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# Reckoning with Denial and Complicity: Child Sexual Abuse and the Case of Cardinal George Pell

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### Abstract

This article is concerned with public responses to allegations of child sexual abuse by representatives of powerful state-like entities such as the Catholic Church. It focuses on the responses of hegemonic groups and individuals to the recent trials and acquittal of the most senior Catholic figure ever to face child sexual abuse charges, Australian Cardinal George Pell, and his sworn testimony denying knowledge of sex crimes committed by a priest he associated with in the past. The article examines organised political campaigns denying the possibility of child sexual abuse in relation to a more generalised cultural denial permeating society about the entrenched nature of child abuse. As a means for coming to terms with the denial of atrocities, this article invokes philosophical debates about responsibility for mass crimes in the context of war tribunals, such as those formulated by Simone de Beauvoir and Hannah Arendt.

### Keywords

Child sexual abuse; denial; complicity; Catholic Church; institutional abuse.

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## Introduction

Countries around the world are reeling from revelations of systemic institutionalised child abuse. In Australia, over 25 years of public investigations into churches, orphanages, schools and other institutions have shown that the best part of the 20th century was inherently unsafe for children, particularly those in care. The Royal Commission into Institutional Responses to Child Sexual Abuse (The Royal Commission) of 2013–2017 had the ignominious distinction of being only the most recent in a series of investigations since the 1994 NSW Wood Royal Commission into police corruption (and ‘paedophilia’) and the 1995 *Bringing Them Home* inquiry into the Aboriginal Stolen Generations.<sup>2</sup> Governments and institutions have repeatedly issued apologies acknowledging failures in protecting children from a violence enacted routinely and sometimes so brazenly as to become intrinsic to an institution’s culture. If it feels as though the Royal Commission has at last drawn back a curtain on the 20th century, we might ask ourselves if we saw this coming and were afraid to look. What is an adequate or appropriate response to realisations such as these? How might we make sense of what we may no longer credibly deny? The answers matter as much for justice responses as for the realisation of individual integrity, by which I mean the integration of the truth as part of an ethical adult identity (Sartre 2003: 72).

One challenge of justice for child sexual abuse is that the crime is ubiquitous. It would be difficult to identify a family untouched by the issue (Richards 2011).<sup>3</sup> Chair of the Royal Commission, Peter McClelland, was adamant that the number of children abused in families ‘far exceeds’ the number abused in institutions (Commonwealth 2017a). Two decades ago, Carol Smart (1999) seemed to suggest a tacit state sanctioning of this prevalence when she characterised legal responses as fundamentally ‘ambivalent’. When allegations of wrongdoing concern historical matters viewed in hindsight, it is common for questions of responsibility to arise: who knew what, and what did we really understand about the wrong at the time? (Arendt 2003: 18–19). When harm is known or thought to have occurred within institutions, dilutions of responsibility only multiply. Although such sentiments may be deployed cynically to deter investigations, I argue that they are effective and have resonance precisely because an accepted theory of the ethics of responsibility for ubiquitous ‘everyday’ social evils has not been mapped out in the public mind. This represents a profound oversight (or determined reluctance) of contemporary societies, and until it is remedied, it will prevent conversations about redressing and preventing child abuse from realising their potential.

In this article, I am concerned with the denial of child sexual abuse in contemporary societies. I explore the responses of hegemonic groups and individuals to the recent trials and acquittal of the most senior Catholic figure to face child sexual abuse charges, Australian Cardinal George Pell, and his sworn testimony denying knowledge of sex crimes committed by a priest in his intimate orbit. I aim to consider the relationship between orchestrated partisan campaigns of denial and a more generalised cultural denial of the entrenched nature of child abuse. I perceive a symbiotic relationship between the two modes of denial, which informs the cognitive dissonance representative of the status quo, whereby generations of Australians somehow ‘knew but did not know’ (Cohen 2001: 21) about the execution of sex crimes on children in their trusted institutions. In using the egregious example of political denial, I aim to draw attention to the responsibility we each have as members of society to acknowledge the prevalence of child sexual abuse.

To begin this ethical conversation, I turn to philosophers grappling with reasonably similar sentiments in response to war tribunals following World War II. The example of war tribunals is instructive to the example of trials involving members of the Catholic Church because of the question of legal legitimacy. A fundamental question for World War II tribunals was the status of Nazi law. Much atrocity was ‘legal’ under Nazism, but the allied community dismissed this as an abomination of the rule of law. The church’s response to child sexual abuse has also been directed by a shadow rule of law—Canon law—whereby many of its inadequate responses to sex crimes were deemed ‘legal’ by the institution that continues to campaign for immunity from criminal law in the form of confessional privilege (SBS News 2019). Curiously, in defences of the church and its representatives, the legal status of crimes against children (that is, wholly *illegal*) has been invoked as a form of what Stanley Cohen (2001: 105) calls ‘denial magic’: the alleged crimes *could not* have occurred because they were illegal at the time. At the same time, the church’s

own *ersatz* 'legal system' has been shown to have repeatedly disregarded the criminal status of sex offences, managing and punishing them as sins to the extent of gravely exacerbating systemic internationally organised crime (Robertson 2010). This is some perverse double-edged 'denial magic' at work.

