CASE STUDY

‘Naked to mine enemies’: Cardinal George Pell and the media

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ABSTRACT

In 2019 Cardinal George Pell, an important Vatican official and Australia’s most prominent Catholic cleric, was convicted of sexually abusing two choirboys in the sacristy of the Melbourne cathedral in the late 1990s. There was only one witness, the complainant. Pell spent more than 400 days in jail before he was exonerated in April 2020 after appealing to the High Court. Before, during and after the legal process most of the print and broadcast media were fiercely hostile to the Cardinal. This was due in part to Pell’s forthright personality and to his conservatism on moral issues. But he also represented the hierarchy of the Catholic Church in the midst of its crisis over sexual abuse. His public defenders were few. The clergy, by and large, refrained from commenting on the issue.

The reckoning

On 11 December 2018, George Pell was convicted in the County Court of Victoria, Melbourne Division, by a jury of 12 men and women of on four charges of indecent acts and one charge of sexual penetration of a child under 16. On 13 March 2019 he stood before Chief Judge Peter Kidd for sentencing.

This was an extraordinary moment. George Pell was (and still is) the most prominent Catholic cleric in Australia. He was Archbishop of Melbourne from 1996 to 2001 and Archbishop of Sydney from 2001 to 2014. He was the inaugural Prefect of the Secretariat for the Economy between 2014 and 2019 – in charge of shining light into the dark corners of Vatican finances. He was a member of Pope’s Council of Cardinal Advisers between 2013 and 2018. The media described him as the third most powerful man in the Vatican. One of his most significant achievements had been to craft a comprehensive protocol for dealing with clerical child sexual abuse in Melbourne.

He also made waves in the secular world. He was a columnist for the Sunday Telegraph, of Sydney, and published several books setting out the Catholic challenge to
secular mores. He was unafraid of media battles. In 2012, he even debated celebrity atheist Richard Dawkins on Q&A, a popular panel discussion on the ABC, the government-owned broadcasting network. It was a hostile environment, but he held his own.

It seemed to some Catholics that Pell was a harbinger of a new spring for a demoralised Church battered by secularism and a terrible sexual abuse scandal.

And here he was in the dock, condemned as a paedophile and a hypocrite. It was a humiliation not only for him, not only for the Church in Australia, but for the Catholic Church globally. Let David Marr, an eminent, eloquent and openly gay journalist speak for Pell’s critics. He gloated in The Guardian, ‘This secular country at the far end of the Earth stood up to Rome to hold the first national inquiry in the world into the role of faiths – particularly the Catholic faith – in a systematic, old and hidden regime of child abuse’ (Marr 2019).

The man

In the forecourt of St Patrick’s Cathedral is an imposing three-meter-high bronze statue of Daniel Mannix, Archbishop of Melbourne for 46 years, unruffled despite a stiff breeze blowing his cassock (Boonham 2020). He died in 1963 at the age of 99, an austere, outspoken, pious, orthodox, politically engaged leader of his flock. He was ‘arguably the most revered and reviled figure in Australian history’, according to one historian (Griffin 1986).

It was Pell who commissioned the statue, which was unveiled in 1999, not long after he had been installed as Mannix’s successor. As a young man Pell saw the aged archbishop, who had steered his archdiocese through two world wars and the Communist threat, ‘as one of my heroes’ (ABC News 2002).

In some ways the two men are strikingly similar. But even more striking is the contrast. Mannix died surrounded by some of the country’s leading political figures; he was praised by Prime Minister Robert Menzies (a Mason) and by Éamon de Valera, the President of Ireland (Griffin 1986). Pell’s time has not yet come, but he will not be farewelled in a haze of bland platitudes. As he said in his homily at the state funeral of B.A. Santamaria, a singularly important figure in Australia and Australian Catholicism: ‘We are told that the sure mark of the false prophet is that all people speak well of him. In death, as in life, Bob Santamaria has triumphantly escaped such a fate’ (Pell 1998).

The first explanation of Pell’s difficulties must be his personality. Though personally kind, witty and charming, as an administrator he could be gruff. In his youth he signed a contract with Richmond Football Club to play Australian Rules football, a quintessentially Melbourne sport which requires stature, stamina, and toughness. He entered the seminary instead, choosing God over football, but the priesthood did not soften him. ‘His style can be robust and direct; he does not wear his heart on his sleeve’, five Australian archbishops and two bishops explained in a statement in 2015 (Catholic Archdiocese of Perth 2015) when Pell was about to appear before the Royal Commission. ‘But underneath he has a big heart for people’.

One anecdote will suffice. Only a few months after being named Archbishop of Melbourne in 1996, he announced that he was going to reform Melbourne’s seminary, Corpus Christi, to make its formation more pious, more regulated and more faithful to
traditional Catholic teaching. The indignant staff of the seminary resigned *en masse*. Instead of buckling, Pell called their bluff. He pocketed their resignations and proceeded with his reforms. The imbroglio was widely reported in the secular press; a new man was at the helm (Livingstone 2002, 240–248). Here was no ‘cold mean creature with placarded smile’ or ‘a canonist/Well practiced in dissembling double thought/in double speech’, (McAuley 1971, 169) in the words of James McAuley, an Australian poet whom Pell esteemed, but a pugnacious reformer.

