

**CHARLES UNIVERSITY OF PRAGUE**

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**BACHELOR THESIS**

**“They did What?” Reaction of Public, State and the Church to the Scandals of  
Catholic Church in Ireland**

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**Under supervision of  
Mgr. Pavel Baloun Ph.D.**

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**DECLARATION:**

I hereby declare that no portion of the work referred to in this thesis has been submitted in support of an application for another degree, or qualification thereof, or for any other university or institute of learning. I declare that this thesis is my own independent work. All sources and literature are cited and included.

In Prague 6th of May 2022

signature: \_\_\_\_\_

Tomáš Marián Schrott

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## **Abstract:**

This Bachelor thesis consists of four integral parts. In part one, I introduce the topic and the research questions that relate to the theme of the scandals of the Catholic Church on Ireland soil in the recent time period. In the second chapter, I focus on the reports regarding the Catholic Church's alleged or confirmed criminal activity. In the third chapter, I deal with the aftermath, i.e., of crimes perpetrated by the Church. The viewpoint and the societal response are the main topics of the last chapter, which will be split into three different segments. First will be the media and public reaction and response, and the following subchapter introduces the government's outlook as it was responsible for investigation, conviction and punishment equivalent to the crime that occurred. In the final part, the viewpoint shifts toward clerical power, the local responses of the clergy and the Vatican, a holder of the leading position in Christianity.

**Keywords:** Catholic Church, child abuse, scandal, media, public, government, report, inquiry, Ireland, Father,

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# I. Introduction

Scandal is a worldwide phenomenon known to the general public, even though many may associate it with various meanings. The word itself is defined<sup>1</sup> as an event or action that creates a feeling of disapproval in the public eye. The intensity of moral disapproval or shock is usually directly linked to the scandal's altitude. Societal norms also play an important role in defining the scandal within its perimeter as they dictate what is right or wrong. Usually, the norms agree with the laws set in place, but the majority is a non-written societal construct.

The Catholic Church as an entity is no stranger to scandals of various forms, be it the complete ban of contraception, the demand for celibacy, the prohibition of ordaining women or simply views about homosexuality or even connected with the political sphere.<sup>2</sup> With the progress the modern world undergoes, the millennia-old principles suddenly do not keep up, and even the Catholic Church is expected to change. However, as the general values of Christianity and the Church date back almost two thousand years without any major modifications, the change cannot be achieved easily. The outcomes of the scandals connected with the Catholic Church are frequently reflected in the current approach of the people worldwide when asked about the Church and its beliefs, sometimes even within the organisation itself.

The Catholic Church had been actively trying to silence any mentions of scandals associated with their name; however, in the modern era, information spread exponentially faster that nobody can keep something like this hidden permanently. With the recent evolution of sharing information, uncountable reports of scandals directly linked to the Catholic Church are resurfacing and being brought to the attention of the world, who wants the Church to answer for its actions. Of course, nothing is perfect, and the possibility of sharing a single piece of

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<sup>1</sup> "Scandal." [Accessed April 28, 2022] <https://dictionary.cambridge.org/dictionary/english/scandal>

<sup>2</sup> Fleischer, Jodie, Rick Yarborough, and Steve Jones • •. "NBC Survey Offers Insight on Social Issues Facing Catholic Church." *NBC4 Washington* (blog). [Accessed May 1, 2022] <https://www.nbcwashington.com/news/local/catholic-church-survey/2160575/>.

information with the entire world can lead to disinformation and the construction and spreading of hoaxes<sup>3</sup>.

Since the topic is extensive, I want to focus solely on the scandals in Ireland, specifically from the 20<sup>th</sup> to the 21<sup>st</sup> century. Unfortunately, even with the specific geolocation and concrete time frame, the material that could be used is abundant, so I chose two primary documents to focus on in the thesis. The Catholic Church wielded a significant amount of power over people with catholic beliefs, thus altering its public perception in Europe for the past millennia. Thanks to this adjustment of perception, many scandals were quietly dismissed and forgotten; however, with the increase in the audacity and quantity of nefarious acts committed by the Catholic Church, it became increasingly harder to dismiss any allegations against clergy with malicious behaviour, yet the Church managed to keep the illusion of perfection in the public eye. The Catholic Church continuously applied policies and practices that allowed its public image to remain untarnished in this thesis. That is one of the factors that accelerates the secularisation of many countries, Ireland included. In the late 20<sup>th</sup> century and early 2000s, metaphorically, the pot boiled over as victims started openly sharing their experiences, such as mental, physical, or sexual abuse, starting from prepubescent age to adulthood.

This brought about an enormous change since the norm dictated that any form of abuse is something that one must get through and not talk about, let alone publicly. Even media such as newspapers or TV stations avoided any mentions of clerical abuse, primarily afraid of any potential backlash and because people tended to diminish the stories of abuse, claiming the victims were exaggerating. This obsolete perspective is slowly changing with the emergence of every new generation, consisting of people who are not afraid to tell their stories and refuse to be intimidated into silence. Another aspect enabling the victims to come forward is the possibility of their story being recognised by others without the direct involvement of the Catholic Church.

One of the significant markers of the shift was the Ferns report which started its enquiry into misconduct of the Catholic Church in 2003. After publishing the report and introducing this

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<sup>3</sup> “A trick or something else that is intended to deceive someone.” “Hoax.” [Accessed May 1, 2022] <https://dictionary.cambridge.org/dictionary/english/hoax>.

topic to a broader audience, the public, e.g. *The Irish Times*, started talking more openly about this problem, and there was an obvious need for change. The media started prying more into these scandalous stories, writing articles and creating documentary movies about a topic that society would have considered a taboo generation ago. Many other reports were published dealing with more specific topics rather than just focusing on the problem of abuse of power in general. This led to many changes in modern societal structures in Ireland. The power of the Catholic Church started to diminish with every alleged misconduct that came to the surface, many of which were proven to be true.

In order to capture the wide range of responses to the scandals from different actors in Irish society, I decided to categorise the reaction into three sectors, where each of them is in a symbiotic relationship with each other—media, government, and, of course, the key figure, the Catholic Church. Most of the scandals created a butterfly effect that led to instantaneous changes in various parts of Ireland’s population’s lives, starting from the lives and opinions of the general public and going as far as legislative changes in national and canonical law. The changes, the motives behind said changes, their intensity, and their impact on Ireland as a state are the focal point of the last chapter of this thesis, as I try to illustrate the most important shifts that the Republic of Ireland underwent as a reaction to the scandals becoming publicly available and discussed. The media and their role in the entire ordeal are fundamental, as, without them, the citizens would not be able to discover the truth, probably believing the official reports from the Catholic Church to this very day.

Media hold a unique position in this thesis, as they gradually helped uncover the truth about the clerical child sexual abuse (CSA) in Ireland, and they also documented the public's reaction and recorded the republic's course after the scandals became known worldwide. Because I also find intriguing the Church’s reaction to the people who uncovered the secrets that were connected with keeping those scandals hidden, I decided to dedicate one subchapter to this topic.



## II. Research statement and research questions

My research starts at the time period I decided to observe from the late 20<sup>th</sup> century to the beginning of the 21<sup>st</sup> century since, at this point, the Catholic Church began to lose its grip on the public image it created during past decades, which was accelerated by media involvement. In this thesis, I will mention child sexual assault and descriptions of disgraceful events which directly resulted in the change of the public view. The subject could be considered polemic and lead to various degrees of debate within the society that we live in without a definite agreement. The discussion about the abuse of power by the Catholic Church is proven to be more difficult, given their direct involvement in every sphere of Ireland, because this topic reveals the organisation's misconduct and demands an explanation.

In this thesis, I am asking questions based on the research and analysis of the primary and secondary sources. The primary sources consist of reports and inquiries, which the Republic of Ireland legally acknowledged, and legal documents. The reports I will reference are The Ferns Report from 2004 and the Commission of Inquiry into the Dublin Catholic Archdiocese, nicknamed Murphy report, conducted in 2009. Other primary sources are in the form of newspaper articles, documentary movies and media in general. The secondary literature consists of existent literature, websites and census data analysis

The main emphasis will be put on a few selected cases of clergy misconduct that rippled through the Irish society in the form of a scandal. I selected and arranged the sources because they had some effect on the public opinion and the legislative side in Ireland, and the case of religious power and canon law<sup>4</sup> worldwide. The inclusion of the two selected reports was a conscious choice since from the early 2000's many more reports are continuously being made. Since the primary focus of the topic is the aftermath of the scandals, the inclusion of media and public responses was necessary to paint a bigger picture for the reader.

The primary questions I present in the thesis' topic are: What was the reason for the change? Was there any change at all? Those refer to the shift in the public opinion regarding the view of the Catholic Church and clerical abuse. Both questions are touched upon throughout the

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<sup>4</sup> Canon Law is a collection of modified laws which the Catholic Church treats as constitution.

thesis. The reports contain various information about behaviour that modern society morally rejects and can thus be classified as scandalous. What happened to the perpetrators? This is another question that will be touched upon in the chapter revolving around reports and inquiries. This question also brought up a need for further discussion as the population of Ireland started demanding justice. Was the retribution adequate to somehow satiate the public and the victims? This is where the point of view differs in all three sectors, namely the public opinion, the sector of religious power and, of course, the sector of political power. As Catholic Church in Ireland has had a set position in the country due to the fact that: “the Catholic Church and the Irish state have a longstanding historical, cultural and political connection.”<sup>5</sup> Many public figures representing the Republic practice Christianity, thus sharing a similar mindset with the Church or being unable to criticise the organisation openly.

The Church figured as an antagonist in the scandals; it tended to downplay its fault, often shifting the blame onto the victims or chosen individuals<sup>6</sup> without taking full responsibility for the principles that enabled the clerical abuse to continue. In the past centuries, the Catholic Church held a unique position in Ireland, overseeing the public and controlling the public (further mentioned in the fourth chapter of the thesis). The immense power that the Church held is why media reports, newspaper articles, documentary movies, and letters from the Vatican are essential to this thesis. It is crucial to mention that the media held a critical role in the events that passed as they posed as a relatively new part of the world, as their massive growth and evolution completely re-evaluated the standing societal values (further mentioned in chapter four).

Other aspects of clerical CSA will have to be exposed and debated in this thesis because they were allowed to happen due to a sense of protection provided to the perpetrators by the Church’s members, but others, due to the secrets of confession, hierarchy, and absolute loyalty over the most basic human rights and empathy with the victims, suffered. Everything mentioning any form of the Church’s crimes was referred to the authorities by the victims or

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<sup>5</sup> Cultural Atlas. “Irish Culture.” [Accessed May 1, 2022] <http://culturalatlas.sbs.com.au/irish-culture/irish-culture-religion>.

<sup>6</sup> Since the cases rarely involved only one person knowing, when the scandals became inevitable, the Church usually chose just one person to publicly blame.

others, direct witnesses and even by the Christian believer, always met with the excuse of not pursuing the case.

Thanks to the increased interest in criminal acts committed by the clergy, the Irish government decided to focus on the secrecy shrouding the misconducts that happened in catholic institutions on Ireland soil. Soon, the public began discovering the Catholic Church's measures to keep its power, including letting the perpetrators walk free without any or just minimal restrictions. Other actions taken by the Church involved threatening and making false promises to the victims and their families, so the focus on perpetrators rapidly grew, and the media and public's opinions started to change. The main topic of the final part of this thesis is what changed due to scandals generated by different perpetrators in Irish Catholic Church.

Ever since the early 2000s, CSA and other criminal acts subjects switched from a taboo that no one dared to mention out loud to a widespread problem requiring the immediate attention of the entire nation. The investigations showed cases of abusers who pledged guilty and admitted to numerous offences yet faced no repercussions from the Catholic Church or the police.

With more crimes resurfacing and being analysed by the general public, not only in Ireland but all over the world, the Catholic Church could not pretend that those instances were isolated accidents that the higher-positioned officers did not know about. The cases of abuse mentioned in the thesis are mainly told via describing the lives of the abusers; however, some mentions of people holding a more important position in the Catholic Church occur, together with the actions they failed to take to protect the children given into their care.

### **III. Reports and inquiries into the activity of the Ireland Catholic Church**

This chapter focuses on two reports, namely the Ferns report conducted in 2005 and the Murphy report from 2008. Both investigations were conducted as the direct result of increasing numbers of scandals in Ireland, exposing the horrifying reality of the cases of clerical CSA connected with the Catholic Church in Ireland. Until the publication of these reports, people believed the issue of clerical CSA to be scarce, mainly something that could never happen near their homes. The reports changed the public's opinion drastically as the investigations revealed the truth about the hideous acts hidden by the Church.