Determining an ethical approach to examine crimes perpetrated within shadow legal systems was a principal concern of the authors I discuss here. Hannah Arendt is considered briefly in the context of her analysis of responsibility in the Eichmann trials of 1961. However, it is Simone de Beauvoir's writing in the immediate aftermath of the French Occupation that forms the focus of my argument, especially her 1948 treatise on *The Ethics of Ambiguity*, which analyses justifications and responsibility for political violence in the context of the human condition of *intersubjectivity*. de Beauvoir provides what I think could provide a way through instinctive denial towards an ethical relationship to the intrinsic moral culpability that comes with being a member of a complex society. The pursuit of French intellectuals to identify personal responsibility, freedom and agency amid an occupied community (constituting at once a mass of bystanders, perpetrators and victims) has salience for nations coming to terms with revelations of widespread child abuse in public institutions. Commonplace instincts to deny the possibility of child sexual abuse could relate to a fear of complicity, which has been interrogated much more aggressively in the context of martial law than peacetime sexual offences. In turn, analyses made in the context of child abuse (such as mine) contribute to discussions of one of the many vital questions of transitional justice: Why is it often ambivalent how we as a society address the uncomfortable fact of bystanders and knowing-but-not-knowing citizens in any given atrocity?<sup>4</sup>

In making use of philosophical discussions of war tribunals, I do not suggest that the church has committed war crimes, although the International Criminal Court is undecided as to whether it has committed crimes against humanity (CRIN 2014). The example of war tribunals is made as a point of reference for the public reckoning of powerful state-like regimes with state-like privileges, such as the Holy See and its high-ranking officials, its 'soldiers for Christ'. In fact, tribunals conducted in the aftermath of armed conflict have formed the inspiration for the most comprehensive of all state responses to institutional child abuse: the public inquiry modelled on transitional justice (Gleeson and Ring 2020). Unfortunately, it is not a long bow to draw to consider responsibility for child abuse in this context.

First, I outline the circumstances in which Cardinal Pell came to face trial and the campaign undermining the complainant's testimony in his case. Next, I introduce Cohen's theories about the denial of atrocities developed in the context of the Nuremberg trials to explore the connections between organised political denial and a more general cultural denial associated with fears of complicity, guilt and responsibility. I turn then to the writings of Arendt and de Beauvoir responding to war tribunals before and after Nuremberg to identify strategies for identifying individual legal and moral culpability while acknowledging social complicity. I conclude with a discussion of de Beauvoir's liberatory project of existentialist ethics, which directs us to transcend denial by acknowledging the wrongdoing of others while confronting our complicities as a fundamental—if challenging—truth of humanity.

### **The Trials and Testimony of Cardinal Pell**

Cardinal Pell was ordained as a Catholic priest in 1966. He rose through the ranks of the Australian church, becoming its leader in 2003 before his 2014 Vatican appointment as Prefect of the Economy of the Holy See. The first public child abuse accusations about Pell were made in 2002 when he was Archbishop of Sydney. A male complainant contacted the church to claim he was molested by Pell, a then trainee priest, at a youth camp in 1962 (or 1961). An internal inquiry chaired by Southwell AJ found that the complainant 'gave the impression that he was speaking honestly from an actual recollection'. However:

In the end, and notwithstanding that impression of the complainant, bearing in mind the forensic difficulties of the defence occasioned by the very long delay, some valid criticism of the complainant's credibility, the lack of corroborative evidence and the sworn denial of the

respondent, I find I am not “satisfied that the complaint has been established”, to quote the words of the principal term of reference. (AAP 2002: para. 4)

No criminal charges were laid, and Pell declared he was ‘completely exonerated’ by the inquiry (Milligan 2019: 103). Following the Victorian Parliamentary Inquiry into *The Handling of Child Abuse by Religious and other Non-government Organisations*, Pell was placed under police investigation. In 2017, he was charged with child sex offences alleged to have been committed in the 1970s and 1990s, as documented in journalist Louise Milligan’s 2017 book *Cardinal: The Rise and Fall of George Pell*. Because Australia does not have an extradition treaty with the Holy See, Pell suggested he volunteered to return to Melbourne to attempt to clear his name after enduring ‘a relentless character assassination for months’ in the media (Kirchgaessne and Davey 2017). After one of the witnesses from the 1970s died and some tendency evidence was ruled inadmissible in that case, only the 1990s allegations went to trial. These included that, as Archbishop of Melbourne, Pell sexually abused two 13-year-old choirboys inside St Patrick’s cathedral after celebrating Sunday mass in 1996 and 1997. As one of the alleged victims had died of a heroin overdose in 2014, Pell’s trial was based on the evidence of the surviving complainant only. The first trial in August 2018 resulted in a hung jury. In a December 2018 retrial, Pell was unanimously convicted of four counts of indecent acts with a child under 16 and one count of sexual penetration of a child under 16. He was sentenced to six years in jail. Pell appealed his convictions on the basis, inter alia, that the jury verdict was unreasonable (unsafe) or ‘cannot be supported having regard to the evidence’ (*Pell* at 39). In August 2019, the Victorian Supreme Court of Appeal dismissed the appeal. However, in March 2020, the High Court of Australia unanimously granted Pell leave to appeal and acquitted him of all charges (*Pell*).