Pell’s brusque manner was a handicap under the harsh spotlight of the media. When he gave evidence to the Royal Commission in Rome, he was asked if the crimes of paedophile priest Gerald Ridsdale were common knowledge. The Cardinal replied: ‘It’s a sad story and it wasn’t of much interest to me’ (AAP 2016). It was an off-the-cuff remark which was to be remembered as cruel clerical indifference. Pell went on to say: ‘The suffering, of course, was real and I very much regret that, but I had no reason to turn my mind to the extent of the evils that Ridsdale had perpetrated’. But the damage had been done.

This was a handicap in dealing with victims of sexual abuse and their families – or it was perceived to be. As a columnist for *The Australian*, Angela Shanahan, noted: ‘In this age of public shaming, of bathos and histrionic displays of ‘empathy’, the cardinal just didn’t seem to have enough ‘empathy’. He was too rational, too focused on the practical. He didn’t conform to the emotional script. He just didn’t have emotional ‘credibility’ – a credibility, however, that one accuser did seem to elicit’ (Shanahan 2020). A remarkable feature of Pell’s trial was that his defence team did not call him to testify. His lawyers may have feared that he would cut an unsympathetic figure in the witness box.

And then there was Pell’s unshrinking orthodoxy and loyalty to Pope John Paul II. In 1990 he was appointed to the Vatican’s Congregation for the Doctrine of the Faith. But he was a Catholic priest (and later a bishop) in a culture which was drifting, day by day, further and further from its Christian foundations. In modern Australia, he was a defiant *Athanasius contra mundum* on contraception, divorce, homosexuality, women priests, married priests, condoms, embryonic stem cell research, same-sex marriage and other controverted issues. In 1998 he attended an ad limina visit to Rome with other Australian bishops. The ‘papal hit squad’, as newspapers called the Vatican officials, rebuked the delegation about a number of points, including widespread use of ‘general confession’ (Vatican 1998). It was left to Pell to defend the statement of conclusions back home. When asked on the ABC’s Four Corners program, ‘What is the biggest threat, in your opinion, to the Catholic Church today?’, he responded bluntly, ‘Oh, that we’ll just merge into the background. We’re a minority church, fewer than 30 per cent of the people, and we’ll just take on the colours of our society, and that we’ll become the bland leading the bland’ (Pell 1999a).

In particular, he voiced strong views on the role of conscience. In 1999 he gave a scholarly address to the Centre for Independent Studies, a secular thinktank in Sydney, on ‘Catholicism and the Architecture of Freedom’ (Pell 1999b). Pell is not an original thinker, but he has a clear head, a broad knowledge of modern intellectual history and a knack for cutting the Gordian knot. He zeroed in on the contemporary habit of equating freedom with the multiplication of choices. Instead, he argued, we need to
stand against ‘the many crude versions of subjectivism and relativism sweeping our society’. And then he threw a grenade which epitomizes his challenge to critics inside and outside the Church: ‘One practical conclusion from this is that Catholics should stop talking about the primacy of conscience. This has never been a Catholic doctrine’.

Words like these were a red rag to a bull. Louise Milligan, a onetime Catholic by her own admission, and the author of the most damning of a clutch of damning books about Pell, found his views on conscience patronizing, arrogant and intolerant. ‘See what he’s doing there?’ she asks rhetorically. ‘He’s saying it’s your problem if you don’t like what the Church says. It’s not ours. We represent inviolable truth. You just haven’t found it yet’ (Milligan 2017).

One issue which painted a large target on his back was his staunch support of the traditional Catholic teaching on homosexuality. In the eyes of many, including some of his flock, this made him a bigot. The most memorable instance of this occurred on Pentecost Day 1998. About 70 members of the Rainbow Sash movement attended Mass at St Patrick’s Cathedral when Pell was the principal celebrant. He refused to give them Holy Communion because their sashes indicated that they rejected Church teachings (Livingstone 2002, 271). For Pell, this was not ostracism of a marginalised group within the Church but a ‘teachable moment’. ‘This incident allows me to explain the centrality of the Catholic teaching on marriage and family’, he said in a statement. ‘God made Adam and Eve, not Adam and Steve and important consequences follow from this’ (Pell 2002).

For better or for worse, Pell was also outspoken on secular issues. In 1998 Australia had one of its fits of republicanism, i.e. ditching the Queen as head of state. He was a delegate for the republican side at an Australian Constitutional Convention. He also took a dim view of climate change. ‘Pagan emptiness’ and Western fears of the uncontrollable forces of nature had contributed to ‘hysteria and extreme claims’ about global warming, he told a group of American business leaders in 2006 (Morris 2006). ‘In the past, pagans sacrificed animals and even humans in vain attempts to placate capricious and cruel gods. Today they demand a reduction in carbon dioxide emissions’.

He had no time for the Greens when they appeared to be on the road to becoming a powerful and permanent political force in Australia. In a newspaper column in 2006 (Kruger 2010), he was scathing:

One wing of the Greens are like watermelons – green outside and red inside – a number were Stalinists supporting Soviet oppression. We all accept the necessity of a healthy environment but Green policies are impractical and expensive which will not help the poor. For those who value our present way of life, the Greens are sweet camouflaged poison.

Inappropriate? Polarising? Pell felt that he was giving a Catholic perspective on important cultural developments. ‘Christ was crucified for his opinions’, he said (Livingstone 2002, 305–6). ‘It’s not as though he was a disciple of Dale Carnegie and set out to massage the population into coming along with him’.

