at <http://www.papalencyclicals.net/Pius10/p10pasce.htm> April 1st 2007.
- ²⁶ Following its publication, the State announced that it was extended its enquiry to cover all the Dioceses in its jurisdiction, an announcement which was followed almost immediately by the resignation of a number of priests from their parishes.