Upon disclosing the scandals to the wide public, many experts turned to study the Canon Law, hoping to discover anything that would educate them about the reasoning behind the action that the Catholic Church failed to take. However, with the reviews of the text, a series of outrageous discoveries emerged, shocking the people who examined the Canon Law. Upon further and deeper analysis, there could be no other explanation than that the Catholic Church deemed itself the most important institution, expecting the countries to put aside their laws to appeal to them and satisfy their rules as stated in the Canon Law. Those with expertise in laws enclosed the sections about the dealing with the clerical CSA, and the results of their findings are nothing but abhorrent, as it clearly put the Church as the imperative party, the accused priest as the second, and if there arose any mentions about the affected children, they were considered the least important in the entire ordeal.

As the past dealings of crimes connected with the Catholic Church suggest, they expected the individual countries to let the institution deal with the offences privately. These principles sound outdated, and many do not believe that an institution so evolved and involved in modern lives could allow the forgiveness of such transgressions. However, the Canon Law spoke clearly and explained multiple times that the first and foremost priority should be the protection of the Catholic Church, upholding its image and shielding the organisation from any potential criticism or backlash it could receive should any scandals be associated with its name.

While the need to obey the Canon Law, as it holds a pivotal role in the lives of clergy and laypeople, can be understood to some degree, there must always exist a point where one should recognise the responsibilities of a decent human being even without their faith to guide them. If society hopes to maintain its level after the millennia of evolution, CSA cannot be excused, justified, or defended by anyone. The Catholic Church is one the oldest organisations in the world that keeps on adapting to the changes the world undergoes, defending its place amongst its believers. However, when the possibility of such action being deemed acceptable exists, the religion cannot sustain the level of independence it asks for.

That is why the reports about the clerical CSA bring a much-needed perspective to the Catholic Church, its old-fashioned customs and traditions, and the hope of reaching a point where those who committed such horrendous acts can be punished by the laws the state withholds without any sort of protection granted by their membership and position within the Catholic Church.

Each subchapter will provide a more thorough overview of Ferns and Murphy report, focusing on them individually. However, since the number of the allegations is immense, and the amount of information contained within each report is excessive, I have decided to introduce only a few illustrative cases, which will allow me to describe them in more depth. Each report consists of data that investigators collected individually and independently from any other sources, where they support the thought that the CSA problem is a much more complicated affair than many thought at first.

In the case of Ferns report, I have chosen the cases of Father (Fr) Sean Fortune and Fr Donnal Collins to represent the general situation of clerical CSA and the Church's response. From the Commission of Inquiry into the Dublin Catholic Archdiocese alias Murphy report, I have again chosen two cases to unveil the situation in Ireland, namely the lives and transgressions of Fr Donal Gallagher and Fr Thomas Naughton. In both cases, I decided to choose cases where the identity of the perpetrator could not be hidden from the media, which was usually based on previous criminal activity. Sometimes it happened because the victims made an official complaint to Gardai or other organisations outside the Church, and the anonymity of the offending priest could not be maintained.

## **i. Ferns report, 2005**

In 2002, George Birmingham, a senior counsel,<sup>7</sup> prepared a preliminary report for the Minister of Health and Children. This was directly influenced by the number of complaints about sexual abuse conducted in the geographical area of Ferns Diocese. Based on this preliminary report, the Minister asked George Birmingham to investigate the allegations and was provided with the non-statutory private Inquiry to inspect allegations or complaints of CSA made against clergy operating under the supervision of the Ferns Diocese. The leading researchers behind the reports were Helen Buckley, Laraine Joyce and The Honourable Mr Justice<sup>8</sup> Francis D. Murphy. The primary point of investigation was the sexual abuse, but during the testimonies, the victims also often mentioned instances of physical abuse occurring. Although the Inquiry acknowledged this aspect, it was not described in depth. Investigated events took place before the date 10<sup>th</sup> of April 2002. All resources focused on the allegations based on knowledge from the Church and State authorities involved in the events, including sexual assault allegedly performed by the priests from the Diocese of Ferns. One of the main aims of this report was “to identify and report on any lessons which might usefully be learned from how complains or allegations were handled in the past, which will result in improved child protection”<sup>9</sup> and “to identify and report on any difficulties or shortcomings in current laws and regulations and to make recommendations as to legislative or regulatory change that would remedy those.”<sup>10</sup>

The official start of the Inquiry dates back to March 2003, and several topics appear in them. The main ones mentioned and reflected in the report included paedophilia/ephebophilia<sup>11</sup>, CSA and management structures of Garda Siochana<sup>12</sup>, the South Eastern Health Board and, of course, the Catholic Church. The Administration of the Diocese of Ferns, namely Bishop Eamonn Walsh, agreed to cooperate with the Mr Justice Francis D. Murphy and his colleagues

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<sup>7</sup> Senior or State Counsel is given to the senior lawyers in countries of former or current Commonwealth.

<sup>8</sup> The Honourable Mr/Mrs Justice is a title used in Ireland for judges and high-ranking members of society.

<sup>9</sup> Murphy, Francis D., Helen Buckley, Laraine Joyce, and Ireland, eds. *The Ferns Report*. Dublin: Stationery Office, 2005. p. 2.

<sup>10</sup> *Ibid.* p. 2

<sup>11</sup> The sexual attraction to people in the late stages of puberty ranging 15 – 19 years old.

<sup>12</sup> The Garda Siochana – also referred as Gardaí, is national police force. The name translates into guardians of peace.

to provide necessary material such as reports of alleged abuse occurring at the Diocese and confidential legal advice gathered by the diocese in the timespan of twenty to thirty years prior. In the initial phase of the investigation, the authors decided to place public advertisements, asking for help from the locals in gathering the information. The provided information could differ in its form, and it could be either done via submitting the written testimony or direct consultation with the Inquiry member. The Inquiry got the needed information about the investigation, and “the Inquiry sought to offer a sensitive and supportive forum to all who appeared before it.”<sup>13</sup> While the number of alleged victims and abusers is publicly available information, the amount of people helping the investigation was not enclosed in the report. The hearings and gathering of the information from victims and witnesses ended in February 2004. Alongside the witnesses and victims, the Inquiry also recorded the statements from the staff of the Ferns Diocese, Garda Siochana and the South Eastern board.

Further, the Ferns Report gives more insight into the cases of CSA and abusers as well. In the report, CSA is defined according to Commission to Inquire into Child Abuse (Amendment) Act 2005 – No. 17 of 2005:

“(i) Intentional touching of the body of a child for the purpose of the sexual arousal or sexual gratification of the child or the person;

(ii) Intentional masturbation in the presence of a child;

(iii) Intentional exposure of the sexual organs of a person or any other sexual act intentionally performed in the presence of a child for the purpose of sexual arousal or gratification of the older person or as an expression of aggression, threat or intimidation towards the child;

(iv) and sexual exploitation, which includes permitting, encouraging or requiring a child to solicit for or to engage in prostitution or other sexual act as referred to above with the accused or any other person, persons, animal or thing or engaging in the recording (on video-tape, film, audio-tape, or other temporary or permanent material), posing, modelling or

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<sup>13</sup> Murphy, Francis D., Helen Buckley, Laraine Joyce, and Ireland, eds. The Ferns Report. Dublin: Stationery Office, 2005. p. 4

performing of any act involving the exhibition of a child's body for the purpose of sexual gratification of an audience or for the purpose of any other sexual act referred to in subparagraphs (i) and (iii) above.”<sup>14</sup>

However, this definition at the time of relevancy was not fully enacted into law. After the explanation, the report continued with a historical perspective of the children's sexual abuse, then delved deeper into the circumstances regarding CSA by clergy. I will, however, disclose those circumstances in other chapters with the topic directly attached.

In the third chapter of the Ferns report, the legal and managerial structures of the Catholic Church, the South Eastern Health Board and Garda Síochána are observed more closely, and what was their internal structure at the time. Since most of the information provided is not relevant to the topic of this thesis, I will not refer to more information than already provided, except in the cases when it is directly linked with the reactions of the state, Church and public to the scandals.

In chapter four of the Ferns report, the report's authors collected information directly from the victim's statements, which consisted of allegations against multiple priests. In this chapter, the amount of the allegations is approximately one hundred allegations against 21 priests that are directly related to the inner workings of the Ferns Diocese within the time period from 1966 to 2005. The main point was not to judge whether the allegations were based on actual events; thus, the Inquiry could have remained unbiased. In this part, the Inquiry was attempting to “identify the response by the Church and public authorities to such complaints whether they are true or false”<sup>15</sup>.

The content of this chapter is a compilation of direct statements by the victims. This report only records the statements that are considered allegations, and, thus, the Inquiry did not accept the allegations as given facts of prior events in most cases; however, there was an exception of two priests that pledged guilty. Most of the priests denied all allegations. To preserve the

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<sup>14</sup> Oireachtas, Houses of the. “Commission To Inquire Into Child Abuse (Amendment) Act 2005 – No. 17 of 2005 – Houses of the Oireachtas.” Text, March 22, 2005. Ireland. <https://www.oireachtas.ie/en/bills/bill/2005/7>. [25.3.2022]

<sup>15</sup> Murphy, Francis D., Helen Buckley, Laraine Joyce, and Ireland, eds. The Ferns Report. Dublin: Stationery Office, 2005. p. 70.



anonymity of the alleged victims and accused priests and ensure no harm could be done to any party, the Inquiry decided to give the complainants randomly chosen Christian names and surnames with Greek letters such as alpha, delta, and gamma to the accused priests. However, not all priests were able to remain anonymous, and that was partially due to conviction of previous crimes, those who hold a “unique position”<sup>16</sup>, or previous media interference and exposure.

Bishop Donal Herley, operating in the Ferns diocese during the majority of the alleged attacks, tended to consider the problem of clerical CSA as a matter of a moral problem. His solution to such problems seemed simple, transferring the priest in question to a different parish for some time. After a while, the alleged perpetrators were frequently offered an opportunity of returning to their initial position at the Diocese. It took over 20 years of complaining before Bishop Donal Herley started treating the allegations differently, acknowledging that at least a part of the reason must be caused by something on the medical or psychological level. Afterwards, the Bishop sent the alleged abusers to doctors or rehabilitation centres.

In the following subchapter of this thesis, the cases I will mention revolve around priests who could not remain anonymous in the Inquiry, namely Fr Donnal Collins and Fr Sean Fortune. For Fr Sean Fortune, anonymity is not a case due to criminal proceedings against him in the form of sixty-six charges of sexual abuse. However, in the latter’s case, the proceedings were struck out after his suicide.

In its finalised version, published in October 2005, the report compiled over 100 allegations of clerical CSA happening between 1962 to 2002, made against 21 priests who were at the time of the alleged crimes connected with the Diocese of Ferns. Out of the 21 priests, six of them passed away before any formal complaints of abuse were reported, and an additional three died after reporting the alleged crimes.

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<sup>16</sup> It is not clarified in the report what the definition of unique position is. My hypothesis is their specific position in the Church allowed them an access to so many children and/or were convicted of CSA before.

## 1. Father Sean Fortune (Deceased)

Fr Sean Fortune was born in 1953 in Wexford County<sup>17</sup>, Ireland. He attended Blackrock College, intending to join the Order of Holy Ghost. However, he only finished one term. The college confirmed that “he was not asked to leave because of any impropriety, but rather because he was regarded as temperamentally unsuited for missionary work”,<sup>18</sup> which should have been enough reason to be alerted.

Stephen<sup>19</sup> made the first recorded allegation in the case of Fr Fortune. The alleged event occurred in St Peter’s College, where Fr Fortune was admitted to the seminary to a vocation of the diocesan priesthood. St Peter’s College was a boarding school where the seminary training for new priests took place and was closed in 1997. Stephen had voiced his complaints to a different senior staff member about this alleged incident of sexual abuse conducted by Fr Fortune and was met with anger. The validity of the reaction and actions performed by this senior staff member could not be investigated due to his passing.

There were many sexual abuse allegations from different sources against Fr Fortune, such as the Catholic Boy Scouts of Ireland. After the ordination of Fr Fortune, he was sent to another parish in Belfast named Holy Rosary. However, after some time, the local Vicar General<sup>20</sup> of the Diocese of Down asked for Fr Fortune to be recalled back to the Ferns diocese because he was considered “unmanageable and did not fit in the diocese”.<sup>21</sup> The Inquiry gathered this information from the other priests in the same parish. Due to the increasing number of CSA allegations perpetrated by Fr Fortune, Bishop Donal J. Herlihy sent Fr Fortune for an interview

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<sup>17</sup> Majority of Wexford County belongs to episcopal see (=the area of a bishop's ecclesiastical jurisdiction) of Ferns Diocese.

<sup>18</sup> Murphy, Francis D., Helen Buckley, Laraine Joyce, and Ireland, eds. *The Ferns Report*. Dublin: Stationery Office, 2005. p. 153.

<sup>19</sup> Christian name provided to the victim by the Ferns Report for retaining the victim’s anonymity.

<sup>20</sup> Can. 475 §1. In each diocese the diocesan bishop must appoint a vicar general who is provided with ordinary power according to the norm of the following canons and who is to assist him in the governance of the whole diocese.

