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CANADA

The legal battle over Newfoundland's infamous Mount Cashel sexual abuse is finally over. But one of the four plaintiffs didn't live to see it

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Thu., Jan. 14, 2021 | ⌚ 5 min. read

🕒 Article was updated 4 days ago

The final chapter in the wrenching story of sexual abuse at Newfoundland's infamous Mount Cashel orphanage was finally written Thursday, bringing an end to a decades-long saga that haunted a region, turned many away from the Roman Catholic Church — and helped prompt a closer look at the issue of abuse within it.

The Supreme Court of Canada declined to hear an appeal from the Archdiocese of St. John's that was seeking to overturn a lower court ruling that the church can be held responsible for the sexual abuse suffered by boys there in the 1950s.

That decision brings to an end a 21-year legal battle that began in 1999, as four men deemed "John Does" as plaintiffs for the purpose of the case sought compensation for their abuse by members of the Christian Brothers of Ireland order, which ran the orphanage.

One of the plaintiffs didn't see the decision announced Thursday — he died eight months ago. He was 78.

Lawyer Geoff Budden, who has been representing the plaintiffs, made the case establishing the links between the Christian Brothers order and the Roman Catholic church.

The church will now have to pay the outstanding damages left behind when the Christian Brothers went bankrupt settling child abuse lawsuits in 2012.

"They're obviously very, very pleased and relieved," Budden said of the plaintiffs. "It's been a long battle and an exhausting one. They're delighted that it's over and it's ended on such a satisfactory note."

The decision paves the way for some 60 more men who were also abused at Mount Cashel in the 1950s to seek their compensation. They range in age from their late 60s to mid-80s.

While Budden doesn't have an exact figure, he estimates the damages will run into the "tens of millions" of dollars.

He noted the man who died recently would have received roughly \$1.5 million, money that will now go to his family.

Some of the claims would be for pain and suffering, he said, but some would also fall into the category of economic losses.

One of Budden's clients had a career in the military but had been demoted twice for insubordination. Psychologists drew a link between that insubordinate attitude and the abuse he had suffered as a child. Another client was unable to work productively past his 40s because of alcoholism. Budden's case provided evidence that traced the roots of that alcoholism back to his abuse at Mount Cashel.

The Mount Cashel case also provides a template for other suits trying to hold the Catholic Church liable for sexual abuse by its affiliated organizations.

"If you're a lawyer acting for somebody who was abused at an institution run by ... some Catholic order, and you're trying to have the local diocese or archdiocese held liable, this case does provide a road map," Budden said.

The impact of Mount Cashel abuse has been felt far beyond the church's ledgers.

The accusations came to light at a time when the church was already reeling from allegations of similar sex abuse in Ireland and Germany. More abuse would later come to light in Boston and Australia.

Not only was the abuse uncovered, but so too were the church's abysmal failures to deal with it, said David Deane, an associate professor of theology at the Atlantic School of Theology in Halifax.

It wasn't just a case of a few rogue priests, said Deane. It was church authorities moving those priests around, failing to acknowledge the significance and the danger of the issue. And, as a result, ultimately the church aided and abetted the sexual abuse.

There was the Winter Commission report on the Mount Cashel abuse. There was the Ferns report, the Ryan report, and the Murphy report on abuse in Ireland. There was the Boston report on abuses within the Catholic Church there. All have painted the same picture, said Deane: a church desperate to avoid scandal and maintain appearances, even at the expense of the needs of its victims.

"Since then, greater study and attention has shown that what the church did was exactly the same as most big organizations do — whether that's U.S. Gymnastics, whether that's sports clubs, the Scouts, educational systems.

"But because the Catholic Church was the first, it's kind of like Chesterfield or Hoover vacuum cleaners ... it's the brand name for coverup."

The fallout, said Deane, was a turning away from the church, especially in places where Catholicism was the strongest.

"Where the church's complicity in sexual abuse, and the coverup of sexual abuse was made clear for the world to see, in some senses, the church has never recovered," said Deane.

"And in some senses, the church may never again — and this is a good thing — regain the status it had in places like St. John's, or in Ireland. Why did these things happen in places like Boston, Ireland, Newfoundland?"

"They happen because people assumed the church was incapable of doing this sort of stuff."

While the church has made substantial changes since its sexual abuse scandals have been exposed, most of those changes have been to the symptoms, contends Deane, and not the pathology.

To Deane's mind, those include the church's all-male leadership and clericalism, in which church is associated with excessive devotion to the priest.

As long as those underlying causes exist, said Deane, the symptoms can still re-emerge.

Patricia Dold is an associate professor in the Department of Religious Studies at Memorial University in St. John's. She's also vice chair at the Pathways Foundation, a non-profit NGO that advocates for and supports survivors of abuse in religious institutions.

"No doubt there are people who are very much struggling within themselves over sort of conflicting feelings," she said of the church's legacy.

"I've heard that kind of perspective from survivors," she said. "They've absolutely had it with the church, they see no redeeming features in the church.

As a scholar of religion, she said, she's aware that any religious tradition is more complicated than its official institutions.

"There are individual Catholics, and there are Catholic communities, congregations, families, priests, monks and nuns who are doing good and, and creating harmony and working to make the world better," she said. "I don't think that a court decision and I don't think that the history of abuse within the Catholic Church negates all of those people."

"I'm sure, too, though, that there are people who have a powerful internal struggle over this; on the one hand, they still feel a powerful sense of belonging and love for the church.

"But at the same time, outrage over the abuse that's happened in the church, the coverup of that abuse, the church's staunch opposition to doing things like settling with survivors, the church's insistence on taking a court case, like this Mount Cashel case, all the way to the Supreme Court."

After the Supreme Court decision to deny hearing its appeal, the Archdiocese of St. John's issued a statement reserving comment until its lawyers had reviewed the decision.

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“The Archdiocese of St. John’s has immense sympathy for those who suffered abuse at Mount Cashel Orphanage, and we ask that all join with us in praying for healing for those who suffer as a result of abuse.”



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