The trials were rife for speculation, not only because of Pell’s international status but also because of the media suppression order imposed by the Victorian courts from the time of the original trial until four months after the appeals verdict (when it was determined the trial of the 1970s allegations would not proceed). Even with the order lifted, the testimony of the complainant remains unreported, as is usually the case with sex offence trials where evidence is given in camera to protect vulnerable witnesses. Only the judges and juries in the Victorian trials heard this evidence. Others present in court (such as journalists who could eventually report on the trials in March 2019) heard only the testimony of 23 crown witnesses, such as former choirboys and choir masters, who did not claim to have witnessed the alleged offences. Pell did not give evidence at any trial, but his recorded police interview was played in court. While supporting the need to protect vulnerable witnesses, observers as far afield as New York described the non-publication of the complainant’s evidence as ‘just one glaring example of the secrecy and lack of accountability that have shaped the Pell prosecution from the beginning. No criminal trial in Australia’s recent history has been as high-profile nor as hard to follow and scrutinize’ (Cave and Albeck-Ripka 2020: para. 5).

The High Court did not review the complainant’s evidence. That appeal was decided based on the evidence of the other witnesses. It was determined that the Victorian Supreme Court of Appeal had not erred in accepting that the jury found the complainant’s evidence to be ‘thoroughly credible and reliable’ in that ‘it did not contain discrepancies, or display inadequacies, of such a character as to require the jury to have entertained a doubt as to guilt’ (*Pell* at 118). Rather, the High Court ruled that the Supreme Court had failed to recognise the ‘compounding improbabilities caused by the unchallenged evidence’ of the other witnesses concerning the *opportunity to offend* in the circumstances of Sunday mass at St Patrick’s (*Pell* at 119). The High Court held that considering this evidence along with the problem of forensic disadvantage (due to delay) for Pell’s defence would have required a rationally acting jury ‘to have entertained a doubt as to the applicant’s guilt. Plainly they did. Making full allowance for the advantages enjoyed by the jury [witnessing the complainant’s testimony], there is a significant possibility ... that an innocent person has been convicted’ (*Pell* at 119). Hence, Pell was acquitted not because the jury ought to have doubted the complainant’s evidence, but because the other evidence must have raised among them reasonable doubt that the offending could have occurred. Echoing Pell’s claim to have been ‘completely exonerated’ in 2002, the nation’s only broadsheet, *The Australian*, reported on the verdict with a front-page headline declaring Pell was found ‘innocent’, when he was, rather, acquitted (Ferguson 2020).

After the decision, the government released reports of the Royal Commission that were redacted during Pell's trials. The Royal Commission found that as a Ballarat priest in the 1970s, Pell was aware of Christian Brothers and Australia's 'worst paedophile priest' Father Gerald Ridsdale abusing children, and had 'considered measures of avoiding situations which might provoke gossip' about their behaviour (Commonwealth 2017b: 56). The Royal Commission did not accept Pell's testimony that in 1982 he had been lied to by the Bishop of Ballarat about Ridsdale's offending and was therefore ignorant of it (Commonwealth 2017b: 70). In evidence tendered to the Royal Commission, local police and Ridsdale himself conceded that as early as 1976 it 'was pretty common knowledge all through the Catholic congregation, everyone you would speak to knew about it' (Commonwealth 2017b: 250). That is, Ridsdale's offending was an 'open secret' in the community (Cohen 2001: 79), but Pell claimed to only have become aware of it when Ridsdale was first convicted in 1993 with Pell accompanying him at trial. When questioned about whether he then realised Ridsdale's crimes were known in the community in the 1970s, Pell replied, 'It's a sad story, and it wasn't of much interest to me ... 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' (Commonwealth 2017b, transcript 1 March 2016: 16266).<sup>5</sup> In response to the Royal Commission findings published in 2020, Pell stated that he was 'surprised' and that 'these views are not supported by evidence' (Le Grand and Cooper 2020). In April 2020, it was reported that Victorian police are investigating Pell concerning new allegations of child sexual abuse (Davey 2020).

### *Campaigning Against the Complainant*

In the Pell trials, it was uncontested by all three courts (District, Supreme and High) that the complainant's evidence was 'thoroughly credible and reliable' (*Pell* at 18). The District Court judge stressed that Pell was found guilty based on the facts of the case, and that he was 'not to be made a scapegoat for any failings or perceived failings of the Catholic Church' (*DPP v Pell*: 10). In response to the trials, an international campaign was nonetheless promulgated in the mainstream and conservative press claiming the allegations could not *possibly* be based in truth, and that Pell was indeed a scapegoat (Kelly in Manne 2019). I believe it is essential to understand the motives and strategies of this campaign for what they tell us about the politicisation of the vulnerable and the reactionary instinct to deny atrocities. At the time of the original convictions, when Australian media were under suppression, American church historian, George Weigel (2018), declared in the *New York Post* that Pell was 'falsely and perversely convicted' based on anti-Catholicism. Once the convictions were made public, the Vice-Chancellor of the Australian Catholic University and lawyer, Greg Craven (2019: para. 8), proselytised in *The Australian* that despite the stringent suppression order, 'justice never had a fair chance ... parts of the media ... have spent years attempting to ensure Pell is the most odious figure in Australia'. Journalist Miranda Devine, Pell's public defender since the 2002 allegations, decreed in the popular tabloid, *The Herald Sun*, that despite the jury verdict, she did not believe Pell 'could be guilty'. With apparently no knowledge of the evidence presented at trial, Devine mischaracterised the case as involving 'the word of one man, codenamed AA, against the word of Cardinal Pell' (in Bolt 2019: para. 13).

The most concerted campaign emanated from the conservative Australian journal *Quadrant*. Based on a summary provided in Milligan's book *Cardinal*, the editor of *Quadrant*, Keith Windschuttle, undermined the complainant's unseen testimony by claiming it was copied from an American trial of the 1990s:

In short, the testimony that convicted George Pell was a sham. This does not mean the accuser was deliberately making it up. He might have come to persuade himself the events actually happened, or some therapist might have helped him 'recover' his memory. But no matter how sincere the accuser's beliefs were, that does not make them true, especially when there is so much other evidence against them (Windschuttle 2019b: para. 10).