<sup>21</sup> Murphy, Francis D., Helen Buckley, Laraine Joyce, and Ireland, eds. *The Ferns Report*. Dublin: Stationery Office, 2005. p. 154

with Monsignor<sup>22</sup> Professor Feichin O’Doherty from University College Dublin. After the consultation, Monsignor O’Doherty concluded that Fr Fortune was a closeted homosexual.<sup>23</sup>

Then he further commented: “Perhaps the most important thing I can say about him from the psychological point of view is his apparent lack of real feelings about the reality of his position ..... I told him that he needed to bring about a radical and fundamental change in his personality. If this is possible at all, it will take a very long time”<sup>24</sup>.

The number of victims’ allegations officially recorded in the Ferns report against Fr Fortune reached twenty-six in total. As mentioned in the report itself, the description is taken directly from the victims’ or witnesses’ description of events and provides a small window into the past experiences of the victims. This helped the Inquiry to generate a sort of modus operandi<sup>25</sup> of Fr Fortune and if there was any long-lasting effect of such events. Most of Fr Fortune’s transgressions against children took the form of sexually explicit conversations and inappropriate groping and fondling of genitals that further escalated into masturbation, oral sex and, like in the case of Stephen, “full and violent rape”.<sup>26</sup> Furthermore, in many cases, these events were common reoccurrences. In the case of Maurice<sup>27</sup>, the victim himself orchestrated a plan for his own expulsion from St Peter’s College to prevent any possible contact with Fr Fortune. Fr Fortune was accused of sexual abuse not only in St Peter’s College. In another allegation against him, the main witness, then 17 years old David,<sup>28</sup> walked on Fr Fortune as he was “lying on top of a scout and feeling his private parts.”<sup>29</sup> This happened during a field trip with the boy scouts. Such transgressions were not restricted only to private and secluded locations since, according to another witness, Declan,<sup>30</sup> “Fortune masturbated a boy until he

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<sup>22</sup> Monsignor is a title used with the name of a Roman Catholic priest of high rank.

<sup>23</sup> The principle of calling paedophilic/ephebophilic priests homosexual is something that the Catholic Church is familiar with, as I will mention later in the thesis.

<sup>24</sup> Murphy, Francis D., Helen Buckley, Laraine Joyce, and Ireland, eds. *The Ferns Report*. Dublin: Stationery Office, 2005. p. 155

<sup>25</sup> A distinct pattern or method of operation that indicates or suggests the work of a single criminal in more than one crime, in this case something that the Inquiry studied, partially to determine the accused priest when the allegation did not contain any names.

<sup>26</sup> Murphy, Francis D., Helen Buckley, Laraine Joyce, and Ireland, eds. *The Ferns Report*. Dublin: Stationery Office, 2005. p. 86.

<sup>27</sup> Christian name provided to the victim by the Ferns Report for retaining the victim’s anonymity.

<sup>28</sup> Christian name provided to the witness by the Ferns Report for retaining the witness’ anonymity.

<sup>29</sup> *Ibid.* p. 87.

<sup>30</sup> Christian name provided to the witness by the Ferns Report for retaining the witness’ anonymity.

ejaculated in front of a number of other boys”.<sup>31</sup> However, not all the victims were of prepubescent age when the crime allegedly happened, as was the case of Simon<sup>32</sup>, 21 years old.

On the 27<sup>th</sup> of February 1995, one of the victims made a formal complaint to Garda Siochana and thus, initiated a full police investigation against Fr Fortune. During this time, Fortune was calling Gardaí on a daily basis to inquire about the investigation, and during those calls, Fortune vehemently disregarded all allegations related to him as “a conspiracy of lies”<sup>33</sup>. Fr Sean Fortune was brought in for the questioning on the 31<sup>st</sup> of March 1995 at 9:05 AM. However, since the file regarding the charges against him was still being prepared, he was released on the same day at 5:40 PM. Another arrest warrant was issued on the 1<sup>st</sup> of November 1995, which was based on 22 charges of sexual abuse.

The year after his arrest on the 18<sup>th</sup> of January 1996, another forty-four additional charges were added. After a long and tumultuous legal battle with no definitive results, on the 5<sup>th</sup> of March 1999, Fr Fortune applied to the High Court<sup>34</sup> to be issued bail. However, a mere week after the application, Fr Sean Fortune committed suicide, and thus his case was struck out. Upon finding his body, a letter lying next to it was discovered. An employee of Fr Fortune and Fr O’Leary accounted for the letter’s content. Amongst the arrangement for Fr Fortune’s funeral, he also proclaimed his innocence and blamed the misfortunes of his life on Bishop Comiskey, claiming that the latter is: “responsible for all this as he had raped and bugged me.”<sup>35</sup> However, Fr O’Leary admitted that the letter was possibly an attempt to destroy Bishop Comiskey and did not believe the allegations as he knew Fr Fortune to be: “an accomplished liar.”<sup>36</sup>

Fr Fortune’s transgressions became known even before the publication of the Ferns report, making it impossible to conceal his identity in the report. Fr Fortune was accused of CSA of 29 boys during the twenty years of his career in the Catholic Church. The amount of abuse

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<sup>31</sup> Ibid. p. 88.

<sup>32</sup> Christian name provided to the victim by the Ferns Report for retaining the victim’s anonymity.

<sup>33</sup> Murphy, Francis D., Helen Buckley, Laraine Joyce, and Ireland, eds. *The Ferns Report*. Dublin: Stationery Office, 2005. p. 228.

<sup>34</sup> “The High Court has full jurisdiction in and power to determine all matters and questions whether of law or fact, civil or criminal. Its jurisdiction also extends to the question of the validity of any law having regard to the Constitution. “High Court | The Courts Service of Ireland.” [Accessed May 2, 2022]. <https://www.courts.ie/high-court>.

<sup>35</sup> Ibid. p. 169.

<sup>36</sup> Ibid. p. 169.

committed by him shows that the cases investigated usually contain a perpetrator involved in serial paedophilia. He carefully chose which boys to exploit, as he manipulated his victims psychologically and blackmailed them into doing his bidding, making them vulnerable. There were four suicides committed by the victims of Fr Fortune, possibly making him responsible for the lost lives as well influencing hundreds of others.

One of the most known victims, who suffered abuse from Fr Fortune, Mr O’Gorman, founded a charity, *One in Four*, which helps victims of sexual abuse. He publicly spoke up about the experience and the effects the abuse has on a person, including: *“attempts to take their own life; self-harm; drug and alcohol abuse; difficulty in relationships; sexual dysfunction or eating disorders. There can also be flashbacks, nightmares, depression and anxiety.”*<sup>37</sup>

The attention surrounding Fr Fortune’s case made me interested in following it, and thus I decided to include it in the thesis as one of the representative cases from the Ferns report. I also admire Mr O’Gorman’s bravery in openly talking about the abuse he suffered and his dedication to helping other victims of sexual abuse.

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<sup>37</sup> The Irish Times. “Fortune’s Crimes Leave a Devastating Legacy.” [Accessed May 3, 2022] <https://www.irishtimes.com/news/fortune-s-crimes-leave-a-devastating-legacy-1.1083733>.

## 2. Father Donnal Collins

Fr Donnal Collins was a science teacher at St Peter's when charges were brought against him in 1966 for sexual abuse involving students in the dormitory. There Fr Collins allegedly conducted an "inspection and measurement of the penises of up to twenty boys in the school dormitory on the pretext of checking their development"<sup>38</sup>. He was transferred to a Westminster parish, but Bishop Donal J. Herlihy did not believe the charges were attributable to Collins. According to the report, there was a severe lack of written documentation regarding the allegations or the diocese's response.

Fr Collins then returned to St Peter's in 1968, however Bishop Herlihy put on only one restriction upon Fr Collins, and that is, according to the other staff members, that Fr Collins "live in rooms in the priests' house rather than in rooms adjacent to the students' quarter,"<sup>39</sup> and was subsequently commissioned to give swimming lessons. Despite Fr Collins' previous removal following charges against him of sexual abuse of students by Bishop Herlihy, the former was appointed Dean of St Peter's College by Bishop Brendan Comiskey, who succeeded the late Bishop Herlihy.

Bishop Comiskey received a first sexual abuse complaint against Fr Collins within seven months of his promotion as dean. Fourteen students reported abuse by Fr Collins between the 1960s and early 1990s. Fr Collins resigned from the office in 1991 after an anonymous letter was delivered to the local Bishop regarding alleged sexual abuse done by Fr Collins. Rory<sup>40</sup>, the author of the letter, sent it to the Bishop, signed with a not stated pseudonym. Rory mentioned that "Fr Collins masturbated the boy four to six times a year for four years".<sup>41</sup> Rory was offered payment for his counselling after the events, and in December of 1994, he made a formal complaint to Garda Siochana.

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<sup>38</sup> Murphy, Francis D., Helen Buckley, Laraine Joyce, and Ireland, eds. *The Ferns Report*. Dublin: Stationery Office, 2005. p. 124.

<sup>39</sup> *Ibid.* p. 125.

<sup>40</sup> Christian name provided to the victim by the Ferns Report for retaining the victim's anonymity.

<sup>41</sup> *Ibid.* p. 73

Alongside Rory, others reported Fr Collins to Gardaí. In their statements, Conor<sup>42</sup>, Edmund<sup>43</sup>, Derek<sup>44</sup> and others also mentioned that they filled formal complaints to Garda Siochana. The usual modus operandi for Fr Collins was to begin conversations about growing up, which afterwards led to an offer from Fr Collins to check if the boys were growing up properly, which escalated from the measurement of boys' penises to masturbation or oral sex. From Richard's<sup>45</sup> statement, it is possible to tell that at least Fr Collins' colleagues from St Peter's were somewhat informed about his behaviour since Richard claimed that "a nurse warned him of the college not to be alone with Fr Collins."<sup>46</sup>

In the same year, another alleged victim, Noel,<sup>47</sup> came forward with a complaint regarding an act of sexual abuse perpetrated by Fr Collins against him and another boy, Victor<sup>48</sup>. Noel mentioned the fear the students at St Peter's shared about coming to Fr Collins' room, and he recalled an instance where Fr Collins had put his hand on, at the time, an approximately 16-year-old boy's genitals. He also recalled an incident where Victor had returned to the boys' dormitory, drunk and claiming that Fr Collins had attacked him. While Victor did not have any memory of sexual abuse, he feared something may have happened given the fact that Fr Collins had given him alcohol.

After those complaints had been submitted, Fr Collins was sent to a university in Florida, USA, with the official reason being a course of study. However, according to Bishop Comiskey, the true agenda of this trip was for Fr Collins to meditate (in order to repent) and hopefully receive psychiatric or psychological counselling. Fr Collins was entrusted to a parish, but Bishop Comiskey did not disclose to his colleagues in the Diocese of Florida the complaints that had been made against Fr Collins at St Peter's. Between 1991 and 1993, Fr Collins vehemently opposed attendance of the treatment program that Bishop Comiskey suggested. Fr Collins admitted the abuse in September of 1993, and he was indicted in 1995, counting 21 indictments between sexual harassment and outrage of modesty and one conviction for non-procreative

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<sup>42</sup> Christian name provided to the victim by the Ferns Report for retaining the victim's anonymity

<sup>43</sup> Christian name provided to the victim by the Ferns Report for retaining the victim's anonymity

<sup>44</sup> Christian name provided to the victim by the Ferns Report for retaining the victim's anonymity

<sup>45</sup> Christian name provided to the victim by the Ferns Report for retaining the victim's anonymity

<sup>46</sup> Murphy, Francis D., Helen Buckley, Laraine Joyce, and Ireland, eds. *The Ferns Report*. Dublin: Stationery Office, 2005. p. 75

<sup>47</sup> Christian name provided to the victim by the Ferns Report for retaining the victim's anonymity.

<sup>48</sup> Christian name provided to the victim by the Ferns Report for retaining the victim's anonymity.

sexual acts (mainly configurable in sodomy) against four alumni. Fr Collins was imprisoned based on the evidence gathered against him. He undertook the civil judicial review procedure in May 1996, seeking a ban on the hearings to which the charges referred. However, this procedure was refused, so in March 1998, he pleaded guilty to four counts of indecency and one of sexual harassment. He was sentenced to four years in prison and spent one in Curragh Prison. He was released in 1999.

After his release, Fr Collins was permitted to attend conferences and speak mass if the sisters from the order allowed it, and Bishop Comiskey also encouraged him to set a website for the Ferns diocese and even create a manual for the diocese. According to the Inquiry, Bishop Comiskey did accept that “nowadays it would be imprudent to provide a convicted child sex abuser with a computer and internet access.”<sup>49</sup> In 2002, Bishop Comiskey resigned his position after being declared unfit for the role of the Bishop of the Ferns diocese under paragraph two of the Canon 401.<sup>50</sup>

Following his resignation, the Pope appointed Bishop Eammon Walsh to oversee the diocese after the numerous complaints of CSA personally had deemed the situation unfavourable and hard to control without his interference. Fr Collins asked Bishop Walsh for the restrictions placed upon his person to be lifted based on his 40 years of service as a priest. However, on the 13th of November 2002, Bishop Walsh stated that Fr Collins could not continue as a member of the Catholic Church because: “It is a scandal and an obstacle to the faith of the people that those who have abused children sexually should act in PERSONA CHRISTI<sup>51</sup>.”<sup>52</sup> In 2002, Fr Collins had been monitored by Bishop Walsh, and after the latter discovered Fr Collins had been seen talking to a group of young boys in Wexford, he confronted Fr Collins.

