

THE COMMON GOOD IN AN UNEQUAL WORLD
A Conference on the Compendium of the Social Doctrine of the Church
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The Privatisation of Public Morality

Good afternoon, Your Eminence, Your Grace, Reverend Sisters and Fathers, Ladies and Gentlemen. I am very honoured to be invited to speak today at this conference on The Compendium of the Social Doctrine of the Church. When asked to speak on the topic "The Privatisation of Public Morality" I have to confess that I struggled a little as I sought the meaning of what I was being asked to talk about, and as I sought also to discern what I might usefully say to such a distinguished audience whose knowledge and understanding of these matters would undoubtedly far transcend my own. However, I do hope that what I say will have some relevance to you.

You know that I hold Office as Police Ombudsman for Northern Ireland. What I will therefore speak about today is my experience of being a Catholic holding high Office, the function of which is to call to account that which is probably the most powerful institution of the State - the police. My job is to investigate, independently and impartially, allegations of police criminality and police misconduct, whether those allegations come to me from citizens, or from those responsible for policing and its governance: - the Secretary of State, the Northern Ireland Policing Board whose function is to ensure the delivery of effective efficient policing, or the Chief Officer of policing - the Chief Constable. I also receive for investigation cases referred by Coroners conducting inquests into sudden deaths, from the Criminal Cases Review Commission which examines convictions where the person who was convicted is alleging wrongful conviction. On occasion in such cases the Criminal Cases Review Commission will become aware of the possibility that a police officer or officers may have acted criminally themselves either in conducting the original investigation or in giving evidence to the court. In such cases they will refer the matter to me. These are often very sensitive cases - I think for example of the case of a young man convicted of sectarian murder during the Troubles, who served most of a lengthy life sentence

before the Criminal Cases Review Commission referred his case back to the Court of Appeal at which his conviction was quashed. In the course of their investigation the Criminal Cases Review Commission became aware of the possibility that police officers had perverted the course of justice, by forcing him to sign his confession. That matter was referred to my Office and we investigated and found compelling evidence of serious police wrongdoing.

We have investigated many other very serious cases and as a consequence of our work police officers have been convicted in the criminal courts of serious offences and there are officers who have been dismissed, and officers who have resigned following investigation by my Office. At the moment we are in the final stages of an investigation into an allegation by the father of a young man who was murdered by loyalists and who alleges that the loyalists who murdered his son had been involved in multiple murders prior to his son's death, at the same time as they were acting as police informants. Effectively what has been alleged is that the police knew that these people were involved in murders and allowed them to continue to act in this way because they were a useful source of information to the police about the activities of their paramilitary colleagues. It is an allegation effectively of state collusion by doing nothing in a series of horrific murders. It is a very serious allegation, and such allegations and perceptions of state wrongdoing, whether justified or not, can have the effect eventually of undermining confidence in the very institution of policing within the State.

My appointment as Police Ombudsman caused some comment for a variety of reasons, one of which is very simply that I am a Catholic. The distrust in sections of our community in the North of individuals based on their religious affiliation is fundamental to the inability of our divided people to live together. The fight waged by republican terrorism, which sought to overturn the partition of Ireland to create a United Ireland by force is rightly condemned, notwithstanding that it emerged at a time of significant repressions and exclusion of Catholics from housing and employment and public representation in the north. Similarly there is recognition that the security forces colluded with loyalist paramilitaries on occasion in the fight against militant republicans. That recourse to arms did not arise in the context in which the Church accepts that there is justification for armed resistance (as

articulated in paragraph 401 of the Compendium). Our problem was, as has been the case on so many occasions in history that the legitimate attempts by the State to impose the rule of law, were corrupted by thought processes, which on many occasions saw militant Republicanism as synonymous with Catholicism, and on others saw militant loyalism as synonymous with Protestantism. This was rarely articulated but it is inherent in what happens. As a Catholic therefore what I encountered was a mindset which said as one politician articulated it, "that no Catholic could do this job" because this job involved the investigation for criminal offences of one of the primary organisations of the State, the police. There emerged, over the years in Northern Ireland, a corrupted way of thinking, which led the majority of the population to view the police as "theirs." To criticise the police became almost a form of treason. Hence the view that "no Catholic could do this job." To this day there remains an element, on occasions significant, of that distrust in my ability to provide a service to all the people which is founded on integrity, impartiality and independence. I had such a conversation most recently with a prominent Protestant member of the community who congratulated me upon the achievements of my office and who stated readily that it would have been much easier for me and for my staff had I not been a Catholic.

That distortion of understanding of what it means to be a Catholic is, I think in part responsible for the Troubles. The Compendium has a significant contribution to make to the better understanding by both Catholics and all other religions, of what the Catholic faith demands of its followers and of the consequences of the understanding of a world in which there is too a moral order which is transcendent, absolute, universal and equally binding upon all." Paragraph 396 of the Compendium articulates the great danger which may result if a state fails to realise that "it is from the moral order that authority derives its power to impose obligations (*J XXIII Pacem in Terris*) and its moral legitimacy, not from some arbitrary will or from the thirst for power." Paragraph 397 goes on to discuss the need for recognition by authority of essential human and moral values which "flow from the very truth of the human being and express and safeguard the dignity of the person, values which no individual, no majority and no State can ever create, modify or destroy." These values," it states, "do not have their foundation in provisional and changeable "majority" opinions but simply must be recognised,

respected and promoted as elements of an objective moral law, the natural law written in the human heart and as the normative point of reference for the civil law itself."