*Quadrant* skirted contempt of court in pronouncing Anne Ferguson CJ's ruling in the Victorian Appeals Court to be the product of her childless feminism and anti-Catholicism (Koziol 2019), while Windschuttle (2019a: para. 22) declared the convictions a result of the #MeToo movement and an 'anti-male variety of

feminism'. *Quadrant* illustrates the significance of denial to the greater conservative cause. Contributor Peter Wales (2019: para. 13) situated the convictions in the realm of enduring culture wars: he claimed that Pell was the 'perfect nemesis for Australia's left-wing media', as an 'intelligent, energetic, tough-minded, Australian-rules-playing, politically conservative straight white male'.<sup>6</sup> *Quadrant* associates had previously run a campaign suggesting that the Royal Commission was an exercise in anti-Catholicism driven by atheist Prime Minister Julia Gillard and litigators with a financial interest in bringing down the church (Henderson 2017, 2018; Wales 2019; Friel in Windschuttle 2019b). Further, they suggested that witnesses appeared before it, 'some through the lure of compensation, others through the appeal of public victimhood' (Windschuttle 2018).

Such aggressive and orchestrated denial has the potential for profound secondary traumatising of survivors and their communities and for undermining collective efforts at abuse prevention. What would motivate such a noxious campaign? The drive to maintain hegemony? Undoubtedly. However, in the case of child sexual abuse, even more is at stake, and we all are vulnerable to its denial. As a community, what are we to make of statements such as Pell's that the repeat sexual abuse of children by his colleague whom he supported in court, 'wasn't of much interest' to him and he saw 'no reason' to turn his mind to understanding its extent? How ought we reconcile the fact that such sentiments appear to possess enough credence and plausibility for Pell to want to deploy them in sworn public testimony? What society have we created where a prominent media figure like Windschuttle feels so emboldened as to publicly ruminate on the likelihood of false recovered memories of child abuse in a trial he has not witnessed—a complex area of psychology and law that has troubled and humbled more expert minds than his? In short, in the wake of the Royal Commission, we should ask ourselves why tropes denying child sexual abuse are appealing, commonplace and politically expedient today when knowledge of the crime has never been so advanced.

### *Denial Magic and Complicity*

The psychoanalytic conception of denial entails an *unconscious* motive and mechanism developed to block the reception of conscious information as a way of coping with 'guilt, anxiety and other disturbing emotions aroused by reality' (Cohen 2001: 5). In contradistinction, in Sartre's existentialist framework, denial is necessarily *conscious*. Denial is a form of *lying to oneself* that constitutes 'bad faith', and far from being subconscious, it implies 'in essence, the unity of a *single* consciousness' (Sartre 2003: 72). For Sartre (2003: 72), 'the one to whom the lie is told and the one who lies are one and the same person, which means that I must know in my capacity as deceiver the truth which is hidden from me in my capacity as the one deceived'. Denial *limits oneself* as much as it hampers the truth and hurts victims whose experiences are undermined, sullied, contaminated or obliterated in the public record. This self-limitation also has debilitating effects for secondary victims such as community members who have a right to know, process and integrate reality.

Stanley Cohen (2001: 7–10) describes mechanisms by which atrocities can be denied consciously, unconsciously, strategically and impulsively through the enactment of *interpretive* denial (facts are given a new meaning), *implicatory* denial (the implications of facts are reinterpreted) and a cruder *literal denial*, which simply 'refuses to acknowledge the facts' at all in 'good or bad faith'. Literal denial typically relies on undermining the 'reliability, objectivity and credibility' of the witness (whose testimony is decreed 'a sham'), and it may involve 'denial magic': the rationale that the violation *could not have occurred* because it was prohibited by the government (or religion) of the time (Cohen 2001: 7, 85). Cohen invokes the Nuremberg trials of Nazi war criminals to provide examples of individuals engaged in literal and implicatory denial about their involvement in or proximity to horrendous crimes. Nazi Minister of Armaments and War Production, Albert Speer, convicted of crimes against humanity in 1946, represents to Cohen (2001: 84), 'the most intensely studied case of "I didn't know" since Oedipus'. Until his death in 1981, Speer denied full knowledge of the Final Solution in which he participated. Unlike most defendants at Nuremberg who 'told blanket lies about their knowledge and refused to accept any responsibility' (Cohen 2001: 85), Speer carefully acknowledged that, given his position in the Nazi government, he *should have known* more than he did, but still he denied his *responsibility* in that 'he should have known, he could

have known, but he hadn't known' (Cohen 2001: 85). In this excuse, implicatory denial equates with innocence rather than negligence or inhumane indifference. It is also incredible. As Cohen (2001: 85) notes, the 'should' and 'could' in Speer's argument are 'beyond doubt', thereby making the 'hadn't' implausible. Similarly, Pell's astonishment that the Royal Commission did not accept his denial of knowledge of Ridsdale's prolific sex offending seems naïve at best, given the logical implications of what Pell *should have* and *could have* known, were he not indifferent.