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<sup>49</sup> Murphy, Francis D., Helen Buckley, Laraine Joyce, and Ireland, eds. *The Ferns Report*. Dublin: Stationery Office, 2005. p. 131.

<sup>50</sup> A diocesan bishop who has become less able to fulfil his office because of ill health or some other grave cause is earnestly requested to present his resignation from office.

<sup>51</sup> In Roman Catholicism, in PERSONA CHRISTI acts in pronouncing the words that consist of a sacramental rite. For example, in the Mass, the Words of Institution, by which the bread becomes the Body of Christ and the wine becomes the Precious Blood of Christ. In PERSONA CHRISTI acts in the person of Christ as the head in their leadership of the Church.

<sup>52</sup> Murphy, Francis D., Helen Buckley, Laraine Joyce, and Ireland, eds. *The Ferns Report*. Dublin: Stationery Office, 2005. p. 131



Upon Bishop Walsh's recommendation, the Pope excommunicated Fr Collins in 2004, 38 years after the first charges against the latter surfaced for the first time.

I chose this case because we can clearly see how the Catholic Church acted when facing the allegations of CSA. Despite numerous complaints against his person, Fr Collins was allowed to go on as a member of the Catholic Church; moreover, he remained a teacher under the institution. Bishop Herlihy believed the matter to be solved after simply relocating the former, arguing: "hadn't he [Fr Collins] done his penance"<sup>53</sup>. Fr Collins stayed as a teacher till his retirement in 1991 and was even trusted with leading swimming lessons later.

The Inquiry noted that during the time, the problem of abuse was not looked at from the psychological nor the criminal view, only as a failure of morality and faith. However, the Inquiry met with difficulties while investigating this case, as they discovered no records regarding Fr Collins' restationing. This all points to the Catholic Church's methodical principle of hiding the perpetrators away until the situation calms down. This is supported by the fact that even Bishops under whom Fr Collins worked were not aware of the existence of the allegation.

The Inquiry took into consideration the time during which the incidents took place; however, they criticised the poor handling of the case as they identified several mistakes. The failure of the Bishops to manage Fr Collins to properly record the situation, as well as the failure to report the case to the proper authorities, allowed the priest to continue the abuse till the end of his membership in the Catholic Church.

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<sup>53</sup> Ibid. p. 124.

## ii. Murphy report

The Murphy Report is the short nickname given to the report of the Commission of Inquiry into the Dublin Catholic Archdiocese sex abuse scandal appointed by the Irish government. This report, commission of investigation, is described by the Irish government as “a less expensive and speedier method of investigating matters of urgent public concern than a tribunal”.<sup>54</sup> It was published on the 26th of November 2009 by Judge Yvonne Murphy, thus the nickname Murphy Report. It concluded that until at least the mid-1990s.

The report consists of two integral parts. In part one, the investigators delved into the structures of different relevant organisations such as the Dublin Archdiocese, Gardaí and the Director of Public Prosecutions<sup>55</sup>. They dealt with the topics such as handling the complaints about clerical CSA and details on the finances in the area of insurance covers, alongside the procedures connected with the Canon Law regarding the complaints of sexual abuse of minors. The handling of CSA was often following the Canon Law recommended process, so the commission took to look into this to, to discover how are the clergy supposed to react. In the second part of the report, the investigators compiled 46 representative samples of priests accused of CSA taken from a total of 172 named priests and 11 unnamed priests. Within the report, it is mentioned that the Commission was not: “*to establish whether or not child sexual abuse actually took place but rather to record the manner in which complaints were dealt with by Church [the Catholic Church] and State [Ireland] authorities.*”<sup>56</sup>

The Archdiocese of Dublin sought to maintain confidentiality, avoid scandals, protect the reputation of the Church and preserve its assets when dealing with CSA cases. It was stated that “*there is doubt that the reaction of Church authorities to reports of clerical child sexual abuse in early years of the Commission’s remit was to ensure that as few people as possible knew of*

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<sup>54</sup> Justice, The Department of. “Commissions of Investigation & Inquiries.” The Department of Justice. The Department of Justice. Ireland. [Accessed April 7, 2022]. <https://www.justice.ie/en/JELR/Pages/CommissionsOfInvestigationInquiries>

<sup>55</sup> The office of the Director of Public Prosecutions (DPP) was established by law under the Prosecution of Offences Act, 1974. The duties of the DPP includes enforcing the criminal law in the courts on behalf of the People of Ireland, directing and supervising public prosecutions, giving general direction advice and specific direction to An Garda Síochána cases where requested. Office of the Director of Public Prosecutions. “About Us.” [Accessed April 23, 2022] <https://www.dppireland.ie/about-us/>.

<sup>56</sup> Dublin Archdiocese Commission of Investigation, ed. *Report into the Catholic Archdiocese of Dublin*. Dublin: Stationery Office: To be purchased directly from the Government Publications Sale Office, 2009. p. 1.

*the individual priest's problem.*"<sup>57</sup> These priorities were superior to all other considerations, including the welfare of children and justice for victims. The Archdiocese failed to apply its own rules of canon law and did everything possible to avoid usage of the state law. The 720-page report implied that there is no doubt that the sexual abuse of children by clergy from January 1975 to May 2004 was covered up. As the Murphy Commission found, complaints from parents and their children were ignored, and other families were in imminent danger since prelates<sup>58</sup> from Archbishop of Dublin John Charles McQuaid were explicitly instructed to suppress scandals and invoke canon law to protect the priests and clergy at the expense of the children. The report also acknowledges that "there was an extraordinary delay in introducing child protection legislation."<sup>59</sup> The much-needed legislation to ensure the wellbeing of children was not utilised sufficiently until 1996 (more about this will be mentioned in the following chapters of the thesis).

Paragraph 1.32 of the report stated, "Another consequence of the obsessive efforts to cover up and avoid the scandal was that successive archbishops and bishops failed to report the Gardaí complaints prior to 1996. Archbishops, bishops, and other officials cannot claim they did not know that child sexual abuse was a crime. As citizens of the state, they have the same duties as other citizens to obey the law and report serious crimes to the authorities."<sup>60</sup>

The Commission examined all the allegations. The number of complaints by the publication of the report reached number 320 provided by victims against a total of 46 priests, and in the category of gender, boys were the majority. Eleven priests out of 46 did plead guilty to the allegation and were convicted. The naming system for accused priests was, in many cases, assigned pseudonyms, presumably to stop any potential attack on the priests in question.

In this part of the thesis, I am going to present the cases of Fr Donal Gallagher and Fr Thomas Naughton as I chose them to represent the report and its contents.

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<sup>57</sup> Dublin Archdiocese Commission of Investigation, ed. *Report into the Catholic Archdiocese of Dublin*. Dublin: Stationery Office: To be purchased directly from the Government Publications Sale Office, 2009. p. 10.

<sup>58</sup> Prelate is an ecclesiastical dignitary of high rank. In the modern Roman Catholic Church, prelates are those who exercise the public power of the church.

<sup>59</sup> Dublin Archdiocese Commission of Investigation, ed. *Report into the Catholic Archdiocese of Dublin*. Dublin: Stationery Office: To be purchased directly from the Government Publications Sale Office, 2009. p. 25.

<sup>60</sup> *Ibid.* p. 9.

## 1. Father Donal Gallagher

Fr Donal Gallagher was born in 1936 and ordained in 1962 at the age of 28. His main role was chaplain<sup>61</sup> and teacher in the secondary school in St Peter's Phibsborough, which belonged to the Archdiocese of Dublin. After three years of academic work in 1983, he fully returned to the parish in Dublin. According to the investigation, Fr Gallagher was an alcoholic, and there were 14 complaints of sexual abuse from children; however, the Commission believes that, based on the evidence against him, he abused many more children.

The first complaint against Fr Gallagher came in 1981 from two boys stating that they had been sexually assaulted; however, there was no evidence, and the Murphy report says that "nothing has been done about the complaints other than move him [Fr Gallagher on]."<sup>62</sup> When the member of the Vincentians<sup>63</sup> asked class from school where Fr Gallagher taught their opinion on him, one of the boys said, "If Gallagher was in the room, you made sure to keep your back to the wall."<sup>64</sup> In the summer of 1983, Fr Gallagher was transferred to St Mary's School for the Deaf, where he was appointed as chaplain. At St Mary's, he started to abuse girls attending the institution within the month of his arrival. According to one girl, the priest abused her during her confession when he would put his hand down her trousers. She was nine at the time.

Many of the alleged events happened during the confession. For example, in December 1984, Fr Gallagher had allegedly kissed a whole class of schoolgirls repeatedly whenever they were finished with their confessions. The principal of the school started to investigate the events. After confronting Fr Gallagher, he assured the principal that he would stop if the girls were offended by this behaviour. The principal did not push this offence any further since, at the time, she believed that Fr Gallagher's actions represented a new approach to the sacramental rite of confession. After the principal read the part of the Murphy report, she stated to the Commission that she wondered how she "could be so blind. Abuse would not entered my mind; I could not

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<sup>61</sup> A chaplain is a clergyman in charge of a chapel; a person chosen to conduct religious exercises (as at a meeting of a club or society); a clergyman appointed to assist a bishop (as at a liturgical function).

<sup>62</sup> Dublin Archdiocese Commission of Investigation, ed. *Report into the Catholic Archdiocese of Dublin*. Dublin: Stationery Office: To be purchased directly from the Government Publications Sale Office, 2009. p. 353.

<sup>63</sup> Catholic order operating on Ireland soil.

<sup>64</sup> Ibid. p. 354.

imagine a priest doing anything like that.”<sup>65</sup> After many other complaints from the victims’ parents, Fr Gallagher was removed from the school in 1989.

In February 1989, Fr Gallagher, based on his increasing alcohol addiction, which became uncontrollable, was admitted to Stroud’s drug and alcohol rehabilitation centre. The Rehabilitation centre asked his friends to send him a letter as a form of rehab tactic to let Fr Gallagher know how his alcoholism also affected them. One letter was written by Fr Mark Noonan where Fr Noonan stated that what concerned him the most was:

- “Fr Gallagher using his hands on seminarians and altar boys in a “shocking” manner when he was Director of Vocations;
- his consistent drunkenness;
- the view held by the school boys about him;
- the abuse of the girls in the School for the Deaf.”<sup>66</sup>

After six months, Fr Gallagher returned to St Peter’s, but the centre acknowledged that Fr Gallagher’s alcoholism was not resolved. Even though the other priests in St Peter’s were informed about the issues revolving around Fr Gallagher, there had been no recorded attempt to control or monitor him as he returned to perform all of his duties as a curate<sup>67</sup> in the parish. Merely a month after his return, he visited the rehabilitation centre in Stroud, and the employees currently working there were “quite alarmed at his attitude”. Therefore, they recommended further visits. In 1989, a contract was drafted with Fr Gallagher, which was divided into two sections; a section about alcoholism contained four out of seven clauses, whereas the rest was to prevent his contact with altar boys and restrict his unsupervised presence with children. However, in the following four years, when he acted as curate at St Peter’s, nothing was done to ensure that the contractual behaviour was met.

Garda Siochana started to investigate Fr Gallagher in 1993 after a social worker did a group therapy in St Mary’s where several girls told the social worker about the abuse. Fr

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<sup>65</sup> Dublin Archdiocese Commission of Investigation, ed. *Report into the Catholic Archdiocese of Dublin*. Dublin: Stationery Office: To be purchased directly from the Government Publications Sale Office, 2009. p.354.

<sup>66</sup> Ibid. p.356.

<sup>67</sup> A member of the clergy serving as assistant (as to a rector) in a parish.

Gallagher denied all of the allegations against him. However, the persecution did not happen because the sergeant in charge of leading the investigation of said allegations stated: “*Fr Gallagher is a professional man and strikes me as a sincere and genuine individual. I can see no useful purpose to be gained by the prosecution of Fr Gallagher at this late stage.*”<sup>68</sup> After a fiasco in May 1994, during a baptism ceremony, Fr Gallagher was allegedly under the influence of alcohol and got physical with a young boy from the attendance and made additional unsolicited advances toward two young men and a young girl, which had a direct consequence on his suspension from his duties. Afterwards, Fr Gallagher was fully admitted to the rehabilitation centre in Stroud for the second time, where he passed away approximately a month later, in June 1994. Gardaí did reopen the case file in 2003, and they got a statement from the school authorities on events in 1984. At this stage, it was too late to proceed with any subsequent legal action.

