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Elaine Mary Buckley

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Abstract: This paper analyses the institution of the Catholic Church from the perspective of new institutional economics and as a “carrier of history” (David, 1994). This paper surveys the relevant body of literature and applies it directly to the problem of the lack of reporting of and the improper handling of child sexual abuse by the Catholic Church, given its role as a social institution within wider Irish society.

Keywords: Institutional Behavior, institutionalization, new institutional economics, path dependence, Catholic Church.

JEL Classifications: D23, L20, K10

Elaine Buckley

B.A., LL.M.,

University College Dublin.

Email: Buckleylouise@eircom.net

An Analyses of the Institution of the Catholic Church from the Perspective of New Institutional Economics and as a “Carrier of History” (David, 1994) in the Handling and Reporting of Child Sexual Abuse, Given its Role as a Social Institution Within Wider Irish Society

Elaine Buckley *

This paper will analyse the problem of reporting of child sexual abuse by the Catholic Church, given its role as a social institution within wider Irish society from the perspective of new institutional economics and as a “carrier of history” (David, 1994).

The Catholic Church’s¹ role within Irish society and as an institution in and of itself has recently received criticism from the media and from society at large. Recent scandals involving it have been partly caused by, contributed to and exacerbated by its functioning as an institution, e.g. Cardinal Sean Brady defending his role in handling abuse allegations against Fr Smyth. Church institutions also comprise schools, hospitals and other amenities.

Irish perspectives on the role of the Church include Garvin’s “Preventing the Future”² which concerns the politics of economic and social development in the Republic of Ireland since the enactment of the Constitution in 1937. During this time there existed an overwhelming and triumphalist Catholic consensus.³ The most pervasive legacy of the British government was the partnership that had developed between the Catholic Church and the British state, giving the religious institutions the task of educating the young, running the health system and controlling much of civic society. This made the Catholic Church a “powerful and autonomous agency which for many purposes operated like a second government or a state within a state.”⁴ The Church possessed extraordinary political and cultural influence and could effectively veto government measures.⁵ It feared expansion of technical and higher education, as it stood to lose its own constituency. Because of the crisis of the mid 1950s political leaders concluded

* B.A., LLM, University College Dublin. Email: Buckleylouise@eircom.net

¹ Hereafter the ‘Church’.

² Garvin, T. (2004) *Preventing the Future*, Dublin , Gill & Macmillan.

³ Ibid. P 2.

⁴ Ibid. P 2.

⁵ Ibid. P 6.

clerical and other resistance to educational reform and expansion had to be overcome. This led to secularisation within much of Irish society.⁶

Ideology by proxy syndrome is centred in an institution such as the religious organisation which is trusted to do the thinking and doing on ones behalf.⁷ This is reinforced by positive and negative incentives. This contributed to quiet assent or fatalistic acceptance by the majority of ill-treatment often amounting to criminal abuse of vulnerable groups such as orphans or the mentally handicapped subsequently hushed up by the Church.⁸ Children were practically the personal property of their parents; clergy in loco parentis had similar unchecked, unsupervised power over children. Physical and sexual abuse was widespread because there was no lay or civic control over clerical authorities. It was believed that the long-term interests of the institution overrode consideration of the law. Criminal offences should if necessary be hushed up, covered up and denied if damage to the public image of the Church might result.⁹

The Church's previously central position in society was irreparably damaged by clerical scandals in the 1990s. These scandals were only conceivable in context of secularisation of the minds of priests themselves, as traditional religious beliefs; clerical-self discipline and sexual Puritanism seriously weakened among them.¹⁰

Scandals of Irish Catholicism, sexual misconduct and financial irregularities have been replicated throughout the Catholic world. American Catholics are in rebellion against a hierarchy seen by many followers as corrupt and evil.¹¹

Williamson¹² in taking stock of new institutional economics (NIE), stated that neoclassical economics was dismissive of institutions and that organization theory had lacked scientific ambitions.¹³ Matthews' response was that NIE rested on two propositions that institutions do matter and the determinants of institutions are susceptible to analysis by the tools of economic theory.¹⁴

⁶ Ibid. P 6.