Nuremberg is instructive, but it is not only perpetrators and enablers who engage in denial. One of Cohen's primary concerns is the cultural denial practised by 'ordinary citizens' in communities where atrocities take place:

Cultural denials are neither wholly private nor officially organised by the state. Whole societies may slip into collective denial not dependent on a fully-fledged Stalinist or Orwellian form of thought control. Without being told what to think about (or what not to think about) and without being punished for 'knowing' the wrong things, societies arrive at unwritten agreements about what can be publicly remembered and acknowledged. (Cohen 2001: 12–13)

Cultural denials are informed by ruling regimes and partisan political campaigns as much as by societal tropes that instruct us cognitively on what *could have* occurred. While it might be intuitive that perpetrators and enablers engage in denial to evade 'moral blame and legal culpability' (Cohen 2001: 77), the motivations for cultural denial can be more difficult to understand, such as in the case of denial by members of families where sexual abuse occurs. In such cases, if literal denial is employed it 'must happen in an instant' to save the psyche from processing distressing information, which could perhaps explain the sentiment that sometimes eventually arises, that 'I must have known all along' (Cohen 2001: 75). All cultural denials aim to avoid assimilating information that is 'too disturbing, threatening or anomalous to be fully absorbed or openly acknowledged' (Cohen 2001: 1). However, it is not necessarily clear *why* information about violations is experienced as disturbing. Does it disturb us because of our empathy for, or identification with, the victim? (If so, why then would we deny their experience?) Alternatively, does it disturb us because we did not prevent or put an end to the suffering, and we therefore feel overwhelmed? Worse: were we somehow *implicated* in the suffering, as a member of society? The latter questions suggest a fear of *complicity*, a better understanding of which might help transcend ideological and political divides employed as a barrier to recognising atrocities.

The notion of complicity demands that we recognise that the ethical obligations and 'intellectual responsibility' we owe to each other as members of society include acknowledging violations in which we do not believe we are personally implicated (Clingman 2005: 281). The 'active–passive' nature of complicity evidenced in its etymology means that 'whether we like it or not [complicity] entwines and enfolds us together in the state of things' (Clingman 2005: 281). While it is too great a stretch to suggest that 'ordinary citizens' engaged in cultural denial bear the same moral responsibility as perpetrators or bystanders to crimes that are 'not of much interest' to them, feelings of complicity and associated emotions (such as guilt) are likely central to the experiences of these 'ordinary citizens'. Discussing Western reactions to atrocities and disasters witnessed 'on TV', Cohen (2001: 216) distinguishes between *empathy* (feeling what another's suffering 'must be like for them') and *guilt* invoked by a sense of responsibility. However, when abuse is revealed to have been widespread in one's community, it is possible that the two emotional experiences are entwined and together inflict a psychic trauma on the witness. Scholars working in the field of institutional sex offences note that realising the extent of mass crimes can provoke collective 'cultural trauma' among the community, in which feelings of empathy and guilt embroil (McPhillips 2017). Similarly, humanist feminists such as de Beauvoir observe that one feature of the human condition is that 'we often experience atrocities committed against others as bodily harms to ourselves. We become traumatically decentred' (Kruks 2012: Chp. 5, para. 4). From a trauma-informed perspective, this decentring may prompt 'a state of collective dissociation' in the community, including

denial magic reasoning that the events could not possibly have occurred (McPhillips 2017: 133). Transcending this reaction is surely key to responding to evidence of abuse.

Unravelling the responses and feelings implicated in cultural denial asks a great deal of a population facing cultural trauma in the wake of revelations of widespread abuses. Even greater is what it asks of cultural elites who benefit from the hegemony of the abusive regime. Organised political campaigns denying the possibility of atrocities may be more than instrumental. They may also represent an acute expression of collective cultural trauma associated with feelings of complicity (either subconscious or denied in 'bad faith'). When a suspected perpetrator is one's government or a representative of one's ideology or religion, this suggests a form of 'narrow complicity' (Clingman 2005: 282) that 'must touch your own identity' (Cohen 2001: 10). These campaigns are more than political; they can connect with the cultural wound of the collective and offer a route to abdicating personal responsibility and, therefore, widespread 'cultural amnesia' about abuse (Hermann in McPhillips 2017: 133). They need to be held to account. I turn now to the ethical deliberations of Arendt and de Beauvoir addressing complicity in response to war tribunals conducted before and after the trials of Speer and his compatriots who denied their responsibility at Nuremberg. I suggest that de Beauvoir's existentialism formulated in the shadow of Nazism, in particular, has much to offer contemporary analyses of evil, complicity, denial and scapegoating for mass crimes in today's era of apology and memorialisation preoccupied with demarcating the past from the present. de Beauvoir's insights might help us theorise a way to identify human agency amid structurally enabled atrocity and thereby come to terms with the role that denial and complicity play in its continuation.

### *War Crimes as an Example of Complicity*

Hannah Arendt identified complicity as a feature of modernity even before her discussion of Nazi war crimes provoked one of the most infamous intellectual conflicts of the 20th century (van Rijswijk 2018: 150). As a Jewish refugee, Arendt fled Germany in 1933 and was not present at Nuremberg. However, she flew to Jerusalem to witness the 1961 Israeli 'show-trial' of senior Nazi Adolf Eichmann for making 'Jewish people disappear from the face of the earth' (Arendt 1967: 168). Arendt's reporting on the trial for the *New Yorker* in 1963, especially her comments about the banality of evil and her brief discussion of the Judenräte (German Jewish Councils), led to her ex-communication from numerous intellectual circles, not least of all those associated with Israel. The Judenräte were administrative councils operating under Nazism to provide slave labour and organise deportations, with council leaders threatened with execution for disobeying orders. The Israeli court did not address the Judenräte, as it was primarily an exercise in moral education about anti-Semitism.