There were many Australians who admired his boldness. The American historian George Weigel, a long-time friend of his, wrote in 2002 in the introduction to Tess Livingstone’s biography (Weigel 2002, x–xi):
That George Pell is a sign of contradiction in both the Catholic Church in Australia and in Australian society is obvious. But why? Dr Pell has become a lightning rod, it seems to me, not because he is the conniving, authoritarian heavy portrayed by some, but because he has ideas – ideas that challenge the dominant consensus among Australia’s intellectual and cultural tastemakers.

And that, I suggest, is why the attacks on him over the years have had a particularly venomous personal character: as any debater knows, *ad hominem* arguments are the last refuge of people who have the sneaking, nervous-making suspicion that they’re about to lose an argument on the merits.

‘Lightning rod’ is a good image for Pell amongst the doctrinal, moral, disciplinary and reputational thunderstorms gathering over the Catholic Church in Australia. A Daniel Mannix for the 21st century, perhaps. But there comes a time when a lightning bolt can splinter a lightning rod.

**The scapegoat**

Perhaps the day which captures the horror that is Australia’s child sex abuse scandal is May 27, 1993. That was Fr Gerald Ridsdale’s first of several appearances in court for sexual abuse. A photograph which has often been republished shows Bishop George Pell walking next to him; Ridsdale, behind his dark glasses, looks terrified; Pell, eyes averted, looks slightly embarrassed. He later described accompanying Ridsdale as a ‘priestly act of solidarity’, but it outraged the victims (Milligan 2017, 81). Broken Rites, a website documenting the cover-up of sexual abuse in the Catholic Church since 1993, says that this image explains its *raison d’être*: ‘no bishop accompanied the victims, who felt deserted by the church leaders’ (Broken Rites n.d.).

Ridsdale, a priest of the largely rural Ballarat diocese, bordering Melbourne, was a monster. He may have abused hundreds of children, although he was convicted only of a few score. He abused boys; he abused girls. He abused his own nephews. He abused children in confessionals, in toilet blocks, in his presbytery, in cars, at holiday homes, in church, before Mass and after Mass. When rumours started to fly, his bishop transferred him to another parish. He was sent overseas for treatment and he abused more children when he returned. He was eventually laicized in 1993 and is serving multiple jail terms.

If Ridsdale was the paradigm of an abusive priest, the bishop, Ronald Mulkearns, was the paradigm of the criminally negligent bishop. There were other abusive priests in the Ballarat diocese; Mulkearns hid their crimes and transferred them whenever there were problems, which inevitably led to more victims. ‘There was a catastrophic institutional failure which resulted in many children being sexually abused’, the Royal Commission concluded (Royal Commission 2017, 421). Even Cardinal Pell testified that Mulkearns’s actions were ‘grave and inexplicable’. ‘His repeated refusal to act is, I think, absolutely extraordinary’, he testified at the Royal Commission (Browne 2016). Reports like this fuelled public rage. Mulkearns retired early and in disgrace. He was buried in a common grave when he died in 2016, not in his cathedral (Deery 2016). The diocese could not bear the shame.

Media reports conveyed the impression that Ridsdale was just the tip of an iceberg. The Royal Commission which investigated the Catholic Church’s record in a
mammoth five-year study concluded that between 1950 and 2010, 7 percent of priests were ‘alleged perpetrators’. Although this figure is rubbery and can be disputed (Cook 2017), a steady flow of hideous revelations was fuelling public outrage. And Pell was at the centre of the gathering storm. ‘Melbourne had more paedophile priests than any other place in the country’, wrote Louise Milligan. ‘And most of them operated during Pell’s time in Victoria as priest or bishop’ (Milligan 2017, 79).

In fact, in 1973 Pell had lived for twelve months with Ridsdale at the presbytery of St Alypius parish in Ballarat East (Livingstone 2002, 90–1). He said that he knew nothing about Ridsdale’s crimes. This created suspicions later on, but it is quite plausible. ABC journalist Paul Bongiorno, a former priest, also lodged in the presbytery. ‘I had no idea what he was up to’, he said in 2015 (Farr 2015). ‘And when people look at me quizzically, I say let me tell you this… Let me tell you that Ridsdale never came to the presbytery in Warrnambool and said, ‘Guess how many boys I’ve raped today’. They hide it. It was certainly hidden from me’. Significantly, Bongiorno was never summoned before the Royal Commission to testify, unlike Pell.

Painfully aware of the dark scandal and of the Church’s record of sweeping it under the carpet, establishing a redress system was one of Pell’s priorities as soon as he became Archbishop of Melbourne in August 1996. By October he had announced the ‘Melbourne Response’. ‘I would like to make a sincere, unreserved, and public apology’, Pell said at a press conference (Marr 2014, 50). ‘First of all to the victims of sexual abuse, but also to the people of the archdiocese for the actions of those Catholic clergy’.

The speed with which he moved irritated other bishops, most of whom signed up to another scheme, ‘Towards Healing’. ‘He was going his way and bugger the rest of Australia’, said an unfriendly bishop, Pat Power (Marr 2014, 51–2). ‘But he’s not a team player in that sense at all, unless he’s the captain of the team and everyone else is following him’.

The Melbourne Response was a good start but it was described as stingy and legalistic. Pell has consistently defended his record, but from a public relations angle his scheme did not burnish his image as a defender of victims. And their voices began to play a powerful role in shaping public opinion.