⁷ Ibid. P 7.

⁸ Ibid. P 23.

⁹ Ibid. P 74.

¹⁰ Ibid. P 213.

¹¹ Ibid. P 225.

¹² Williamson, O. "The New Institutional Economics: Taking Stock, Looking Ahead" Journal of Economic Literature.

¹³ Ibid. P 595.

¹⁴ Matthews, R. "The Economics of Institutions and the Sources Of Economic Growth," P 903.

Williamson defines NIE as predominantly concerned with Levels two and three of the four levels of social analysis. These are the levels of the institutional environment and the institutions of governance, respectively.¹⁵ Level one is the social embeddedness level. This is where norms, customs, mores, traditions, etc. are located. Religion plays a large role at this level. While Level 1 analysis is undertaken by some economic historians and social scientists e.g. Banfield 1958, Putnam, Leonardi, and Nanetti 1993, Huntington 1996, Nee 1998 etc.

"Level 1 is taken as given by most institutional economists. Institutions at this level change very slowly-on the order of centuries or millennia".¹⁶ North queries, "What is it about informal constraints that gives them such a pervasive influence upon the long-run character of economies?"¹⁷

He believes that an identification and explication of the mechanisms through which informal institutions arise and are maintained would help to understand the slow change in Level 1 institutions. He conjectures that many informal institutions have mainly spontaneous origins *"which is to say that deliberative choice of a calculative kind is minimally implicated"*¹⁸. They are adopted and subsequently display inertia either because they are functional, as with conventions, or take on symbolic value with true believers. Many are linked with complementary institutions, both formal and informal, and the resulting institutions have a lasting grip on the way society conducts itself.¹⁹

NIE in addition to institutions also studies human behaviour. There exists almost total unanimity within NIE on the existence of limited cognitive competence or bounded rationality.²⁰

When considering any future regulation of the Catholic Church it should be taken into account that under NIE contractual incompleteness poses added problems when paired with the condition of opportunism which manifests as adverse selection, moral hazard, shirking, subgoal pursuit, strategic behaviour etc. Therefore as human actors will not reliably disclose conditions truthfully upon request or self-fulfill all promises, contracts or mere promises, unsupported by credible commitments, will require external enforcement. An exploitable attribute of human actors within NIE that did not prevent the current scandals but that may be of use in the

¹⁵ Williamson, 2000. P 608.

¹⁶ Ibid. P 596.

¹⁷ North, Douglass. 1991. "Institutions," J. Econ. Perspectives, 5:1, pp. 97-112. P 111.

¹⁸ Williamson, 2000. p 597.

¹⁹ Ibid.

²⁰ Ibid. P 600.

prevention of future negligence or abuse by the Catholic clergy or hierarchy is the capacity for conscious foresight.²¹

NIE was inspired by Coase's (1960, 1984) insight, that when its costless to transact, details of institutions hardly matter, private parties readily contract around existing arrangements when opportunities for pareto improving exchanges occur. Williamson (1975, 1985) explained internal organization of firms and found that where transactions were costly and monitoring of performance and third-party enforcement of contracts was problematic, organizational arrangements would matter and could be expected to be made the subject of conscious, deliberate exercises in 'institutional mechanism design'.²²

David in his seminal piece, questions why institutions are the "carriers of history" (David, 1994). Under his analysis the conditions that give rise to path dependence "*in economic phenomena generally can be applied to answer the question why history matters so vitally to the form and functioning of human organizations and institutions*".²³ These include the role of historical experience in forming mutual expectations which allow coordination of agents' behaviours without centralized direction. A dynamical process whose evolution is governed by its own history is path dependent.²⁴ It is the resemblance between highly durable capital assets and the information channels and codes required by multiperson organizations to function with minimal viable efficiency, and the interrelatedness among constituent elements of complex human organizations and the constraints on choices about particular rules and procedures, from pressures to maintain consistency and compatibility within the larger structure.