Arendt supported Eichmann's execution but cautioned against the use of nation-building show-trials of scapegoats as 'emblematic of the role played by all bureaucrats' (Marso 2012: 171). Arendt (2003: 21) reasoned that Eichmann should be held individually responsible for his crimes; she believed that any reluctance to judge wrongdoing in historical cases such as his reflected a misplaced 'suspicion that no one is a free agent' and the 'doubt that anyone is responsible or could be expected to answer for what he has done'. Arendt (2003: 21) identified within the general community a deep-seated fear of 'passing judgment, naming names and of fixing blame' especially 'upon people in power and high positions'. As a reaction to this moral failing, Arendt (1967: 117) provocatively identified the supposed 'cooperation' of the Judenräte leaders with the Nazis as 'undoubtedly the darkest chapter of the whole dark story' of the Holocaust. Most controversially, she claimed that 'if the Jewish people had really been unorganised and leaderless, there would have been chaos and plenty of misery but the total number of victims would hardly have been between four and a half and six million people' (Arendt 1967: 125). Her analysis recognised both individual wrongdoing and the political context and structures within which individuals and groups might be implicated in atrocities. In this context, Arendt was happy to name names.

The explosive response to Arendt's conjecture about Jewish complicity is described as 'the most bitter public dispute among intellectuals and scholars concerning the Holocaust that has ever taken place' (Ezra 2007: 142). At times, Arendt's defence was phrased in terms of the nuances of active and passive resistance: 'I said there was no possibility of resistance, but there existed the possibility of *doing nothing*'



(in Ezra 2007: 144). In this context, 'doing nothing' was to court death, so it is incomparable to the 'little perpetrations' of bystanders who do not intervene in peacetime atrocities (such as institutional child abuse). Moreover, Arendt's analysis of the Judenräte has since been criticised as ill-informed and factually incorrect (Ezra 2007). Still, the example stands as a testament to the controversy, resistance and defensiveness that complicity provokes. How might we address the problem of complicity in atrocities in ways that enable engagement rather than outrage and denial—thereby transcending the excuse that 'no one is a free agent'? Such questions informed the deliberations of intellectuals grappling with the complexities of the Nazi Occupation of France from 1940–1944, a generation before Arendt's reporting. These were inescapable concerns throughout a period when daily life was politicised to the extent that routine activities such as 'purchasing food, travelling, sending letters or even listening to the radio and expressing an opinion became subject to totalitarian controls' (Lloyd 2003: 44). Famously, Sartre (1944: 43) concluded, 'Never were we freer than under the German Occupation' when 'each one of our gestures took on the nature of an engagement'. How these authors reconciled their agency, intersubjectivities and complicities is illuminating and instructive for the current age.

### *The Ethics of The Occupation*

On liberation, the French struggled to integrate their 'glorified' memories of resistance with their 'conflicted' memories of 'complicity and acquiescence', an existential phenomenon termed by some as 'the Vichy syndrome' (Kitchen 2013: 65). The most direct example of complicity is, of course, the collaborator. de Beauvoir first addressed collaboration in response to the Liberation Government's 1945 trial of Robert Brasillach, one of the first acts of the great Purge before the war was even over. During The Occupation, Brasillach advocated fascism and identified Jews for deportation as editor of the nationalist newspaper *Je Suis Partous*. He was found guilty of treason by a jury at the Courts of Justice and sentenced to death, 'killed for his words' as many understood it: the only fascist intellectual 'of stature' to receive this penalty (Schalk 1979: 78). Many intellectuals, including Camus, protested Brasillach's execution in a climate destabilised by acts of extra-legal justice meted to suspected collaborators by the former Resistance. Jean Cocteau opposed the execution on the basis that he was 'fed up that they're sentencing writers to death and leaving the people who furnished the German army in peace' (in Kaplan 2000: 197).

Despite her pacifism and distrust of bourgeois law, de Beauvoir could not bring herself to call for Brasillach's reprieve. She attended the trial and justified her support for his execution in the essay 'An Eye for an Eye' published in *Les Temps Modernes* in 1946 (once the war was over, and Nuremberg had established the principle of crimes against humanity). In contradiction of the court's rationale that Brasillach's crime was treason and not his 'deadly intolerance' (Kaplan 2000: 161), de Beauvoir resisted this move 'toward easy moral closure' (Marso 2012: 172) and identified his crime as the absolute evil of reducing man to 'a thing' (de Beauvoir 2004: 257). Much like Arendt, de Beauvoir rejected the appeal of the victor's show-trial and condemned the desire to scapegoat Brasillach 'while allowing some real killers, as well as Vichy officials and businessmen, to go free' (Marso 2012: 171). Regardless, de Beauvoir was able to isolate Brasillach's culpability amid the overwhelming structure and historical force of Nazi Occupation. Like Arendt, de Beauvoir was not ready to concede that 'no one is a free agent' and instead affirmed the 'capacity of the individual to do evil' without endorsing the idea that individuals are purely autonomous beings (Marso 2012: 174). Arendt and de Beauvoir both identified *individual agency* in a way that allows for the recognition of broader complicities such as hateful ideologies and political regimes.