A paradigmatic figure is Chrissie Foster, an advocate for victims who became an implacable foe of Cardinal Pell. She wrote a book about her tragedy whose title says it all: Hell on the way to Heaven. Two of her three daughters were repeatedly raped by their parish priest when they were five and six years old. It scarred them for life; years later one committed suicide and the other was severely brain damaged in a car accident after binge drinking. Pell’s acquittal by the High Court was ‘devastating’ for her (Blakkarly 2020). Understandably. For Chrissie Foster and many like her, Pell was the Catholic Church which had done them so much harm.

One case which badly tarnished his image, at least in the eyes of unsympathetic journalists, was the experience of John Ellis. Ellis had been abused by a Sydney priest for more than a decade. When he applied for compensation in 2002, he was treated very roughly. Litigation dragged on for several years and he eventually lost his court battle. Then the Sydney Archdiocese demanded costs, after Ellis had had a nervous breakdown and had collapsed financially. Eventually the Archdiocese reneged and
reached a settlement. ‘This sorry saga went on for seven years’, commented Louise Milligan (2017, 128). ‘In the process, it nearly broke a man who was already a victim of the Church’.

Shortly after his exoneration by Australia’s High Court in 2020, Pell told interviewer Andrew Bolt that he always had the best interests of victims at heart. ‘One of the things that grieves me is the suggestion that I’m anti-victim, or not sufficiently sympathetic. I devoted a lot of time and energy to try to save them, to get justice, to get help and to get compensation’ (Sky News 2020). But sometimes, for whatever reason, it did not look that way.

Another cloud over his record came in 2002, soon after Pope John Paul II moved him to Sydney to replace Cardinal Edward Clancy as Archbishop. Pell himself was accused of sexual abuse. A Melbourne man with a rough past claimed that Pell had sexually abused him at a youth camp in 1961, when he was 12 years old and Pell was a seminarian. Pell stood aside while an independent commissioner investigated the allegations. He was cleared after eight weeks and in 2003 Benedict XVI made him a cardinal.

In 2014 Pope Francis had summoned him to Rome to head up the newly created Secretariat for the Economy. He was appointed to the Pope’s Council of Cardinal Advisers. By that time Pell’s stature in the Catholic Church in Australia could not have been higher. He was not universally liked, but he was respected – or feared, depending upon the standpoint of the speaker.

But back home a storm was brewing. Belligerent secularism, hostility towards the Catholic Church after decades of abuse and cover-ups, heart-rending stories from survivors, a culture of ‘believe the victim’, aggressive policing, and investigative journalists hungry for scandal were undermining his pedestal.

The pressure-cooker

On 12 November 2012, in response to a wave of ‘heartbreaking’ allegations, then-Prime Minister Julia Gillard announced the establishment of a royal commission. The victims ‘deserve to have their voices heard and their claims investigated’, she said (Gillard 2012). In the Australian legal system, royal commissions are independent bodies with quasi-judicial powers to summon and compel witnesses in pursuit of their terms of reference. They are not courts and can only recommend that charges be laid. But they can have enormous influence on public opinion.

The Royal Commission into Institutional Responses to Child Sexual Abuse set about its work in 2013; it went on for five long years. It held 57 public hearings over 400 days across Australia in which it heard from 1,200 witnesses. The Catholic Church was a principal focus of its investigations, although there were also hearings about abuse in Anglican institutions, in the Boy Scouts, in the Australian Defence Force, in the Salvation Army and in a number of other institutions – but not, curiously, into government schools. Its final report was tabled in December 2017.

Pell appeared before the Royal Commission three times: once in Sydney in March 2014 to discuss the Ellis case and twice via videolink from Rome, in August 2014 and in February and March 2016. Citing health reasons, he declined to return to Australia
to testify. This was not received well. A comedian, Tim Minchin, composed a catchy ditty which was greeted with glee on the ABC (Tan 2016). The corrosive lyrics give an idea of the contempt with which he was regarded in some circles:

But your ethical hypocrisy
Your intellectual vacuity
And your arrogance don’t bother me as much
As the fact that you have turned out to be such
A goddamn coward

The steady drip, drip, drip, drip, day after day, day after day, of stories about conniving clerics, of ruined lives, of appalling abuse, even if it had happened decades before, heightened public anger. Spotlight, an American film about investigative journalism at the Boston Globe and the sexual abuse crisis, won an Oscar for best picture in 2015 – providing role models for ambitious journalists and stoking hostility in Australia towards the Catholic Church (McPhillips 2016). In October 2018 a new Prime Minister, Scott Morrison, made a formal apology in Parliament for ‘the crimes of ritual sexual abuse’. ‘As a nation, we failed them, we forsook them. That will always be our shame … Trust broken. Innocence betrayed. Power and position exploited for evil dark crimes’. One of the most powerful moments in Morrison’s speech was a promise to believe the children. ‘I believe you. We believe you. Your country believes you’ (Morrison 2018).

Cardinal Pell’s trial cannot be understood apart from the Royal Commission and the festering lake of sewage in which the Catholic Church was submerged for five years in the media. It framed the problem of sexual abuse in very simple terms: priests abused children; bishops protected predatory priests; and victims were not believed. Sadly, too often this was true.