Another analytical insight by David is that the suitability of applying metaphors from evolutionary biology to institutional development leads to critical qualifications of analogies between technological systems and human organizations.

David observes that most of us are inclined to view present-day social conventions and consciously formalized rule structures that govern functioning of organizations and institutions, as 'carriers of history'. We suppose they have evolved from recognizably similar structures that existed in the past to satisfy some once important social purpose.²⁵

According to David, history really matters where certain conditions obtain: the durability of learned modes of communications and role types, the multiplicity of solutions that may be found to yield coordination benefits and the complementarities that are created when

²¹ Ibid. P 601.

²² Ibid. P 206.

²³ David, P. *Why are Institutions 'the Carriers of History'? Path Dependence and the Evolution of Conventions, Organizations and Institutions*. P 205.

²⁴ David, P. Path dependence: a foundational concept for historical social science. P 92.

²⁵ Ibid.

organizations add mutually adapted procedures, and institutions incrementally evolve precedent-based rule structures to maintain time consistency in expectations and minimize the obsolescence of organizational capital.²⁶

David finds that evolutionary change now appears to be taken by all concerned to be an obvious attribute of institutions, though the exact workings of the evolutionary process, have at best remained sketchy.²⁷

The fact that members of the institution in question, i.e. the clergy, believed that their actions or inactions were correct or at least acquiesced to such actions or inactions, makes it of the utmost importance to analyse the extent to which institutional arrangements, specifically the Catholic Church are plastic and readily adaptable to achieve efficiency (Davis and North, 1971; North and Thomas, 1973) especially as its influence and ability to alter its external environment has now been compromised, exposing it to external pressures and stresses.

North, collaborating with Davis and with Thomas advanced the interpretation for the history of institutional arrangements, the principle, that to understand institutional change the key lay not in the past so much as the present and future, as institutional arrangements were plastic and, therefore, could and would be readily adapted to achieve efficiency wherever people saw that doing so would be to their economic advantage (Davis and North, 1971; North and Thomas, 1973).

North (1990,1991) acknowledges the difficulties of extending the paradigm of competitive markets to the creation and use of institutions and allows that distributional as well as efficiency considerations are often important. North consistently maintains a teleological orientation *'Throughout history institutions have been devised by human beings to create order and reduce uncertainty in exchanges'* (North, 1991). It is the function for which they were intended and fulfilled that enables understanding of institutions and institutional change. North (1991)²⁸ states that institutions

*'evolve incrementally, connecting the past with the present and the future; history in consequence is largely a story of institutional evolution in which the historical performance of economies can only be understood as a part of a sequential study.'*²⁹

²⁶ David, P. *Why are Institutions 'the Carriers of History'?: Path Dependence and the Evolution of Conventions, Organizations and Institutions*, P 219.

²⁷ Ibid. P 207.

²⁸ 1991, P 98.

²⁹ David, P. *Why are Institutions 'the Carriers of History'?: Path Dependence and the Evolution of Conventions, Organizations and Institutions*, P 208.

North's (1991) position, with which David (1994) agrees, is that as institutions are carriers of history, history must matter in the functioning of market and non-market economies. David goes further stating that it is essential to try to understand why history matters in the evolution of organizations and institutions.³⁰ He views as an aid the phenomena of 'path-dependence'.

Processes whose outcomes are path dependent are 'non-ergodic', if they remain structurally unperturbed, they are unable to shake off the effects of past events and do not have a "*limiting, invariant probability distribution that is continuous over the entire state space*"³¹ they are drawn to 'attractors', usually chosen by persisting consequences of transient conditions that prevailed early in the history of the process.