de Beauvoir astutely understood Brasillach's capital punishment as an act of *revenge* aimed at inflicting injury rather than a *sanction* aimed at preventing crime (de Beauvoir 2004: 247). For de Beauvoir, revenge in this context is irrational and ethically problematic. However, it is an expression of the ambiguous human condition: hateful revenge is an undeniable element of the 'necessary failures of human action' (Kruks 2012: Chp. 5. para. 13). Revenge is both meaningful and undoubtedly an 'existential failure' (Kruks 2012: Chp. 5. para. 13). Although revenge would never 'restore the reciprocity originally violated', it was just and appropriate to punish Brasillach (Marso 2012: 169). To deny a community's need for revenge, although a very imperfect need, would be to deny humanity in the form of the ambiguous interconnectivity that manifests as the moral value of responsibility. In such instances, it would be more dangerous to deny

revenge for absolute evil than to deliver it (Kruks 2012). The beneficiaries of that revenge should, however, be acknowledged.

de Beauvoir observed that it was not Brasillach's direct victims who exacted revenge on him. It was mostly bystanders to his crimes, such as herself, who had never had anything physical to fear. de Beauvoir's personal desire for revenge illustrated to her that occupying the position of a bystander is an implicated emotional position. To be a bystander to an atrocity is not 'to occupy the position of a detached observer' at all (Kruks 2012: Chp. 5; para. 13). It is to embody human intersubjectivity, a form of experiential empathy. Kruks (2012: Chp 5; para. 19) summarises de Beauvoir's position as follows:

Because we are embodied and profoundly social beings, there are sentient and affective ways in which our lives are deeply implicated in those of others. Thus, we may 'Assume' the suffering of victims of atrocity as 'our own'. We may do this via several different routes, but three are especially salient: our embodied responses to suffering; our experiences of shared worlds; and our intense personal bonds with others.

To fail to acknowledge this intersubjectivity, to claim that atrocities within our community are 'not of much interest' to us, is an egregious expression of bad faith. It is inhuman. Hence, de Beauvoir sought to identify Brasillach's guilt while also articulating 'the responsibility of ordinary citizens to our shared world, and the dangers that arise from a refusal of these responsibilities' (Marso 2012: 175); to be human is to be connected, for good and for bad. Still, de Beauvoir (2004: 246) took no satisfaction in Brasillach's trial; she wrote that it left the 'taste of ashes' in her mouth.

### *Existentialism and Ethics*

de Beauvoir's examination of individual responsibility amid historical forces and third parties' moral interests in revenge are the aspects of her work relevant to cultural denial, which she developed beyond the example of war crimes to examine the human condition. The personal features that create empathy and identification with the oppressed—our human connection that allows us to assume 'the suffering of victims of atrocity as "our own"' (Kruks 2012: Chp 5; para. 19)—are, paradoxically, also those that might trigger reflexes to deny the possibility of others' injuries as a form of egoic self-protection. Empathetic identification with victims not only traumatically decentres us; it brings into question our responsibility to have prevented or intervened in the violation. Surpassing these denial reflexes and coming to terms with human ambiguity was the greatest goal of de Beauvoir's *The Ethics of Ambiguity*: perhaps the most significant existentialist contribution to moral theory, published in 1948. de Beauvoir developed her analysis during 'one of the bleakest moments in French history' as she transcended her 'preoccupation with personal autonomy' to focus on 'solidarity, intersubjectivity and collectivity' (Sims 2012: 690, 681).

*The Ethics of Ambiguity* is structured in halves: the first identifies the human condition according to existentialist thought; the second considers political violence and the circumstances under which it might be justified. The basis for understanding both is the recognition of *ambiguity* as the fundamental human condition. Ambiguity entails our tragic realisation of ourselves as mortal and interdependent, whereby we are at once sovereign subjects and contingent objects. This was a profound departure for both existentialism and moral theory. In the sense that 'hell is other people', Sartre (2003: 276–326) believed we are inevitably vulnerable to objectification in society when our existence is observed by the Look of another who, in order to maintain their sovereignty, objectifies us and turns us into objects of their Look. The Look of another at once brings us into existence as subjects. At the same time, it paradoxically *objectifies* us, which for Sartre, generates a sense of *shame* because we are put in the position of judging ourselves *as we appear to another* (Sartre 2003: 245–247). Because he does not celebrate ambiguity, Sartre (2003: 246, 284–285) sees the battle between subjectivity and object status as a clash of dominant wills, whereby shame is experienced as 'an immediate shudder that runs through me from head to foot', prompting an inflated sense of pride employed to dominate the other who would objectify us. In Sartre's analysis, the shame of objectification that comes with recognising the existence of another activates a form of pride and power that is not too difficult to imagine as being implicated in cultural denials of atrocities,

especially those said to be perpetrated by elites and moral leaders. To transcend this internal power struggle would be to generate the possibility of recognising the wrongdoing of another—and perhaps one's own motivations for denial—without fearing shame and activating pride. And this is where de Beauvoir's original thought is most instructive.

de Beauvoir embraced our status as objects and transcendental subjects. Far from being shameful, the *beauty* of the human condition is that along with being subjects we are also 'objects - material, vulnerable beings who are inextricably bound to the world' (Braddock 2007: 303). Embracing, not transcending, this status is what liberates others from the violence of objectification identified by Sartre. It is also what provides us with the only sensible ethics to live by in a complex interconnected society. This is not to suggest that our ambiguous nature precludes us realising a separateness or wholeness. Recognising the ambiguity of humanity provides us with the subject status of singularity and the sovereignty to act ethically in a relationship of mutual disclosure that recognises the singularity of another, for 'it is only as something strange, forbidden, as something free, that the other is disclosed as the other' (de Beauvoir 2015: 85). To what end might we seek this relationship of disclosure? An ethics of ambiguity ultimately promises freedom, which is unsurprising, as freedom is the *raison d'être* of existentialism.