The conviction

In March 2013, Victoria Police created a secret task force, ‘Operation Tethering’, to investigate whether Pell had committed unreported crimes. Despite the intense coverage of Pell’s travails, the reason for this has never been explained. Why, in a democratic country, were police trawling for complaints about a public figure? Tall poppy syndrome? Anti-Catholicism? A personal grudge? Corruption is not out of the question, as Victoria Police has been in turmoil in recent years from top to bottom. The High Court said in 2018, about another scandal which ended in a royal commission: ‘Victoria Police were guilty of reprehensible conduct … and were involved in sanctioning atrocious breaches of the sworn duty of every police officer to discharge all duties imposed on them faithfully and according to law without favour or affection, malice or ill-will’ (Cook 2020a).

Unsurprisingly, Operation Tethering eventually bore fruit. Early in 2016, a reporter for the Herald Sun, Lucie Morris-Marr, reported that Victoria Police had been investigating Pell over sexual abuse allegations involving between five and ten boys in two incidents – at a swimming pool in Ballarat when he was a seminarian in the 1970s and at the Cathedral when he was Archbishop of Melbourne in the 1990s. Louise Milligan, of the ABC’s 7.30 Report, spoke to victims in several programs throughout the year –
for which she received a Gold Quill award in 2017 ‘for journalism at its best: giving voice to those who have long suffered in silence’ (Melbourne Press Club 2017). Pell denied her allegations and accused the ABC of conducting a ‘scandalous smear campaign’ (Office of Cardinal George Pell 2016).

In October 2016 three Victoria Police officers interviewed Pell in Rome about these allegations – which he vehemently denied as ‘a load of garbage and falsehood, deranged falsehood’ (Sweeney 2019). In May 2017, to great éclat, Milligan published *Cardinal: The Rise and Fall of George Pell*, a book repeating and adding to the claims she had made on television. Later that year, *Cardinal* won the Walkley Book of the Year award (Melbourne University Press 2017). In June 2017, Victoria Police announced they would charge him and in July the Cardinal entered a plea of ‘not guilty’ in Melbourne Magistrates’ Court.

A magistrate dismissed some of the sexual assault charges because the evidence was too weak to support a conviction. Some of them stood, however, along with the Cathedral charges. In May 2018 the prosecution and defence agreed to have a trial for each of the alleged crimes. The first was to be the Cathedral trial.

Before the trial commenced, Judge Peter Kidd issued a suppression order on media coverage of the first trial lest it prejudice jurors in the second trial. This heightened the media tension. Even though the most controversial criminal trial in Australia’s history was proceeding in downtown Melbourne, the media were not allowed to report a word. Milligan’s book even had to be withdrawn from bookshops in Victoria. Journalists were frustrated and angry. Many people misconstrued the suppression order, believing that it was intended to protect reputation of the Catholic Church and Cardinal Pell. Dozens of journalists and publishers were threatened with being charged with contempt of court for violating Judge Kidd’s ban (Meade 2019).

The Cathedral trial began in August 2018 but the jury failed to reach a verdict. It was rumoured that it had split 10-2 in favour of acquitting Pell, although that was never confirmed. A new jury was empanelled and on December 11 it did reach a verdict: guilty. However, the suppression order remained. Nothing could be reported in Australia about the biggest news story of the year, although news of the verdict was readily available on the internet from newspapers overseas. ‘A very high-profile figure was convicted on Tuesday of a serious crime, but we are unable to report their identity due to a suppression order’, wrote *The Age*, of Melbourne, cryptically (Lapin 2018).

However, on February 26, the ‘swimmers trial’ collapsed, the suppression order was lifted, and the news was out. Pell’s bail was revoked, he was taken into custody, and that night he slept at the Melbourne Assessment Prison.

Sentencing took place on March 13. The Cardinal’s alleged offences were described in painful detail in Judge Kidd’s address. Late in 1996, it was alleged, after a Sunday Mass at St Patrick’s Cathedral, in Melbourne, the Cardinal had discovered two 13-year-old choristers swigging altar wine in the priests’ sacristy. ‘You’re in trouble’, he told them. Pulling aside his priestly robes, he exposed himself to the boys and performed indecent acts upon both of them. A month later, he forced himself upon one of the boys again after Sunday Mass. The crimes were egregious, brazen and arrogant, said the judge, and the Cardinal had shown no remorse (i.e. had maintained his innocence).
The judge sentenced the Cardinal to six years in prison. He had to sign a register of sex offenders.

The prosecution’s case rested wholly on the memory of a single witness, ‘J’, who remained anonymous. Although conviction on the word of a single witness may seem unfair, it is possible under Australian criminal law, normally when supported by corroborating detail, because the victims of sexual assaults are often the only witnesses to the crime. Nonetheless, in a ‘word-on-word’ case, the guilt of the perpetrator must still be established beyond reasonable doubt – and in this case there was a wealth of circumstantial evidence attesting to his innocence. Cardinal Pell had steadfastly denied the allegations. His legal team and his supporters also contended that the offences were not only out of character but utterly implausible, physically and psychologically.

Naturally, Cardinal Pell appealed. But on 21 August 2019, the Court of Appeal of the Supreme Court of Victoria ruled against him in a 2 to 1 decision. Two of the judges declared that ‘J’ was ‘a witness of truth’. They said:

Throughout his evidence, [the complainant] came across as someone who was telling the truth. He did not seek to embellish his evidence or tailor it in a manner favourable to the prosecution. As might have been expected, there were some things which he could remember and many things which he could not. And his explanations of why that was so had the ring of truth.