The counterpart to path dependence is extreme sensitivity to initial conditions. David observes that analytical insights concerning the roots of path dependence in economic phenomena can go a long way towards understanding why history matters so vitally where human organizations and institutions are concerned.³²

The process of institutionalization and its effect on Catholic clergy is of importance in analysing the abuse scandals. Berger and Luckman's (1966) formation of idealized expectations about behaviour held reciprocally by occupants of ideal-type roles states that institutions assign individuals to well-defined roles, in which their anticipated range of actions turns out to be consistent with actions of other individuals.

This differs from Schotter (1981) whose insights about conventions, interprets informal and formal institutions as the Nash equilibria of non-cooperative games. Berger and Luckman (1964), posit that membership or participation in institutionalized activities is conditional on tolerable conformity with behaviour delineated by a well-specified role.

Mechanisms for enforcement must therefore exist and may include internal psychological inhibitions geared toward maintaining self-esteem and avoiding guilt-feelings. As considerable prior investment in personal socialization, acculturation and ethical education of the individual is required to reliably control behaviour, comprehensive institutions, which structure many aspects of their members lives, e.g. clergy, military etc., require members to submit to intensive acculturation routines.

This may be contrasted with institutions, usually governing and supporting a variety of commercial transactions, where potential members are drawn from varying backgrounds and the expected duration of their commitment to the organization will be brief. They cannot be supposed to be informed of the extent of each others prior inculcation with commonly held values. It is more likely in this situation that the 'organizational contract' would make explicit to

³⁰ Ibid. P 208.

³¹ Ibid.

³² Ibid.

each individual some threat of externally imposed sanctions of deviant behaviour. These may vary according to severity of the infraction and may take various forms, ranging from forfeiture of a bond, to temporary or permanent expulsion from the organization whatever attendant penalties or reputational stigma that would carry, and the exaction of reprisals on third-party 'hostages'.³³

It may be argued that while external sanctions were ineffective against actual abusers within the Church, socialization and loyalty to the institution played an overwhelming role in influencing the colleagues of abusers to obey the Church's policy of silence. It might also be observed that as colleagues of convicted clergy reported a sense of shame, disillusionment and abandonment with Church management³⁴, that institutionalization has been weakened and is now less effective in the aftermath of the abuse scandals.

Greif employs non-cooperative games theory stating a group may enforce private contracts amongst members by threatening exclusion from future transactions.³⁵ These sanctions could be triggered by documented allegations by one member against another who transgressed collective norms, and were structured so it was evidently in the interests of passive group members to enforce the sanction.³⁶

Berger and Luckman (1966), state that the human organism lacks the necessary biological means to provide stability for human conduct. Social order is a human product or more specifically a product of ongoing human production produced by people in the course of ongoing externalization. All human activity is subject to habitualization.

"Any action that is repeated frequently becomes cast into a pattern, which can then be reproduced with an economy of effort and which, ipso facto, is apprehended by its performer as that pattern."³⁷

Habitualized actions retain their meaning for the individual and become embedded as routines in their general knowledge, taken for granted and at hand for future projects. Habitualization carries the important psychological benefit that choices are narrowed.

³³ Ibid. P 211.

³⁴ Catholic Communications Office Time To Listen Confronting Child Sexual Abuse by Catholic Clergy in Ireland.

³⁵ Greif, A. 'Cultural Beliefs and the Organization of Society: a Historical and Theoretical Reflection on Collectivist and Individualist Societies'.

³⁶ David, P. *Why are Institutions 'the Carriers of History'?: Path Dependence and the Evolution of Conventions, Organizations and Institutions*, P 211.

³⁷ Berger, R. and Luckmann, T. *The Social Construction of Reality*. [1966].
<http://allanmccollum.net/allanmccollum/peterberger.html> (last accessed 15.30 23/04/10).

Institutionalization occurs where there exists a reciprocal typification of habitualized actions by types of actors.

Berger and Luckman conclude stating that institutions always have a history, of which they are the products. It is impossible to understand an institution adequately without an understanding of the historical process in which it was produced. An institutional world is experienced as an objective reality. It has a history that predates the individual's birth and is not accessible to their biographical recollection.