Fr Gallagher’s case belongs to a group of clerical members who abused children of both sexes. What is not unique is the behaviour of the Catholic Church, as yet again, they decided to leave a person accused of CSA in charge of children. During Fr Gallagher’s career in the St Mary’s School For Deaf Girls, he not only had access to underage girls, but those very girls were also disabled. His actions continued for many years, even as evidence started cumulating. The fact that authorities knew about his inappropriate behaviour but chose not to pursue any legal or disciplinary action shows that the secrecy surrounding the CSA cases takes more than one person.

The Gardai’s decision not to investigate him because he appeared as a sincere man and because of his age could have been influenced had the organisation come to know of the evidence showing how profound and vile Fr Gallagher’s crimes truly were. No legal action was taken to condemn the priest or even to support the victims. Everything mentioned above makes this case a horrifying example of what the ignorance of CSA can lead to.

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<sup>68</sup> Dublin Archdiocese Commission of Investigation, ed. *Report into the Catholic Archdiocese of Dublin*. Dublin: Stationery Office: To be purchased directly from the Government Publications Sale Office, 2009. p.357

## 2. Father Thomas Naughton

Fr Thomas Naughton is the second sample from the Archdiocese of Dublin involved in the report. Fr Thomas Naughton was found guilty based on indecent assault of minors.

Fr Naughton was ordained in 1963 and was part of St Patrick's Missionary Society, Kiltegan, Co. Wicklow<sup>69</sup>, thanks to which he visited many countries such as Grenada<sup>70</sup> or different parts of the West Indies as a missionary worker. However, after a dispute with his fellow colleagues,<sup>71</sup> Fr Naughton left the West Indies to pursue a position in the Archdiocese of Dublin. From 1976 until 1981, he rotated between several parishes under the Archdiocese of Dublin, namely Aughrim Street and Valleymount in Dublin. During his stay there and while working, multiple priests came forward to Bishop Donal Murray, claiming that he was "too close to the altar boys."<sup>72</sup>

The priests asked Bishop Murray that Fr Naughton would be removed from the parish; however, they refused to be more specific about their reason behind the request, suggesting nothing particularly wrong was happening. Afterwards, Bishop Murray interviewed Fr Naughton, but he had denied all allegations. More allegations from victims occurred during his stay at Valleymount parish, but the report only gives partial information about victim statements. According to the current local parish priest, who remained anonymous, he back searched if there were more allegations in the parish reports and believes that there might be between ten and twelve cases.

Donnycarney parish was a place where one of the more severe crimes of child sexual assault committed by Fr Naughton took place. The victim was an 11-year-old boy Mervyn Rundle from the parish, who mentioned the assault to his mother. After this, the Rundle family and a close family friend had scheduled a meeting with Archbishop McNamara and Monsignor Stenson, where they stated their complaints about reoccurring instances of assault to them. As a strongly religious family, they did not report to Gardaí since they believed that the Church

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<sup>69</sup> More commonly referred to as Kiltegan Fathers.

<sup>70</sup> Grenada is an island country in the West Indies in the Caribbean Sea at the southern end of the Grenadines Island chain.

<sup>71</sup> Many suspect Fr Naughton had begun his sexual transgression there, thus causing the need to relocate.

<sup>72</sup> Dublin Archdiocese Commission of Investigation, ed. Report into the Catholic Archdiocese of Dublin. Dublin: Stationery Office: To be purchased directly from the Government Publications Sale Office, 2009. p. 455.

would resolve the issue. On the following day, Monsignor Stenson had a meeting with Fr Naughton where he vehemently denied all of the allegations, stating that “there may have been an incident of horseplay which may have been misinterpreted”<sup>73</sup> that he had since apologised to the family for any misunderstanding. However, mere ten days later, Fr Naughton admitted only to six separate instances of abuse of Mervyn Rundle but denied the allegations at this time.

After the abuse of Mervyn, Fr Naughton started attending sessions with a psychiatric consultant, who came to a conclusion that: “*the abuse was a manifestation of Fr Naughton’s overwhelming loneliness and was merely a misguided attempt to establish a relationship.*”<sup>74</sup> He supported his analysis by comparing this particular case to the long history of similar events that the Church had been affiliated with, stating that Fr Naughton’s behaviour was only a once-off event. The psychiatrist had not been familiar with other cases of complaints made against Fr Naughton, both during his stay at the Valleymount parish and the Donnycarney parish. Monsignor Stenson recommended that Fr Naughton share this information with the doctor; however, the Commission found no evidence of whether Monsignor Stenson gave this advice and whether Fr Naughton acted upon it.

In August 1986, following the events regarding the letter of complaint sent by the Rundle family’s friend, Fr Naughton was discharged from his position as a curate and translocated to the rehabilitation centre in Stroud. He was promised a future position at the Archdiocese had the course of therapy he would be attending in the centre reached an acceptable result. The director of Stroud rehabilitation centre corresponded with the Archbishop, claiming he was not convinced that “Fr Naughton was in touch with the gravity of the situation”<sup>75</sup>, not believing that the problem had occurred for the first time. However, a month later, the director became more optimistic in his belief that Fr Naughton could manage if provided with additional support upon his return to Dublin. He also recommended that the parish priest in Fr Naughton’s future placement should know about the situation.

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<sup>73</sup> Dublin Archdiocese Commission of Investigation, ed. *Report into the Catholic Archdiocese of Dublin*. Dublin: Stationery Office: To be purchased directly from the Government Publications Sale Office, 2009. p. 458.

<sup>74</sup> Dublin Archdiocese Commission of Investigation, ed. *Report into the Catholic Archdiocese of Dublin*. Dublin: Stationery Office: To be purchased directly from the Government Publications Sale Office, 2009. p. 458.

<sup>75</sup> *Ibid.* p. 461



In May 1986, Fr Naughton was appointed to the parish of Ringsend, where despite his criminal background, he participated in various jobs in the school field. The rehabilitation centre in Stroud stated that they are worried about Fr Naughton's placement, specifically after he cut contact with his counsellor. Approximately two years later, in 1988, the local primary school for girls' headmistress mentioned that Fr Naughton had behaved improperly and had not stopped his questionable actions even after being asked to do so. The Archdiocese of Dublin came to know about numerous complaints against Fr Naughton in Ringsend. Additional information about various children stopping by his house came to the surface. An unnamed boy who claimed that Fr Naughton inappropriately touched him while travelling to a funeral in his car provided the most notable complaint. After the incident, the boy confessed this to his parents, who then took further action.

In the October of the same year, Fr Naughton was relieved of his duties and recommended to stay in the Stroud rehabilitation centre. However, this had not happened immediately, as he instead started to visit a doctor in Dublin, who was doubtful about the rehabilitation techniques utilised in Stroud. He stated that "Fr Naughton should be given another chance with as many precautions as possible put in place."<sup>76</sup> Despite the doctor's recommendations, Fr Naughton was admitted to Stroud rehabilitation centre in December of 1988, where he stayed for five months. After further machinations with the post of Fr Naughton in the Church, he ended up at St Patrick's Missionary Society. However, he was not a member of the order. The order only provided him with lodging and minor jobs. At this point in the investigation, Fr Naughton was still a priest and member of the Archdiocese of Dublin and remained so until the investigation into his person ended. After the Murphy report ended, I could not find any additional information.

In 2009, the news about Fr Naughton pleading guilty to the charges of child sexual assault reached the Commission. Fr Naughton was prosecuted at this point in relation to the cases of sexual assault reported to Gardaí between 1995 and 1996, and he admitted to six counts of child

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<sup>76</sup> Dublin Archdiocese Commission of Investigation, ed. *Report into the Catholic Archdiocese of Dublin*. Dublin: Stationery Office: To be purchased directly from the Government Publications Sale Office, 2009. p. 462.

sexual assault on Mervyn Rundle and other altar boys from different parishes. He was sentenced to three years of imprisonment; however, it was reduced to two and half years after the appeal.

Fr Naughton's case clearly represents the Dublin Archdiocese's handling and approach towards the cases of CSA, where the higher-ranking clerical members would ignore the problem until it became impossible to hide. In hiding the abuse, the Church protected the perpetrators and ignored the trauma that the victims suffered, mostly to protect its own image. It is cases like this one that need to be shown to the public, so people can understand better how the Catholic Church handles the allegations and acts toward the perpetrators, even those who admit to sexually abusing children under their care.

Despite Fr Naughton's crimes, the Diocese still allowed him to remain on active duty, granting him access to children. Bishop Herley specifically was aware of the abuse Fr Naughton had committed but still decided not to report him to authorities outside the Catholic Church, directly allowing Fr Naughton to continue with his transgressions.

## IV. Societal responses

In this chapter, I attempt to review whether clerical CSA scandals impacted Irish society and if the change that might occur as the aftereffect was enough to appease Irish society. To better capture the transformation of Irish society in the wake of the scandals, I decided to follow three key players in the process and combine them into the body of this chapter. Firstly, I deal with reactions to the scandals of the Catholic Church from the Irish society, which I try to encapsulate by a closer look at the media coverage of the scandals and their role in the aftermath. Newspaper articles and documentary movies take a centrefold in the subchapter.

Secondly, I shift my focus toward the role of the state. Thus, I pay attention to the governmental reaction to the events and also try to answer the question of whether the cases influenced the practice of the Rule of law from the 2000s to the 2020s. Lastly, I focus on the responses of the Catholic church as well as the subsequent changes within this organisation. Therefore, I will analyse the correspondence from the Vatican, as it holds a central position in the catholic religion and the reaction of local Irish clergy.

To understand why a scandalous series of this magnitude could be hidden for such a long time, one must realise that Catholicism defines Ireland itself,<sup>77</sup> as the majority of its citizens understand themselves as Roman Catholics. The country's religious identity suffered greatly under the rule of the British Empire, where the main religion was Anglicanism<sup>78</sup>. “*Eventually, Catholicism became closely associated with Irish nationalism and resistance to English rule,*”<sup>79</sup> mentions an article about Catholicism in Ireland and their historical connection. The freedom to practise Catholicism came after the foundation of the Irish Free State, which was in 1921.<sup>80</sup>

However, as the 20<sup>th</sup> century started nearing its inevitable end, Ireland lived through various changes and growth, causing people’s focus to shift away from protecting the Church

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<sup>77</sup> O’Corrain, Daithi. “Catholicism in Ireland, 1880-2015: Rise, Ascendancy and Retreat,” 2018. p.711.

<sup>78</sup> Anglicanism is a branch of Christianity, practiced by the Anglican Churches of England, those related, mainly countries and territories of Commonwealth.

<sup>79</sup> Cultural Atlas. “Irish Culture.” [Accessed May 1, 2022] <http://culturalatlas.sbs.com.au/irish-culture/irish-culture-religion>.

<sup>80</sup> Tanner, Marcus “Ireland’s Holy Wars: The Struggle for a Nation’s Soul, 1500-2000”. Yale University Press, 2003.

and its reputation, finally allowing the debates about the questionable practises of the Catholic Church to begin. Even though the religious institution's power had been declining, the nation still heavily practises and believes in the faith as the Church presents it.

In the 1990s, the media and reporters started to conduct investigative journalism into the scandals, forcing the Church to explain and justify the eventual findings. The Catholic Church of Ireland suddenly faced a never-seen-before wave of criticism as the majority of the cases involved situations when the policies and laws implemented did not protect the people hurt but the clergy itself. The Church, by this point, did recognise that the power balance was shifted and understood the public's need for clarification as various clerical members publicly addressed the issue, speaking up on behalf of the Catholic Church.

Until as late as 1994, many Irish people did not need to face a direct moral conflict of CSA by people they trusted and had a certain level of authority, especially when coming from the Catholic Church, as the majority of the cases had been concealed from the public in an attempt to protect the Church's name and reputation, as well as hide the identities of the perpetrators. In the cases I describe, many higher positioned clerical members are aware of the CSA instances, yet they do not do anything resolving. With the progress of Irish people's mindsets and attitudes connected with Ireland's development, many started accepting the truth about sexual abuse of children and adolescents happening in the country. Of course, with the rising amount of complaints of non-clerical CSA, those that were abused by the clergy got the courage to come forward and share their stories which caused some of the loyal believers to stop their support of the Church as they demanded answers and retributions for the damage caused by those that Christians were supposed to trust and follow.

However, this shift was not something that happened overnight. After all, in the last century, thousands of children were placed under the Catholic Church's care as their parents and families trusted the institution explicitly, never even daring to imagine the horrors some the children would encounter.

The transition into the new millennium brought a different perspective, and suddenly topics that people would be condemned for even mentioning are now considered something the society must be actively discussing. Even with its deep root in Catholicism, people condemned

the cases of clerical CSA, and the government did not have any other choice than to keep up with the need of the people. With the public reports available to any of Ireland's citizens, many discovered just how vile the people hiding behind a clerical title could be and demanded protection for the generation of children, who are the most endangered as the primary target group of clerical sexual abuse.