Given the weakness of the prosecution’s case, this second failure was an unexpected disappointment for Pell and his lawyers. They appealed again, to the High Court of Australia.

Even though the Cardinal was in jail, media interest in abuse did not diminish. In March and April 2020, the ABC screened three long episodes of Revelation, directed by Sarah Ferguson, about sexual abuse in the Catholic Church, culminating with still more allegations about Cardinal Pell (Meade 2020a).

The High Court’s verdict came on 7 April 2020: the conviction was quashed. There was, the Court ruled unanimously, 7-0, ‘a significant possibility that an innocent person has been convicted because the evidence did not establish guilt to the requisite standard of proof’. The gist of the ruling was that a jury should have had reasonable doubts about the truth of J’s testimony after hearing conflicting evidence from numerous other ‘opportunity witnesses’ who agreed that the Archbishop’s custom was to greet parishioners outside the Cathedral after Mass – precisely when he was said to be committing the crime. The High Court’s decision confirmed the view of many lawyers that the case should never have come to trial.

Cardinal Pell was released from jail immediately. He had been incarcerated for 405 days. In a statement to the media, he said (ABC News 2020):

I hold no ill will toward my accuser, I do not want my acquittal to add to the hurt and bitterness so many feel; there is certainly hurt and bitterness enough. However my trial was not a referendum on the Catholic Church; nor a referendum on how Church authorities in Australia dealt with the crime of paedophilia in the Church. The point was whether I had committed these awful crimes, and I did not. The only basis for long term healing is truth and the only basis for justice is truth, because justice means truth for all.
These emollient words did not placate his enemies. The Premier of Victoria, Daniel Andrews, pointedly even refused to mention Pell’s name in a tweet (Andrews 2020) about his release: ‘I make no comment about today’s High Court decision’, he wrote. ‘But I have a message for every single victim and survivor of child sex abuse: I see you. I hear you. I believe you’. Louise Milligan, whose book had done so much damage to Pell’s reputation, refused to back down from her discredited allegations. She merely tweeted: ‘Hug your children’ (Milligan 2020).

The aftermath

Exoneration did not bring healing. Within a week the media was relaying rumours that Pell would probably have to face new claims over alleged abuse from the 1970s when he was a priest in Ballarat (Davey 2020).

In May came more accusations, this time of covering up the crimes of acknowledged abusers. The Royal Commission had released an unredacted version of its final report. In numerous passages it had been highly critical of Cardinal Pell’s behaviour as a priest and later as an auxiliary bishop, but these had been withheld to avoid prejudicing his trial. Now they were released for public scrutiny. A close examination of the unredacted sections in the Royal Commission’s report shows that they are extremely tendentious (Cook 2020b) and, in Pell’s words, ‘unsupported by evidence’ (BBC News 2020). Pell consistently denied that he knew of cover-ups by the Bishop of Ballarat in the 1980s and by the Archbishop of Melbourne in the 1990s. But the commissioners refused to believe him.

Without drawing a breath, his critics returned with their cudgels. ‘This is the portrait of a deceitful man’, wrote Marr in another scathing column. ‘This man did not do what he might to protect children. He was not straight with the royal commission. He has been acquitted of terrible crimes by the high court but the verdict of the commission on his conduct as a priest and bishop is terrible … Pell is a human being, a pretty ordinary human being, who has fallen from grace and must now live with his reputation. Pity isn’t called for’ (Marr 2020).

In short, despite his efforts to respond to clerical sexual abuse, despite the implausibility of the original allegations, despite an unanimous decision in his favour by the highest court in the land, many Australians, Catholic and non-Catholic, did not accept his innocence. In sentencing Pell in 2019, Judge Kidd had made a plea for fairness:

[Y]ou are not to be made a scapegoat for any failings or perceived failings of the Catholic Church … This leads me to say something to other victims of clerical or institutional sexual abuse who may be present in court today or watching or listening elsewhere. This sentence is not and cannot be a vindication of your trauma … I am not sitting in judgment of the Catholic religion or the Catholic Church. It is George Pell who falls to be sentenced.5

But many journalists ignored his advice. Pell was a paedophile and his Church was a nest of paedophiles. He had escaped on a technicality (Mathews and Thomas 2020) and was as guilty as sin.
The pile-on

Whether journalists in Australia are better or worse, more fair or more biased, than elsewhere is an open question. But in the last criminal trial to achieve international notoriety, the Lindy Chamberlain case, they failed miserably. (Meryl Streep was nominated for an Oscar for playing Lindy in the film Evil Angels.) The media went ‘feral’. In 1982 Mrs Chamberlain (as she was then) and her husband were found guilty of the murder of their baby Azaria in the Australian outback. She was convicted of murder and her husband of being an accessory after the fact. An appeal to the High Court was dismissed. She served more than three years of a life sentence and he was given an 18-month suspended sentence. But in 1988, after new evidence and a royal commission, their convictions were overturned by the Supreme Court of the Northern Territory. As one observer wrote some 30 years later (Anonymous 2012):

Lynch parties in full cry are rarely constrained by any decencies, but what gave each fresh atrocity its zest was the private assurances of Northern Territory politicians, lawyers and police that Lindy did it – a conviction many of those most involved in the miscarriage of justice have never recanted. There was never any good evidence for their belief – and there is no ‘fact’ (sadly inadmissible but true nonetheless) ‘proving’ guilt that did not come before the courts. The media treatment contributed to the cloud of prejudice that enveloped the jury.