*"It was there before he was born, and it will be there after his death."*³⁸

This may help to explain defences posited by Church hierarchy, clergy and members of the public in general that 'that was how things were done at the time'.

The results of the process of institutional acculturation within comprehensive institutions such as the Catholic Church were described by social anthropologist, Douglas (1985) as the channelling of both a person's perceptions of the world and of their proper place within it. This is similar to propositions that emerge from Kuran's (1993) observations concerning 'heuristic of social proof' or reliance upon recurring expressions of a societal or group consensus on substantive issues in individuals' cognitive processes. Delineation of roles, including sets of consistent roles e.g. teachers and students, masters and servants, etc. is a learned process, rather than an instant one, which may involve deliberate borrowing or imitation from forms of human interaction that is common knowledge or may emerge spontaneously through trial and error where institutions place individuals in maladapted sets of roles and fail to reproduce themselves through effectively socializing members. Ideal-type roles remain available for use, more refined and thoroughly ingrained through repeated use, unlike tangible productive capital which may degrade.³⁹

Douglas posits that a comforting but false idea about institutional thinking is that institutions just do "the routine, low-level, day-to-day thinking". He disagrees with Schotter, who believes that the minor decisions get off-loaded for institutional processing, while the mind of the individual is free to weigh important and difficult matters (Schotter 1981).⁴⁰ Douglas points out that there is no reason to believe this and that the contrary is more likely, i.e. the individual tends to leave important decisions to institutions while busying themselves with tactics and details.⁴¹ This in conjunction with institutional acculturation may serve to help answer the question of how avowedly spiritual men 'did not know' that how they dealt with abuse scandals were 'wrong'.

³⁸ Ibid.

³⁹ Ibid. P 212.

⁴⁰ Schlotter, A. The Economic Theory of Institutions. [1981]. P 149 .

⁴¹ Douglas, M. "How institutions Think", [1985]. P 111.

To analyse possible causes for the lapse in communication at a certain point in the hierarchical structure of the Church and the previous policy of non-communication with law enforcement or child protection agencies, communication channels which compress and internally transmit data acquired by an organization's members, must be assessed. Organizations require particular channels, an especially durable form of capital, for dealing with information.⁴²

While organizations have an advantage of being able to acquire more information than can any single economic agent it must be filtered, coordinated and compressed to be of use in decision making, communication channels and information processing procedures must be created within an organization.⁴³ To enhance the efficiency of the channels it is possible to settle upon a particular code. However, to an individual, learning a code is an act of irreversible investment and therefore an irreversible capital accumulation for the organization. Therefore institutions have distinct identities, as the cost of changing the code is unanticipated obsolescence.⁴⁴

Arrow also observes that different institutions rarely share identical codes as very large numbers of optimal codes exist. The code is determined in accordance with best expectations at the firm's creation, as the code is part of the organization's capital it will be modified slowly over time, therefore codes of organizations starting at different points in time will generally be different even if they are directly competitive.

What is important is not the precise form of the code, but that individuals can readily learn the codes being used in the organization in question.⁴⁵ The need for mutually understandable codes within organizations causes individuals to specialize in information capable of being readily transmitted by the codes, they become less efficient in acquiring and transmitting information not easily fitted in the code, Arrow (1974). Therefore the institution itself molds the behavior of its members.⁴⁶

Arrow states:

"Now trust has a very important pragmatic value, if nothing else. Trust is an important lubricant of a social system. It is extremely efficient; it saves a lot of trouble to have a fair degree of reliance on other people's word. Unfortunately this is not a commodity which can be bought very easily."⁴⁷

⁴² Ibid.

⁴³ Arrow, K. J. The Limits of Organization. [1974]. P 53 – 56.

⁴⁴ Ibid. P 55.

⁴⁵ Ibid. P 56.

⁴⁶ Ibid. P 57.