For de Beauvoir, acknowledging our object status is in itself an act of liberation. In being condemned to be free in our ambiguous state, the sole responsibility for ethics resides within us and for us. And this is liberating. Embracing ambiguity is ultimately a project of transcending the fear of freedom. For both personal and political reasons, it would pay for us to be honest about the emotional needs informing our objectification of others, which manifest in disowning their unethical behaviour, including their gross violations, out of fear of our complicity. These types of emotional needs have salience beyond gut-wrenching instinctual responses to atrocities. They might, in fact, be existential needs. de Beauvoir identified the Enlightenment's project of asserting autonomy and denying intersubjectivity as reflecting, literally, a mortal fear. Intersubjectivity implies a sovereign death: 'the idea of such a dependence is frightening' (Parker 2015: 11). But this fear becomes wholly misplaced if we understand the freedom that comes with relatedness; the subject status that flows from acknowledging the singularity of the other, including their acts of evil. This does not mean we cannot condemn abusive behaviour, or that we must give in to the idea that 'no one is a free agent'. de Beauvoir is explicit that any action that curtails another's freedom is unethical and must be resisted and subverted if possible. Rather, celebrating our ambiguity suggests the possibility of acknowledging our interconnectedness, including examining our complicity without fearing a sovereign death.

## Conclusions

Determining individual and collective responsibility amid the forces of history is central to the project of justice for historical and institutional child sexual abuse. The Australian Prime Minister, Scott Morrison's (2018), apology to victims and survivors acknowledged the harm done by individual perpetrators and the organisations shielding them on behalf of 'all Australians [whose] eyes and hearts were closed to the truths we were told by children'. Opposition Leader, Bill Shorten's (2018) speech was more pointed:

As the Royal Commission has gone about its work, I know many Australians have been watching the news and reading the articles and saying to each other in horror and disbelief:

Why are we only hearing about this now? Why didn't we know? Why weren't we told?  
There are a thousand different reasons, every individual life unique—but at the heart of so many reasons is this deeply uncomfortable truth:

Too many were told. They just didn't listen.  
Too many did know. They just didn't act.

Denial and complicity on this level is a complex issue that warrants patient attention and rectification, for both victim-survivors and members of the general community who struggle to understand our role in systems of child abuse that functioned to nurture the 'bad faith' of dissociation and cultural denial, apparently for generations. In this article, I have considered the interconnected nature of three forms of denial: that of the uninterested bystander in Pell, the partisan campaign of denial magic in defence of Pell and the cultural denial of the general community, which together mean we are often persuaded not to apportion blame or to 'name names'. There is no simple answer to the psychological and instrumental processes involved in each. However, it is reasonable to argue they inform each other; a form of consciousness-raising is required at each juncture of the abdication of responsibility. While it is important to recognise political campaigns for the instrumental strategies they represent, it should also be acknowledged that partisan denials of the very possibility of child abuse represent only the extreme end of the commonplace abdication of moral responsibility for systemic crimes. It is the general disavowal of the prevalence of child abuse that affords these campaigns currency, and therefore, strategic appeal. Keeping in mind the great cultural reckoning of initiatives like Nuremberg, trials of individual suspects and perpetrators should not acquit us of the moral duty to examine how child sexual abuse features as a fact of modern life. If anything, these political events should prompt us all to examine in-depth the reasons for our broader social 'amnesia'.

Returning to the existentialists grappling with complicity, responsibility and agency in the aftermath of atrocity could help guide this ethical endeavour. de Beauvoir reminds us that the disavowal of our intersubjectivity is not merely a reaction to feeling guilty or overwhelmed in the face of evil. It is a product of Enlightenment philosophy founded purposefully on the premise of the autonomous being (man). Embracing our ambiguity, and therefore our complicity, not only provides us with empathy for the oppressed, but it also enhances our subjectivity: our capacity to act and live ethically. The price of ambiguity is *not* that 'no one is a free agent'. Contrarily, the prize of ambiguity is the realisation of our full humanity and therefore our freedom. After all, recognising the full humanity of all must be the precursor to preventing human atrocities, including child abuse. Ultimately, de Beauvoir's view is not so much a project for doing things differently, but for thinking about how we realise our subjectivity and freedom through our responsibility to each other. True to de Beauvoir, we might think our way to freedom and not equivocate in our condemnation of individual immorality.

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<sup>2</sup> The much-overlooked Victorian *Inquiry into Sexual Offences Against Children and Adults* (1993–1995) is also crucial to this story.

<sup>3</sup> Richards (2011) records that between 12–16 per cent of males and 23–36 per cent of females have experienced child sexual abuse in Australia.

<sup>4</sup> I am grateful to the anonymous reviewer of this journal for suggesting this phraseology.

<sup>5</sup> The Royal Commission also found that as Auxiliary Bishop of Melbourne, Pell failed to act on reports of misconduct by Father Peter Searson provided to him in 1989, and that it was 'implausible' that Pell was again lied to by the CEO of the Primary School relevant to the complaint concerning the sexual nature of Searson's misconduct with children. The Royal Commission did 'not accept that Bishop Pell was deceived, intentionally or otherwise' (Commonwealth 2017c: 20).

<sup>6</sup> The presumption that a supposedly celibate priest must be read as 'straight' is revealing in and of itself.

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