With a few edits, the same words could be applied to the Pell saga. It was a pile-on. As the Cardinal reflected after his release: ‘the media with some splendid exceptions was bitterly hostile’ (Pell 2020).

As in climate change or Covid-19, partisan affiliation was the strongest predictor of attitudes towards Cardinal Pell in his travails. Broadly speaking, ‘progressive’ journalists tended to be certain of his guilt. His champions were few, and largely ‘conservative’.

Pell did have prominent defenders, especially in the Murdoch media. Andrew Bolt, a controversial conservative journalist at the Herald-Sun, in Melbourne, and on Sky News, often questioned the plausibility of the allegations. Paul Kelly, a former editor of The Australian, was sceptical of the prosecution’s case. Greg Craven, a legal academic and the vice-chancellor of Australian Catholic University, wrote several columns defending him. Fr Frank Brennan, a prominent Jesuit priest and human rights lawyer, though unsympathetic to Pell’s theology, poked holes in the case.

But by and large, the print and broadcast media appeared certain of his guilt. The public – and perhaps the jury as well – was ‘groomed’ for weeks before the trial. In The Age and The Sydney Morning Herald, the leading broadsheets of Melbourne and Sydney respectively, The Guardian and the ABC [Australian Broadcasting Corporation], coverage was almost uniformly against Pell. David Marr, a Pell gadfly, worked at all of them and published a biography, The Prince: Faith, Abuse and George Pell, in 2013. Then there was Milligan’s 2017 book, Cardinal. About six months after the guilty verdict, Lucie Morris-Marr published her own inside story, Fallen. So certain were journalists and publishers of Pell’s guilt that Hachette announced the release of Revelation, a book version of Sarah Ferguson’s ABC series for September 29, only a few days before the High Court’s decision (Hachette Australia 2020). It had to be deferred
for a whole year. Pell’s exoneration did not keep Melissa Davey, The Guardian’s Melbourne bureau chief, from publishing The Case of George Pell, four months later.

The enduring obsession of the media with sex abuse is shown by the fact that two of the nine finalists in the 2020 Walkley awards dealt with the topic. The books kept flowing. Another ABC journalist, Suzanne Smith, published Altar Boys, an account of the appalling network of clerical abuse in the New South Wales city of Newcastle, in August. And Louise Milligan returned in October with another book, Witness, about the trauma suffered by women who report their abuse. She featured as one of the case studies—an account of how brutally she was interviewed in the witness box by Cardinal Pell’s lawyer.

Oddly enough, perhaps the best-informed observer of the Pell case was an American, George Weigel. He observed in Catholic World Report (Weigel 2020):

With a few honorable exceptions, the local and national press bayed for Cardinal Pell’s blood. Someone paid for the professionally printed anti-Pell placards carried by the mob that surrounded the courthouse where the trials were conducted. And the Australian Broadcasting Corporation—a taxpayer-funded public institution—engaged in the crudest anti-Catholic propaganda and broadcast a stream of defamations of Cardinal Pell’s character (most recently in a series coinciding with the deliberations of the High Court).

To imagine that an unbiased jury could have been empaneled in these fevered circumstances is to imagine a great deal—and perhaps to imagine the impossible. Yet the present law in the State of Victoria did not allow the cardinal to request a bench trial by a judge alone. So what might have been imagined to be a sober legal proceeding came to bear the hallmarks of a slow-motion political assassination by judicial means.

**The options**

How did the Catholic Church respond to the allegations against Cardinal Pell? This is a difficult question. Without getting bogged down in ecclesiology, perhaps we should distinguish between the responses of the laity and the hierarchy.

One of the most effective critics of the prosecution’s case was Andrew Bolt, a popular conservative social and political commentator whose columns appeared in the Herald-Sun, in Melbourne, and who had a show, The Bolt Report, on Sky TV. ‘I am not a Catholic or even a Christian. He [Pell] is a scapegoat, not a child abuser’, he wrote after Pell’s conviction. ‘This is our own OJ Simpson case, but in reverse. A man was found guilty not on the facts but on prejudice’ (Meade 2020b). Several other journalists and columnists were supportive, although nearly of them wrote in publications owned by News Ltd, which is controlled by international media baron Rupert Murdoch. Gerard Henderson, a media critic at the Sydney Institute think tank, wrote detailed critiques of the allegations for his lacerating Media Watch Dog blog (Henderson, n.d.). The venerable journal Quadrant published a number of sound, well-researched articles which questioned the verdict, but it has a small circulation and had little impact on public opinion.

Some Catholic lawyers were privately bitterly disappointed by what they perceived as episcopal cowardice. Despite the verdict, the evidence was flimsy, the allegations patently absurd. Fiat justitia ruat caelum! The bishops had a duty to defend Pell in the face of entrenched hostility.
But this was always going to be easier for the laity. They were not compromised as representatives of a ‘system’ which had abused children over decades. They could easily ignore sneers on social media that they were defending a convicted paedophile and ignoring victims. Former Prime Minister John Howard – who is not a Catholic – boldly submitted a character reference to the court before Pell was sentenced, describing him as ‘a person of both high intelligence and exemplary character’ (Knaus 2019).