⁴⁷ Arrow, K. J. The Limits of Organization. [1974]. P 53 – 56.

Authority and belief in organizations is a way of increasing the efficiency of a system by building trust.⁴⁸ It should be remembered that according to the Catholic Communications Office, when surveyed, most participating clergy reported that their initial awareness of clerical sexual abuse was raised through the media.⁴⁹ This points to possible inefficiencies in the code which possibly moulded a culture of silence within the institution as a whole. This could potentially be exacerbated with the loss of the commodity of trust as the recent scandals impact on willingness to trust Church personnel, with forty-one percent unwilling to automatically trust a priest on first arriving in their community.⁵⁰ This code has since been modified, according to the survey, as knowledge of the effects of abuse on individuals was limited but has evolved over time to an appreciation of the extensive and long-term adverse effects of such experiences on the individual.⁵¹

The Church will likely further 'evolve' to deal with controversy; it is unlikely to suffer an institutional 'catastrophe' or crisis that will cause it to depart from a conservative response to dysfunctional existing arrangements (David 1994). This is due to the fact that the large sunk costs, including the development of routines, supported by efficient information codes and the establishment of common knowledge like expectations by individuals familiar with the particular institution, combine to favour stasis or incremental change. The ground state perception, which is departed from only in episodes of crisis, is that it is less costly to eschew revolutions and favour an ameliorative and an essentially conservative mode of response to any dysfunctional aspects that may be noticed in the existing arrangements.⁵²

The institution under review is a formal organization, required to coordinate actions and channel thinking of volitional persons in order to function, as opposed to technological systems (David 1994). Institutions are generally considerably less plastic than technology. They are more rigid and less adept at adapting to the pressures of a changing environment, and therefore create incentives for their members and directors to attempt to alter the external environment. As many circumstances exist where the external environment proves intractable, organizations and institutions are subject to pressures and stresses that may cause them to abruptly collapse and dissolve or be captured, dismembered and ingested by competing organizations.⁵³

⁴⁸ Ibid.

⁴⁹ Catholic Communications Office Time To Listen Confronting Child Sexual Abuse by Catholic Clergy in Ireland.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² David, P. *Why are Institutions 'the Carriers of History'?: Path Dependence and the Evolution of Conventions, Organizations and Institutions.* P 215.

⁵³ Ibid. P 218.

I believe the institution of the Catholic Church is uniquely vulnerable to historical precedent and its importance in shaping the institutional cluster, as new components must be adapted to interlock with the pre-existing structure.

Institutions evolve new functions that are added sequentially and are therefore shaped by precedent. Extraneous features of the historical context in which institutions are formed, may become enduring constraints e.g. the panda's thumb (David 1994). This can result in the selection of particular solutions, so that even if the original rationale were to become irrelevant, alteration would possibly impose considerable readjustment costs.⁵⁴ The possibility exists that 'bandwagon effects' or 'excess momentum' in the dynamics of individual action, will lead the system to become 'locked-in' to a coordination solution that is less socially efficient than others which were initially available. David is of the opinion that institutions do evolve in a manner that shares important attributes with the biological processes of evolution. He observes, however that this makes it all the more apposite for economists to grasp the implications of the fact that biological mechanisms of selection are very much bounded by the material that they find already on hand.⁵⁵

The extent of tacit knowledge required for the efficient functioning of a complex social organization, is more at risk of being lost when organizations collapse or are taken over and reformed by rivals. While some surviving institutions such as the Catholic Church represent legacies of great antiquity, at the same time much human ingenuity and effort is continually being poured into reinvention and rediscovery of organizational techniques and institutional arrangements that have been lost and found several times over.⁵⁶ Therefore outside guidance and scrutiny is essential for regulating such as black letter law as regards reporting abuse, standards set by lay reform groups, children's organisations and the Church itself, e.g. the Catholic Communications Office.