With the decline of the Catholic Church's power and influence in Ireland, the publicity brought on by the scandals only further damaged its position of authority, tarnishing its name. Many followers of the Church claim that clergy members who had abused children constituted only a fragment of the clerical members, but others correctly pointed out those various cases of clerical abuse, which could still be hidden for numerous reasons.<sup>81</sup> Also, when accounting for a crime as horrid as CSA, society should look deeper into the instance than just waving a percentage around and telling people not to worry. The scandals of the Catholic Church have repeated throughout the last century, as discussed in the reports, and the magnitude and atrocity of the crimes committed by the clergy cannot be judged upon the number of offenders alone.

Scandals only further accelerated the secularisation of Ireland. "Ireland, once the most religious country in Europe, is fast becoming – if it has not already become – a secularised country,"<sup>82</sup> stated sociologist Andrew Greeley in the article *Religion in Europe at the End of the Second Millennium: A Sociological Profile*. This claim is further supported in the *Culture Atlas*, where also other aspects behind secularisation: "*In recent decades, Ireland has experienced a significant decline in the number of regular church attendees. This decrease corresponded with the rapid economic growth of the country in the 1990s, and the exposure of child abuse by Catholic clergy that came to light in the early 21st century.*"<sup>83</sup>

In 2016, a nationwide census was conducted. Based on the information gathered, the population appeared to be losing its faith in the Catholic Church. One explanation might be that

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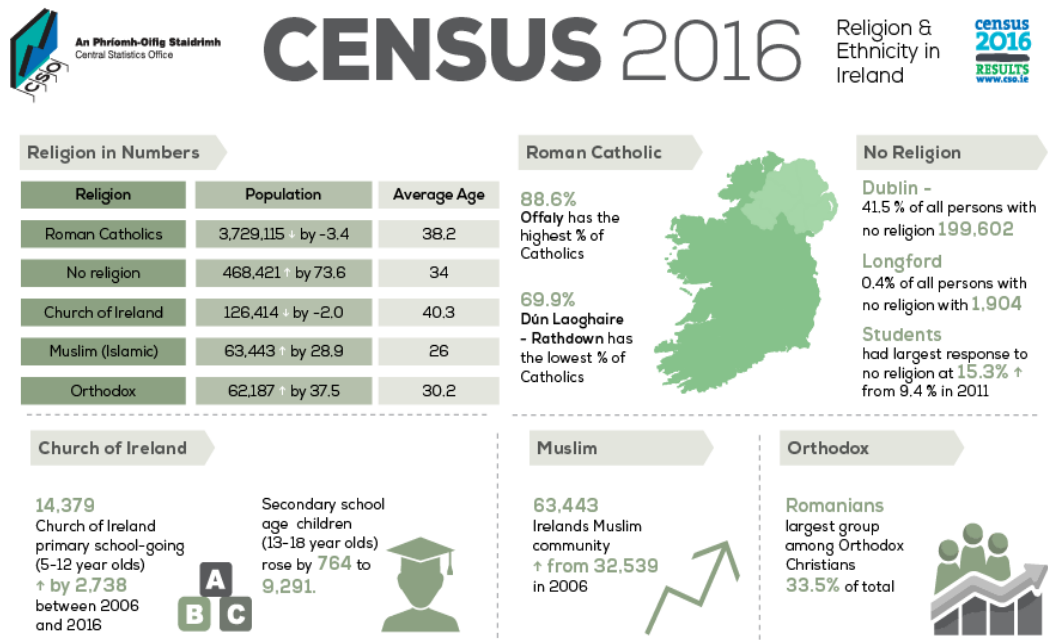
<sup>81</sup> independent. "Public Overestimates Rate of Clerical Sex Abuse - Survey Reveals." [Accessed April 27, 2022] <https://www.independent.ie/irish-news/public-overestimates-rate-of-clerical-sex-abuse-survey-reveals-26787711.html>.

<sup>82</sup> Greeley, Andrew M. "Religion in Europe at the End of the Second Millennium: A Sociological Profile". New Brunswick (N.J.): Transaction publ, 2004. p. 155.

<sup>83</sup> Cultural Atlas. "Irish Culture." [Accessed May 1, 2022] <http://culturalatlas.sbs.com.au/irish-culture/irish-culture-religion>.

some of the church practices are not keeping up with modern society, but it also can be the direct result of scandals.

The difference between the 2011 census and one conducted in 2016 shows that “In 2016 Roman Catholics accounted for 78.3 percent of the de facto population compared with 84.2 per cent in 2011.”<sup>84</sup> In 1961, Ireland’s population consisted of 94.9% of catholic believers, which was an all-time high. In 2016 is, on the other hand, 78.3% is an all-time low, which can be observed from the infographic<sup>85</sup> created by Central Statistics Office (CSO) published in 2017, attached.



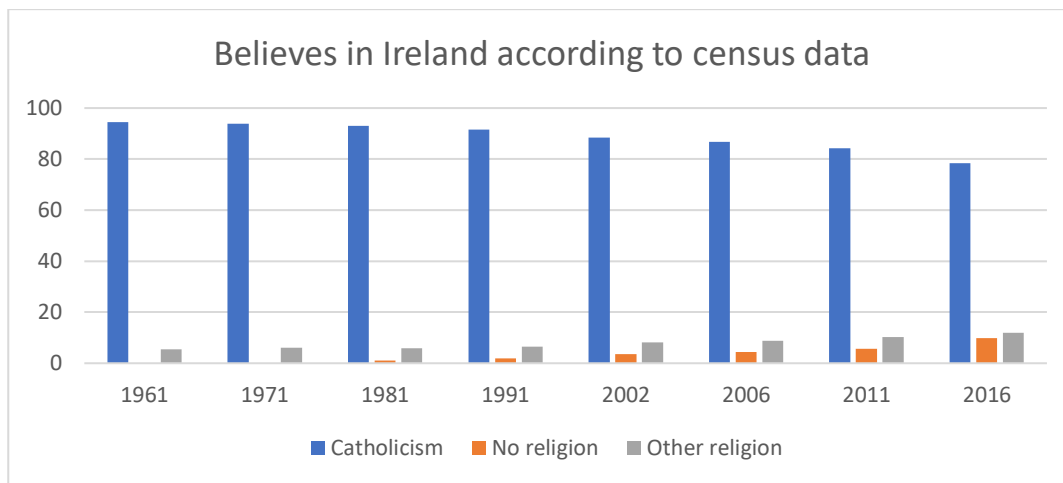
The group of people with no religion is steadily increasing year by year. In 2022, a new census is being conducted, but since the data collected will be available to the public in the second half of the year, I do not know the result yet. In the chart *Believes in Ireland*, borrowed

<sup>84</sup> Religion - Religious Change - CSO - Central Statistics Office.” CSO. [Accessed April 20, 2022] <https://www.cso.ie/en/releasesandpublications/ep/p-cp8iter/p8iter/p8rrc/>

<sup>85</sup> “Census 2016 Profile 8 - Irish Travellers, Ethnicity and Religion - CSO - Central Statistics Office.” CSO. [Accessed April 28, 2022] <https://www.cso.ie/en/csolatestnews/presspages/2017/census2016profile8-irishtravellersethnicityandreligion/>.

from the CSO, according to census data, we can see the gradual change in the society based on religious beliefs from the year 1961 to the year 2016. I believe that these changes will be increasing as the CSO releases the newest data from their latest census.

Chart 1 - Believes in Ireland according to census data



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<sup>86</sup> “Religion - Religious Change - CSO - Central Statistics Office.” CSO [Accessed April 18, 2022] <https://www.cso.ie/en/releasesandpublications/ep/p-cp8iter/p8iter/p8rrc/>.

## **i The reaction of the public and media**

In this chapter, I outline the impact that media had on the revelation of the scandals and the changes that Irish society underwent in the aftermath. Many articles, documentary movies and analyses contain a point of view that Ireland formed during and after the realisation of the intensity of the nefarious acts committed by the Irish clergy. After the media realised the impact those scandals had on society, many of them tried to summarise the issue, hoping to attract attention and raise awareness about the problem that clerical CSA poses.

Even though in the 20<sup>th</sup> century, the media could not yet afford to dive deep into the allegations of crimes conducted by the clergy, they<sup>87</sup> held an essential role in the development of scandals. Ireland has been undergoing the process of secularisation, and the events that trespassed only accelerated the fact that the public was already turning away from religious practices. This allowed the media to look into the problem of the Church and openly discuss it.

Was the media responsible for the initial rise of secularisation? According to Susie Donnelly and Tom Inglis, in their article called *The Media and the Catholic Church in Ireland: Reporting Clerical Child Sex Abuse*, which focused on the 1990s, the media did have two crucial roles in Ireland's secularisation. First, at the macro-structural level, where "the influence of the Catholic Church over the media has declined. It is no longer able to limit, let alone control what media organisations do or say,"<sup>88</sup> and on the micro-level where "the content of media messages promoted and developed a way of being in the world."<sup>89</sup> This meant that the trust of followers of the Catholic Church plummeted.

The Catholic Church used to have immense influence over the Irishmen,<sup>90</sup> but thanks to the gradual erosion of trust by the nefarious acts and media, the power of the Catholic Church started to decline. The opposition from the media had been coming since the previous century

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<sup>87</sup> "the mass media is the main means of mass communication, such as television, radio, the Internet and newspapers, considered collectively" ("Mass Media | The Chicago School of Media Theory." [Accessed April 15, 2022] <https://lucian.uchicago.edu/blogs/mediatheory/keywords/mass-media/>), 2019, para.1).

<sup>88</sup> Donnelly, Susie, and Tom Inglis. "The Media and the Catholic Church in Ireland: Reporting Clerical Child Sex Abuse." *Journal of Contemporary Religion* 25 (January 1, 2010): 1–19. <https://doi.org/10.1080/13537900903416788>. p. 1.

<sup>89</sup> *Ibid.* p. 1.

<sup>90</sup>



in the form of questioning the virtues that were supposed to be upheld by the clergy, such as humility, chastity, and piety. In some shape or form, all of them were challenged by the media, and with the unstoppable spread of the information, soon people began to ask the same question and demand the answer.

Before scandals reached an all-time high, the Irish Times employee said that media “had to avoid writing about any subject in which criticism, even if justified, could be construed as criticism of the Church”<sup>91</sup>. The main reason for this careful resolution of the otherwise brazen part of information providers could be partially explained by the Catholic Church's discrimination under British rule. However, as the other sectors of Ireland started to overcome the oppression, the Church could no longer afford to stay behind as the free country began to evolve on its own terms, leaving the Catholic Church without the protection used to shield any critique coming its way.

The public image of Catholicism began to shatter as seen by the public's views about catholic practices and opinions such as beliefs in God, the importance of church attendance, birth control and others started to dwindle. The data confirming this can be observed in Table 1 taken from *Religion in Europe at the End of Second Millennium* by Andrew M. Greele.<sup>92</sup> However, with the decrease in beliefs, newer, more pressing questions started to emerge and needed to be answered. This sphere of questions in the article mainly tries to determine whether the Church did have too much power, as seen in Table 2<sup>93</sup>, and whether the people still believed in the organisation.

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<sup>91</sup>Inglis, Tom. *Moral Monopoly: The Rise and Fall of the Catholic Church in Modern Ireland*. 2nd ed. Dublin: University College Dublin Press, 1998. p. 75.

<sup>92</sup> Greeley, Andrew M. *Religion in Europe at the End of the Second Millenium: A Sociological Profile*. New Brunswick (N.J.): Transaction publ, 2004. p. 156.

<sup>93</sup> Table 9.2 Greeley, Andrew M. *Religion in Europe at the End of the Second Millennium: A Sociological Profile*. New Brunswick (N.J.): Transaction publ, 2004. p. 157

Table 1 – Religious Attitudes and Behaviours in Ireland

Table 1 - Religious Attitudes and Behaviours		
	1991	1998
Life After Death	80%	78%
God	96%	94%
Heaven	87%	85%
Miracles	73%	72%
No Religion	2%	6%*
Activity Monthly	16%	17%
Feel Very Religious	14%	13%
Attend Once a Week	65%	63%
* symbolises a significant change in the data		

Table 2 - Attitudes Towards Church

Table 2 - Attitudes Towards Church by year		
	1991	1998
Confidence in Organization	46%	27%*
Too Much Power	38%	46%*
Voting	26%	44%*
Government	28%	45%*
* symbolises a significant change in the data		

As we can see, the confidence in the Church as an organisation has decreased from 46% to 27%; on the other side, public opinion that the Church has too much power increased from 38% to 46%. However, this is not only openly linked with Ireland and the scandals but proves to be a worldwide phenomenon. The reaction of religious leaders to the growing mistrust of the faith is similar as they blame it on “succumbing to various vaguely defined cultural trends-- consumerism, secularism, materialism, capitalism, humanism, and pan-sexualism<sup>94</sup>.”<sup>95</sup>

The newspaper outlets covered a large portion of scandals in Ireland. However, the beginnings were bumpy. After the case of Father James Doyle from Ferns Diocese resulted in

<sup>94</sup>“Originally in reference to the view that the sex instinct plays the primary part in all human activity, mental and physical.” “Pansexual | Etymology, Origin and Meaning of Pansexual by Etymonline.” Accessed April 24, 2022. <https://www.etymonline.com/word/pansexual>.