The options of Australia’s bishops and archbishops were more limited. Their image had been so tarnished by the sexual abuse scandal that it hampered their ability – or even willingness – to stand up for such a controversial figure. Significantly, the Cardinal’s lawyers did not include character references from clerics before he was sentenced. Under the 2016 protocols of Towards Healing, they were even forbidden to contribute towards his legal fees (Towards Healing 2016). Francis Sullivan, the former CEO of the Truth, Justice and Healing Council, a body set up to coordinate the Church’s response to the Royal Commission, said that the bishops ‘appear to have been paralysed while the Pell conviction was addressed’ (Sullivan 2020). Less charitably, commented one lawyer, they were like rabbits blinded by headlights. Defending Pell in public was largely left to the laity – Catholic and non-Catholic.

There were other considerations. Some bishops disliked Pell and may have been happy to wash their hands of him. Retired auxiliary bishop Geoffrey Robinson, for instance, told the Royal Commission that: ‘The majority of the priests wished he’d get transferred somewhere else’ (Jabour 2015). Some may have feared, no matter how implausible the allegations, that Pell actually was guilty. After all, at the heart of the scandal was a history of clergy not believing the victims. Was Pell different? The damning photograph of Pell fraternally accompanying Ridsdale, Australia’s worst child abuser, into court could have weighed on their minds.

Furthermore, the Australian justice system, with all its flaws, commands enormous respect. The vox of ‘twelve good men and true’ is tantamount in most Australian minds to vox Dei. If the bishops had questioned its verdict, as Bolt and others did, this could easily have been portrayed as clerical effrontery, a snub to democracy. Lacking expertise in the intricacies of criminal law, some of the bishops may have naively believed that a jury verdict was beyond dispute.

A lot was at stake. Whether or not Pell was exonerated, he would no longer have direct responsibility for the Catholic Church in Australia. The other bishops would. And the Royal Commission had made dozens of recommendations about the structure and procedures of the Church. Many were sensible. Some called for inconceivable updating of the Church’s Canon Law. And some of them would have to be fought tooth and nail, like the abolition of the seal of confession in cases of sexual abuse, the abolition of mandatory celibacy for priests and changes in the way bishops are appointed. The bishops’ ability to resist state meddling would be weakened if they could be plausibly caricatured as supporters of a convicted paedophile.

And even on the bishops’ home turf, their authority was threatened. The scandals highlighted by the Royal Commission had not only lowered the morale of the laity, they were also being used as a reason to introduce a new vision of the Church. Francis Sullivan gave a revealing speech shortly before the Truth, Justice and Healing Council finished its work (Sullivan 2018). He suggested that ‘an arrogant and hypocritical
Church’ – meaning the hierarchy – had shown that it was badly in need of reform. It was clerical and insular. A better model was lay leadership: ‘In essence, we are taking about lay participation in the decisions made about the way the church operates, how dioceses and parishes operate, how priests and religious engage with the rest of us. And in turn how lay involvement can shape our doctrine’.

So the bishops in the post-Royal Commission era had to steer past the Scylla of the threat of government-imposed reforms and the Charybdis of re-imagining the Church. Cardinal Pell’s saga made an already perilous journey a bit more difficult.

The future

As Benedict XVI told Australian bishops in his pastoral visit for World Youth Day in 2008, the crimes of some clergy and religious ‘caused great pain and have damaged the Church’s witness’ (Pope Benedict XVI 2008a). They also triggered persecution. Ironically, the pope’s official hosts for that event were Cardinal Pell and the Archbishop of Adelaide, Philip Wilson, who was President of the Australian Catholic Bishops’ Conference at the time. Years later, both were convicted, Pell of abuse and Wilson of failing to report abuse. Both served time, Pell in jail and Wilson in home detention, and both were exonerated on appeal.

Churchill is reputed to have said: ‘Never let a good crisis go to waste’. Could some good come out of this unholy mess? The crisis for the Catholic Church in Australia began long before 2019 when Cardinal Pell stood in the dock to be sentenced for an abominable crime which he did not commit. It began long before the Royal Commission was established in 2012. It began long before Bishop Pell walked side by side into court with paedophile priest Gerald Ridsdale in 1993. Reflection on these dark stories can help the Church in Australia to identify the precise nature of the crisis and to sketch out a roadmap from secularist revanchism to an authentically Christian society. To cite Pope Benedict XVI (2008b) once again:

As the Church in Australia continues, in the spirit of the Gospel, to address effectively this serious pastoral challenge, I join you in praying that this time of purification will bring about healing, reconciliation and ever greater fidelity to the moral demands of the Gospel.

Notes

1. The episode, which aired 9 April 2012, can be obtained from ABC on request and payment at the following link: https://www.abccommercial.com/librarysales/program/qa-george-pell-and-richard-dawkins
2. DPP v Pell (sentence) [2019] VCC 260, Case No. CR-18-01133. On the website of the County Court of Victoria, March 13. Accessed 19 October 2020. http://www6.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCC/2019/260.html
3. Pell v The Queen [2019] VSCA 186. (2019, August 21). Pell v The Queen [2019] VSCA 186. Retrieved November 4, 2020, from Supreme Court of Victoria - Court of Appeal: https://www.austlii.edu.au/cgi-bin/viepewdoc/au/cases/vic/VSCA//2019/186.html
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