According to Charny, one ground for judicial intervention to enforce or modify norms is to correct parties' mistakes about what norms apply or how effective the sanctions that enforce the norms outside of the law are.⁵⁷

The feature of path dependence that is present in institutions are also evident within the law, which forms an integral part of the regulatory framework. Holmes in his study of the path of the law⁵⁸ states, in giving the example of the rule as to trespass *ab initio*, that it is "revolting" if the grounds upon which the rule of law is laid

⁵⁴ Ibid. P 214.

⁵⁵ Ibid. P 217.

⁵⁶ David, P. *Why are Institutions 'the Carriers of History'?: Path Dependence and the Evolution of Conventions, Organizations and Institutions.* P 219.

⁵⁷ Charny, D. *Illusions of a Spontaneous Order: "Norms" in Contractual Relationships* Pg 1857.

⁵⁸ Holmes, Path of the Law, vol. x., no. 8. 10 Harv. L. Rev. 457 1896-1897.

*“have vanished long since, and the rule simply persists from blind imitation of the past”*⁵⁹ He highlights the fact that the social end aimed at by a rule of law can over time be *“obscured and only partially attained in consequence of the fact that the rule owes its form to a gradual historical development, instead of being reshaped as a whole, with conscious articulate reference to the end in view”*.⁶⁰ He acknowledges that *“Imitation is a necessity of human nature...most of the things we do, we do for no better reason than that our fathers have done them or that our neighbours do them”*.⁶¹

The working thesis, that the Catholic Church will further ‘evolve’ to deal with controversy, and is unlikely to suffer an institutional ‘catastrophe’ or crisis that will cause it to depart from a conservative response to dysfunctional existing arrangements (David 1994) has not been disproved. Previously colleagues of convicted clergy described the Church’s strategy in relation to child sexual abuse as an attempt to prevent scandal and protect the Church as an institution. Ineffective leadership, poor communication, unfamiliarity with the issue, lack of procedures and conflicting external advice were also identified as challenges to effective management.⁶²

In the survey of bishops, only forty-five percent reported being satisfied with their handling of past allegations of child sexual abuse. The *Framework Document* of Church Guidelines on Child Sexual Abuse, the Catholic Church’s policy document for responding to complaints of child sexual abuse has since been introduced which requires complaints of child sexual abuse by clergy be referred promptly to the Garda Síochána.⁶³ When surveyed, forty-seven percent judged the quality of priests to be better today compared to the past, though satisfaction with the Church in general was lower than previously, down to forty-four percent from fifty-four percent.⁶⁴

In conclusion, given that enforcement mechanisms of internal psychological inhibition geared toward maintaining self-esteem and avoiding guilt-feelings was utilised by the Catholic Church in order to protect the Church as an institution rather than to deal meaningfully with either the perpetrators of abuse or victims, contrary to many of the tenets and stated ideals of the institution in question, it is arguable that through its incremental approach to change the Catholic Church has subverted rather than preserved much of its core roles, structures and social purpose. The Church

⁵⁹ Ibid. P 469.

⁶⁰ Ibid.

⁶¹ Ibid. P 468.

⁶² Catholic Communications Office Time To Listen Confronting Child Sexual Abuse by Catholic Clergy in Ireland.

⁶³ Ibid.

⁶⁴ Ibid.

“Like every other human institution...are capable of being tempted to abuse their power”⁶⁵ and there no longer exists “the social practices, institutions, or widely accepted principles that at one point in time supported the notion that a criminal or tortious religious entity should be treated differently from one that is secular.”⁶⁶

Therefore it should also be noted that institutional and regulatory failures did not just occur within the Catholic Church but were present on the part of the State and society in general which failed to implement meaningful externally imposed sanctions of deviant Church behaviour, these failures must be remedied if such abuses are to be prevented within any institution in the future.

⁶⁵ Hamilton, M. Religious Institutions, the No-Harm Doctrine, and the Public Good Brigham Young University Law Review [2004] P 1101.

⁶⁶ Ibid p 1099

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