<sup>95</sup> Greeley, Andrew M. Religion in Europe at the End of the Second Millennium: A Sociological Profile. New Brunswick (N.J.): Transaction publ, 2004. p. 156.

Doyle pleading guilty, the local newspaper, *The Wexford Newspaper*, received unexpected backlash from its readers. Just one hour after the publication of the article about Doyle, the main offices received a flood of calls filled with protests against the story. Alongside the calls, locals started to mass protest in front of the main office, and in their hands were “burnt copies of the newspaper.”<sup>96</sup> In the coming weeks, the protest continued. It is important to state that this case of protests is not the first occasion of such events.<sup>97</sup> *A Love Divided* is a dramatised version of events that happened in the local farmer's life and historian Sean Cloney and his family. An interesting point to note is that Cloney was involved in different controversies with the Church during his life.

According to the newspaper article *Parent at centre of Fethard church controversy has died*, written by Jim Cusack and published on Wednesday, the 20th of October 1999 in *The Irish Times*, Cloney had a run-in with Father Sean Fortune. Since Cloney was a chairman of the local community hall, Cloney had “a number of difficult experiences with Father Sean Fortune”<sup>98</sup>. According to the article, Fortune tried to gain control over the fundraising activities under the committee’s control. After an unsuccessful takeover, Fr Fortune deemed Sean Cloney as “an evil Influence”,<sup>99</sup> and Cloney suffered some hostility against him thanks to this. Sean Cloney died on the 18th of October 1999.

However, the mass protest in front of newspaper offices that happened during the publication of the story of Fr James Doyle was not repeated in the case of Fr Sean Fortune. In the case of Fr Fortune and others, the media started to pressure the diocese and parishes for more information about the events, but the answer they usually got from parishes was more on the legal side and not a response from clergy about the events. In the Ferns diocese, they tried to avoid the media outlets by employing public relations experts and lawyers to deal with the

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<sup>96</sup> Donnelly, Susie, and Tom Inglis. “The Media and the Catholic Church in Ireland: Reporting Clerical Child Sex Abuse.” *Journal of Contemporary Religion* 25 (January 1, 2010): 1–19. <https://doi.org/10.1080/13537900903416788>. p. 8.

<sup>97</sup> The boycotting strategy in Ferns was used in 1950s, and was based on the decision of one mother who had decided to home-school her children rather than sending them to catholic school. This behaviour was considered a breach of her duties as a catholic wife. There is also a dramatized movie based on these events. *Ibid.* p. 16.

<sup>98</sup> “The Irish Times - Wednesday, October 20, 1999 - Page 7.” [Accessed April 20, 2022]

<sup>99</sup> *Ibid.*

response. Bishop Comiskey even left the diocese during the investigations to receive treatment for alcoholism in America.

As time progressed, the issue of clerical CSA became much larger than could have been anticipated after the rough reception of the stories published in local newspapers. Soon, even papers like the *Irish Times* started to initiate investigations and publish articles about the problems.<sup>100</sup> Various articles regarding the Church's questionable behaviour started emerging before the report was made available to the public, some even discussing the topic without directly mentioning it. For example, Michael Foley's letter '*À la carte' Catholicism* states: "*A Catholicism which fails to uphold in word and deed the 'equality in dignity' of all human beings is not just a 'mis-identification of Catholicism' but a contradiction in terms. No Catholic, Bishop or lay person, in Ireland, Latin America, or even Germany, can decide that social justice is off the menu.*"<sup>101</sup> Even though the author does not directly mention anything concerning the scandals that would shake the country in mere two months, he touches on the topic of the Catholic Church upholding the Canon Law above anything else.

The article *Hypocrisy in the Church*, which is an answer to Michael Foley's article, already asked questions related to the topic directly as various people, including members of the general public, clergy or associations of former victims of sexual abuse, demanded answers to their inquiries to what was considered a rumour back then. While the author of the article shares some views with Michael Foley, he further explains that the Church's behaviour cannot be considered anything but hypocrisy. In response to the quote from the article above, he asks: "*If Mr Foley is claiming that our Church always acts on the principle of the equal dignity of all its members, why have those seriously injured by church servants in the past four decades had no alternative but to appeal to (secular) laws and institutions for vindication?*"<sup>102</sup>

The media held a central position in the whole ordeal. They worked as a narrator as they described the ongoing events and allowed public to discover the information. Role of the media

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<sup>100</sup> While I tried to discover other newspaper that were active during this time as well as their political inclinations, it is hard to find a reliable source, therefore I decided not to mention this.

<sup>101</sup> The Irish Times. "'À La Carte' Catholicism." [Accessed April 22, 2022] <https://www.irishtimes.com/opinion/letters/%C3%A0-la-carte-catholicism-1.477771>.

<sup>102</sup> "The Irish Times - Friday, August 12, 2005 - Page 15 – Hypocrisy in the church." [Accessed April 22, 2022] <https://www.irishtimes.com/newspaper/archive/2005/0812/Pg015.html#Ar01507>.

is inseparable from revelation of the CSA scandals revolving around the Catholic Church in Ireland. However, not all media criticised the church as some tried to help the institution to regain and stabilise its former status.

## 1. Rome v. Republic

RTÉ television<sup>103</sup> is considered one of the driving forces when it comes to the exposure of clerical CSA. The television broadcasted several documentaries and radio programs and published numerous articles discussing the topic and revealing the details surrounding the scandals that shook the entire nation. One of such documentaries that awoke a reaction from the Catholic Church itself was *Rome v. Republic*.

This documentary movie about the history of the relationship between the Vatican, the Catholic Church and Ireland was produced by Yvonne Nolan and directed by Niamh Sammon. The movie's first broadcast took place on the 11<sup>th</sup> of April, 2019. Interestingly, Michael McDowell, associated with the *Independent* political party, a former Tánaiste<sup>104</sup> and former Minister of Justice, provided the narration and guided the audience through the documentary movie. Many influential figures in Ireland also appeared in the documentary, amongst them the former President Mary McAleese, also a member of the *Independent* Party, and Diarmuid Martin, a former Archbishop of Dublin, who share their unique insight into the topics.

*Rome v. Republic*, filmed throughout various locations in Ireland, Rome, and Paris, offered a thorough examination of the power imbalance caused by the Catholic Church controlling most private, public, and political aspects of life in Ireland. It brought a long-awaited explanation of the reason behind the Church's untouchability, which was rooted in the centuries of oppression of Ireland suffered and the inability of Irishmen to express their religion freely. To illustrate the background of the scandals that happened underneath the watch of the Catholic Church, *Rome v. Republic* took the audience on a brief walk through the history and evolution of Christianity, mostly Catholicism, on Ireland soil.

Throughout the documentary, Michael McDowell interviewed various experts in their field regarding Ireland's liberalisation, Catholic Church, and the government. While the documentary's goal was to enclose the scandals and show Ireland's population the truth, the movie had a different connotation. With its concentration on the historical aspect of the Church,

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<sup>103</sup> RTÉ is Ireland's National Television and Radio Broadcaster.

<sup>104</sup> Tánaiste is a title given to the deputy Prime Minister in Ireland.

it may seem as if the people behind the documentary attempted to explain the motives and somewhat justify the behaviour that Catholic Church exhibited.

The documentary showcased the brutal reality of clerical CSA, and the serious cases of paedophilia within the Church as Diarmuid Martin shares the responses of the abusers to the complaints. *“There are cases coming forward and my people will ask, for example, a priest, if a new case comes up, from one of these historical cases, does this name mean anything to you? Sometimes they say, ‘Yes, I abused that person’. Sometimes, and this is the more worrying one, they (say), ‘The name means nothing, but I can’t say, it could have happened....’ They don’t even know, they didn’t even know how many people they abused.”*<sup>105</sup>

The documentary also included a quite unique aspect, which helped differentiate the movie in the eyes of the public, as one of the victims that suffered under the hands of Fr Sean Fortune, a man whose identity remained hidden, spoke up on the television about his own experience of clerical CSA. Suddenly, there was a face to the stories, a real person, a man who once was somebody’s little boy sharing the story of being abused by a priest. The movie faced strong objections and criticism coming from the Catholic Church,<sup>106</sup> as the organisation aimed to dismantle the documentary’s credibility, possibly hoping to avoid any further discussions.

The documentary created a bridge between the history of Ireland and the problems that the Republic has been facing for the last 20 years. The connection brought an interesting insight as it showcased how the old era still affects the modern times. While this was an essential part of the documentary, the movie seemed to prioritise the narration of the historical event rather than focus on the current problems. But with the participants consisting of the selected group of people who held powerful positions in Ireland, the documentary gained a credibility in the eyes of the general public. That helped the movie to have a greater impact.

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<sup>105</sup> Extra.ie. “Priests ‘Abused So Many Children They Don’t Know Their Names,’” [Accessed April 7, 2022] <https://extra.ie/2019/04/07/news/real-life/rte-one-rome-v-republic-catholic-church-abuse>.

<sup>106</sup> Will be mentioned further in the thesis.

## ii The reaction of the government

A significant role within the state apparatus was played by the Health Service Executive<sup>107</sup>, previously known as the South Eastern Health Board. The HSE was directly connected with the Irish Department of Health. “*The Department’s main role is to support the Minister and Ministers of State in the development and implementation of policy for the health services. It also monitors the performance of health services.*”<sup>108</sup>

The HSE is a non-commercial state agency<sup>109</sup> created under the *Health Act 1970*, where chapter one focuses on the “short title, collective citation, construction and commencement, and part two describes its creation and function”<sup>110</sup>. A health board function is “conferred on it under this Act and any other functions which, immediately before its establishment, were performed by a local authority (other than as a sanitary authority) in the functional area of the health board in relation to the operation of services provided.”<sup>111</sup>

The main function that is connected to the topic of this thesis is the service regarding children’s protection. The HSE started to take care of the children; however, since it had been working on the act since 1901, the HSE was not seen as “a fit person” to take care of them. In 1989 brand new legislation supported the motion of HSE working with children fully, legally allowing them to fulfil their purpose and goals.

As stated in the Ferns report, *The Children Act 1908* was still in use during the time that the crimes of the clergy were conducted. This meant that children between 1908 until the finalised amendment of the Act and the time it was fully operational were not protected by the system. The HSE did not have the legal power to protect the children and adolescents because the Child Act from 1991 stated that the parent must take care of the child, and children have the

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<sup>107</sup> Health Service Executive will be further referred to as HSE.

<sup>108</sup> Citizensinformation.ie. “Department of Health.” Citizensinformation.ie. Ireland.[Accessed April 9, 2022] [https://www.citizensinformation.ie/en/health/health\\_system/department\\_of\\_health\\_and\\_children.html](https://www.citizensinformation.ie/en/health/health_system/department_of_health_and_children.html).

<sup>109</sup> Non-Commercial State Agency is a public sector body which have statutory obligation to perform specific tasks on the behalf of the government.

<sup>110</sup> Book (eISB), electronic Irish Statute. “Electronic Irish Statute Book (EISB).” Office of the Attorney General. [Accessed April 28, 2022] <https://www.irishstatutebook.ie/eli/1970/act/1/section/1/enacted/en/html#sec1>.

<sup>111</sup> Book (eISB), electronic Irish Statute. “Electronic Irish Statute Book (EISB).” Office of the Attorney General.[Accessed April 14, 2022] <https://www.irishstatutebook.ie/eli/1970/act/1/section/6/enacted/en/html#sec6>.



right to be protected by their parents, and the state agency such as HSE was able to intervene only if there was the problem in the parent-child environment.

This meant that HSE could do something only if the parent endangered the child or the parent was unable or unwilling to offer care for the child. So HSE could not legally intervene with the abuse that children suffered outside of the home, in the community. Then the head of the HSE, Barr J., stated that “The Act (all other legislation providing for the welfare of children) is silent on the obligations of Health Board in taking appropriate measures to protect unidentified children who may be put at risk in the future by a person who, to the knowledge of a Board, intends to enter the realm of childcare work and who the Board has good reason to believe is unsuited for such work and represents a potential hazard for children who come under his/her care.”<sup>112</sup>

The Board did issue a set of formal guidelines that helped heighten the awareness of the history of sexual child abuse. Thanks to these guidelines, personnel could directly work with children, but it had no impact on the legal issue since they still had no right to intervene. In further guidelines, there were also mentions of this issue. One of the essential guidelines was *Children First: National Guidance for the Protection and Welfare of Children* (Children First), published in 1999.