The Compendium states with great clarity "if as a result of the tragic clouding of the collective conscience, scepticism were to succeed in casting doubt on the basic principles of moral law, the legal structure of the State itself would be shaken to its very foundations, being reduced to nothing more than a mechanism for the pragmatic regulation of different and opposing interests."

It probably seems simplistic to you when I say that that from enhanced understanding of the Social Doctrine of the Church can emerge those structures which will enable us to live together in harmony for the common good, recognising the validity of a ruling authority which "must guarantee an ordered and upright community life without usurping the free activity of individuals and groups but disciplining and orientating this freedom, by respecting and defending the independence of the individual and social subjects, for the attainment of the common good." We have not previously had ready access to the articulation of the teaching of the Church, in terms of social doctrine. The present volume is not the simplest to read. Footnotes in Latin will not enhance the understanding of a population, large sections of which no longer study or have any understanding of Latin. Translation of the footnotes is a necessary development for the Compendium. It will be important, also, that a way is found of communicating its contents to the world, both Catholic and non Catholic, so that there will be a greater opportunity for enhanced understanding of the faithfulness of Catholic Social Doctrine to the scriptures.

I want finally to reflect briefly on the extent to which the Church itself, in its human frailty, has fallen short of its compliance with the demands of a moral order which is "transcendent, absolute, universal and equally binding on all." I am thinking now of those structures of the Church which seek to give effect to Canon Law, in two sectors of activity which impact on ordinary people and priests.

The first involves some consideration of the processes by which the Church decides upon the validity of individual marriages. Paragraph 404 of the Compendium discusses the requirements for proper investigation of criminal activity in terms which would be recognisable to most human rights lawyers. The Compendium identified

quoting Pope John Paul II, in an Address to the Association of Italian Judges in 2000, the need to ensure "that trials are conducted swiftly, and matters dealt with". How applicable are such principles to Church Marriage Tribunals, in which for applicants from Northern Ireland at least, delays are inordinate and go largely unchallenged? I know one young woman who has been waiting ten years for the annulment of a marriage which lasted less than six months and in respect of which there were very few witnesses to interview and few opportunities for evidence gathering. All the evidence which is available, is perceived by all who have seen it to be absolutely compelling in its witness to the fact that this was no marriage. As this young woman waits her life passes her by. It is not because this is how God has ordained it should be, it is because the Church in Ireland has failed to create the structures and mechanisms which would result in justice. I know of other similar cases, equally compelling in which individuals are placed in a place of limbo where they, who seek to follow most faithfully the ordinances of the Church and of the Lord whom they love and seek to serve, experience at the hands of that Church another "real injustice" similar to that of which John Paul II spoke: in which there is no proper and timely adjudication on the validity of marriages. In allowing this situation to develop and to continue unchallenged it seems to me that the Church in Ireland has failed in its duty to some of its people, in the most precious part of their lives which is their relationship to others, to the community of the people of God, and to the God who made them.

There is one final area about which I wish to speak and it is even more sensitive. We have all seen the terrible litany of the pain of those abused by a small number of members of our Church, some of them ordained to priesthood. The response of the Church in Ireland was inadequate and in some cases criminal - we saw the collusion which resulted in the movement of a few priests, known to be paedophiles, from parish to parish. It was wrong, terribly wrong. More recently we have seen a completely different approach, and there is much to be commended in the new rules here for how to deal with these matters. But it is my view that inherent in those new rules is another injustice which will cause equal harm. For it seems to me that whilst articulating the fact that people are innocent until proved guilty, the church does not reflect this understanding in the way in which she deals with those accused, especially those accused of offences which allegedly occurred twenty and thirty years ago,

which inevitably are much harder to investigate. Priests who are accused usually have to leave their homes and go away into what is effectively a desert in which they cannot function in the life to which they have been called. In cases where there is real evidence and a need to protect children this is absolutely right. In cases where there is a vague allegation, particularly where that allegation changes rapidly on the first few occasions on which it is recounted, it is wrong to deprive men of their character and way of life. I have investigated such allegations against police officers. The police investigate similar allegations against civilians. If those allegations are proved to be false, or if they are unproven, the accused goes back into their professional life. The determination will be either that they should stand trial, as a consequence of which they will be either acquitted or convicted, or that there is no evidence on which to found a prosecution, in which case they will return to normal life. Such accusations cause huge distress to the accused as well as the accuser, but at the end of the investigation, those falsely accused will be able to get on with their lives. In many cases in the Church here in Ireland, this does not happen. And men against whom the evidence is simply not to be found, will nevertheless not be permitted to return to work, but will spend the rest of their days waiting. For what? I know of many such men living apart in monasteries and seminaries for whom life is on hold indefinitely because the Church does not have the structures which will enable proper handling of the issue. This is wrong.

Where the Church responds disproportionately in situations such as those to which I have referred above, it is not true to the Gospel. It, too, is privatising that morality which should underpin all its activities and in so doing becoming less faithful. The Church should be alert to those situations in which it may become responsible for the perpetration of grave injustice. The Compendium is a rich resource for those who for whom the call to holiness is lived as they work in the fields of justice and human rights both within the Church and outside it.

As Cardinal Bernardin wrote,

"We will serve others when we walk with them in the dark valleys of oppressive structures".

After my initial struggle to discern what this Compendium means for me personally, I now know that there is much to ponder on within it. I am very grateful for the opportunity to reflect with you today. As Police Ombudsman I have always felt that my calling is "to act justly, to love tenderly and to walk humbly." In closing may I ask you all to remember me and my staff in your prayers.

Thank you for listening to me.

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