The main focus of the *Children First* was to help workers, and other people successfully identify if the child is abused and then how report the abuse to the appropriate agencies. To this day, many of the guidelines are being updated and amended to suit better the current era the world is in, changing to keep up with the endless evolution of humanity and society. As of 2022, the statutory obligations require that the services that might encounter cases of child abuse:

- *“Keep children safe from harm while they are using the service*
- *Carry out a risk assessment to identify whether a child or young person could be harmed while availing of the service*

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<sup>112</sup> Murphy, Francis D., Helen Buckley, Laraine Joyce, and Ireland, eds. *The Ferns Report*. Dublin: Stationery Office, 2005. p. 51.

- *Develop a Child Safeguarding Statement that outlines the policies and procedures which are in place to manage the risks that have been identified*
- *Appoint a relevant person to be the first point of contact in respect of the organisation's Child Safeguarding Statement.*"<sup>113</sup>

The government is the single part of the Ireland that contributed to the creation of the reports that unveiled the CSA cases. This decision to investigate the clerical abuse led to a chain of events that had an enormous effect on Ireland. The shifts called for the amendments of existing laws as the public as well as various politicians saw the need for change. Ever since the establishment of the independent Republic of Ireland, no modification impacted the country in such a significant way.

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<sup>113</sup> "Organisations Working with Children and Young PeopleTusla - Child and Family Agency." [Accessed April 24, 2022] <https://www.tusla.ie/children-first/organisations/>.

### **iii The reaction of the Catholic Church**

As I outline in Chapter 3, the reaction of the Catholic Church was crucially shaped by the Canon Law and its principles. In this subchapter, I focus on the reaction of the Catholic Church after the publication of the various reports about the clerical CSA. However, a difference from the previous subchapters, I will also mention the Catholic Church outside of Ireland and its handling of the aftermath of the scandals brought upon Ireland.

A method of shifting the blame behind the clerical CSA involved claiming that the abuse was not caused by paedophilic tendencies, but rather by: “*ephebophilia, being a homosexual attraction to adolescent males. Of all priests involved in the abuses, 80% to 90% belong to this sexual orientation minority which is sexually engaged with adolescent boys between the age of 11 and 17 years old.*”<sup>114</sup> Not debating the wrongly used terminology, the Catholic Church often tends to blame homosexual urges for the molestation of children by the hands of clergy. They use the hatred that their believers harbour against homosexuals to support their own agenda and to rid themselves of blame. However, even some clerical members spoke up on the support of homosexuality. Research and studies also show: “no significant differences between the “homosexual” and “heterosexual” offender,”<sup>115</sup> meaning there is no direct coloration between homosexuality and paedophilia. This is further supported by the instances of paedophile priests who abused either both sexes or girls exclusively.

In Ireland, many priests, and other members of the Catholic Church, expressed their immense sorrow and shame over the reprehensible acts conducted by people under the organisation. Diarmuid Martin is one of the most relevant clerical members of the Church, who had openly spoken up about the impact that the cases of child abuse continue to have on the

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<sup>114</sup> User, Super. “Vatican Sets Record Straight on Sexual Abuse.” [Accessed May 1, 2022] <https://www.catholiceducation.org/en/controversy/common-misconceptions/vatican-sets-record-straight-on-sexual-abuse.html>.

<sup>115</sup> Terry, Karen J., John Jay College of Criminal Justice, and Catholic Church, eds. *The Causes and Context of Sexual Abuse of Minors by Catholic Priests in the United States, 1950-2010: A Report Presented to the United States Conference of Catholic Bishops by the John Jay College Research Team*. Washington, D.C: USCCB Communications, 2011.

society, especially the Catholic Church. He vehemently disagrees when people claim that the issue of clerical CSA is a thing of the past: *“There's a real danger today of people saying: 'the child abuse scandal is over, let's bury it, let's move on'. It isn't over. Child protection and the protection of children is something which will go on for the rest of our lives and into the future because the problems are there.”*<sup>116</sup> The former Archbishop regularly appeared in public to share these opinions about the Church’s handling of the situation.

However, Diarmuid Martin spoke up about the changes that the Republic of Ireland and the Catholic Church need to make; he also indirectly asked that Pope helps resolve the situation. In 2018, during a Mass, he mentioned: *“My hope is that he [Pope Francis] will speak kindly but also speak frankly. The recent history of the Church in Ireland had its moments of real darkness. We need a church of light, a light that exposes darkness for what it is, and a light that is such that the mechanisms of cover-up and self-justification cannot extinguish or tone down. My hope is that Pope Francis will challenge the Church in Ireland to be different, to be more authentically the Church of Jesus Christ in a culture that is different.”*<sup>117</sup>

The Pope did address the issue of CSA that occurred on Ireland’s soil under the wings of the Catholic Church in his letter to the Irish branch, stating: *“I have been deeply disturbed by the information which has come to light regarding the abuse of children and vulnerable young people by members of the Church in Ireland, particularly by priests and religious. I can only share in the dismay and the sense of betrayal that so many of you have experienced on learning of these sinful and criminal acts and the way Church authorities in Ireland dealt with them.”*<sup>118</sup>

While the Pope’s intention was, undoubtedly, to address the situation, he spends a significant part of the letter explaining the history of Ireland’s Catholic Church. That portion of Ireland’s past certainly helps to understand how such manners were able to stay hidden, but the

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<sup>116</sup> McDonald, Henry. “Diarmuid Martin Claims Irish Catholicism at ‘Breaking Point.’” *The Guardian*, March 3, 2012, sec. World news. <https://www.theguardian.com/world/2012/mar/03/diarmuid-martin-irish-catholicism-vatican>. [Accessed April 19, 2022]

<sup>117</sup> “As We Await the Visit of Pope Francis ... | Archdiocese of Dublin.” [Accessed April 28, 2022] <https://dublindiocese.ie/as-we-await-the-visit-of-pope-francis/>.

<sup>118</sup> “Pastoral Letter of His Holiness Benedict XVI to the Catholics of Ireland (March 19, 2010) | BENEDICT XVI.” [Accessed April 28, 2022] [https://www.vatican.va/content/benedict-xvi/en/letters/2010/documents/hf\\_ben-xvi\\_let\\_20100319\\_church-ireland.html](https://www.vatican.va/content/benedict-xvi/en/letters/2010/documents/hf_ben-xvi_let_20100319_church-ireland.html).

Pope addressed it more than he did any other part of the letter, including the apology to the victims and their families or condemning those that abused the children. My hypothesis is that with Pope's power and influence on the Catholic Church, he simply could not express his genuine opinions and views about the scandals as his public actions represent the universal Church. Some people asked for stricter measures to be taken than reprimand and promise of forgiveness to the abusers after repenting, considering the trauma they inflicted on so many young people.

In response to the scandals of CSA in Ireland, Cardinal William Levada distributed a *Circular Letter to Assist Episcopal Conferences in Developing Guidelines for Dealing with Cases of Sexual Abuses of Minors Perpetrated by Clerics* to every Bishop in the world, sending it out on the 3<sup>rd</sup> of May 2011. In the letter, there are suggested procedures that the clergy should take in case they discover a child is being sexually abused by their member. The Cardinal asked the bishops to craft their own rules based on the guidelines included in the letter provided. Even though this may appear as a significant step towards justice, this letter only included the guidelines, and its content is not contained within the Canon Law, thus making this a suggestion that the Catholic Church asked its members to follow. Once again, the letter, same as the Canon Law, bypasses the mention of penance for those found guilty of committing CSA.

The principle of these guidelines, distributed only to Bishops, did not answer the question about Bishops' credibility, as many of them were directly involved in hiding the scandals and protecting the offending clericals. Some of the Bishops directly connected with the reports of clerical CSA appointed the accused clergy members to different parishes, allowed them to continue working with children and sometimes even ordained those who were already inclined to the CSA. The exact involvement and knowledge of the Bishops are hard to determine, given that most of the allegations took place in the last century. Many complainants approached the Bishops directly, and they often took no direct action.

Bishop Comiskey, a person responsible for managing the Ferns diocese during the period under the investigation, was accused of inappropriate behaviour. Since the alleged victim was over 16 when this occurred, the South Eastern Health Board did not pursue the case, respecting the alleged victim's wish not to involve any authorities. The fact that such a complaint existed

made the Inquiry worry whether Bishop Comiskey would deal effectively with abuse complaints. The Bishop claimed that the complaint against his person did not change his handling of allegations, as he learnt of the existence of the allegation 12 years after the South Eastern Health Board discovered it.

Even some members or clergy took to critique after reading the letter, amongst them Archbishop of Dromore, John McAvearey, who believed that: “the publication underscores the Church’s commitment to addressing the very serious issue of child abuse.”<sup>119</sup> The lack of penalties for those Bishops who would fail to follow these guidelines also faced critique as it further proved that hiding CSA could technically still go on unpunished.

After the scandals, what improved within the Canon Law is the addition dealing with child pornography and officially considering it a crime within the book. Unfortunately, not many other definite changes were made within the integral structure of the Catholic Church, whether in Ireland or even worldwide. The Vatican and its delegates may try to correct the wrongs by placing the responsibility of dealing with CSA into the hand of one person per Diocese, namely Bishops. Nevertheless, they do not have the expertise or tools to deal with the criminal allegations, which hinders the investigation process and allows instances of CSA to be covered.

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<sup>119</sup> “Vatican’s Paedophile Guidelines Spark Fury among Sex Abuse Victims - World News, News - Belfasttelegraph.Co.Uk.” [Accessed April 21, 2022] <http://webarchive.loc.gov/all/20110520101702/http://www.belfasttelegraph.co.uk/news/world-news/vaticans-paedophile-guidelines-spark-fury-among-sex-abuse-victims-16000900.html>.

## V. Conclusion

One of the main driving forces behind my decision to write about the topic of the scandals of the Catholic Church in Ireland was the lack of an academic perspective on the subject. While researching, I discovered that the issue of clerical child sexual abuse is a problem that runs much deeper than I initially thought. A plethora of information circulates through the internet only supported my determination to research this particular topic. I discovered that most of the world's society, including the one in Ireland, chooses to be indifferent and continues to block out disturbing knowledge.

The fact that the Church's transgressions in Ireland alone reached such a norm that several extensive investigations had to be conducted is nothing short of alarming. The only thing more shocking is the length that the Catholic Church would go to in order to protect itself and its members to the detriment of the affected people. As I discovered in my research for this thesis, the reasons and practices are continuously concurrent to the lack of actions when the Catholic Church received numerous reports, complaints, rumours, and other forms of information about the abuse happening under its roof. The cases described in the Ferns, Murphy and dozens of other reports, which are to this very day continuously updated and produced, show that the issue is not an individual problem but a worldwide structural issue realised by the clerical power.

This process was fuelled by the need to protect the religious organisation from any association with scandalous events or facing public criticism and backlash. Only when the media broke down the wall of silence, investigating incidents and recording witnesses' reports, testimonies and memories, was the information about criminal behaviour brought to the surface.

It is interesting to study the reaction of the Catholic Church within the aforementioned time frame as the exposed scandalous was simultaneously getting out of control and building more public awareness about the abuse happening. What is also worth noting are the Church's attempts to silence the media while engaging political power in hopes of overturning the fast-growing tide of scandalous behaviour and once again making the entire ordeal disappear behind the prestigious image of the Catholic Church and its supposed purity, holiness and untouchability.

The outcome of the investigations resulted in creating scandals, which proceeded to shake Ireland's populace. What was once considered a taboo in the Republic of Ireland was now being publicly discussed, and people openly expressed their opinions on the matter. Those opinions often ended up being reflected in the Catholic Church, which only accelerated the secularisation of Ireland, as seen when the census of religious beliefs and opinions from 2011 to 2016 almost rivalled the one from 1961 to 2011. This commenced a downfall of the Church's image in the eyes of the public. The power that was once taken for granted dissolved as the media and the governmental powers started to question the behaviour and condemn the actions that the Catholic Church took or failed to take.

As I presented in the thesis, different sectors of society reacted in various ways, from shock and disbelief to disgust, prompting a need for legislative changes that would ensure nothing similar could ever happen again. This process, however, is slow and tedious and requires an endless amount of patience, will and research, as the case of Ireland proves. Thanks to the media's vital role in sharing the information regarding the scandals, the people of Ireland realised that their trust in the Catholic Church should not be given unconditionally.

While discussing the scandals, I could not forego the reaction of the Catholic Church as their response proved fundamental to the illustration of the current climate in the Republic of Ireland. Because of the Catholic Church's power, not only in Ireland, it believes itself to be superior to the state, as shown by its handling of clerical child sexual abuse and its reluctance to address the situation. With the public made aware of the horrifying acts condoned by the clergy, the Church tried to amend, but the approach did not appear as honest.

By writing this thesis, I hope that I may inspire others to educate themselves when it comes to topics like these, as society often ignores the problems and concentrates on shallow faults instead of encouraging similar debates.



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