

# Empowering Victims/Survivors or Restorative Washing? Institutional and Clerical Sexual Abuse of School Children and Restorative Justice

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While numerous studies exist on restorative justice, less is known about its use in cases of institutional sex abuse. Given a growing trend towards using restorative justice in such cases, this article addresses this gap in knowledge by analysing a case in Ireland involving historical clerical child sex abuse in schools. From this analysis, more caution is urged in considering when it is appropriate to employ restorative justice and in labelling and promoting activities as restorative when lacking core elements that make restorative justice effective. Moreover, the article warns of the potential for restorative justice to be used to 'wash' organizations of their transgressions rather than deliver meaningful effective and empowering outcomes for participants or ensure accountability.

**KEY WORDS:** restorative justice, institutional child sex abuse, victims/survivors, religious institutions

## INTRODUCTION

On 6 November 2022, a documentary entitled 'Blackrock Boys' detailed two brothers' struggles to hold clerical child sex abusers to account for abuse committed in a Catholic School in Blackrock, Dublin, during the 1970s and 1980s (RTÉ 2022a). The documentary provoked a public outcry that forced the Irish government to establish an inquiry into historical child sexual abuse in schools run by religious orders (O'Connell 2022; Minister for Education 2023). While Ireland has experienced several clerical child abuse scandals, this case was particularly noteworthy for two reasons. First, in contrast to other schools implicated in systematic child sexual abuse (O'Toole 2024), Blackrock College was a private fee-paying school run by a religious order called the Congregation of the Holy Spirit (more commonly known as the Spiritans or Holy Ghost Fathers) (Spiritans 2025) and considered highly desirable amongst well-to-do parents. As such, the scandal directly affected the powerful middle and upper classes of Irish

society. Secondly, people were shocked that previous efforts to hold abusers to account were obstructed, as these events occurred after reforms intended to ensure better accountability and prioritization of victims/survivors' needs over protecting the reputation of religious organizations (reforms were set out in the [Commission of Investigation 2009](#); see also [RTÉ 2022a](#)).

Following the broadcast, there was a flood of similar revelations from past pupils which contributed to growing public dissatisfaction at how the Spiritans had handled these cases ([O'Connell 2022](#)). Under public pressure, the Spiritans issued a public apology on 16 November 2022 and simultaneously offered all past pupils the opportunity to participate in a 'restorative justice' process, through which experiences of sexual abuse could be discussed with an independent expert and, potentially, a representative from the Spiritans and the school ([Spiritans 2022](#)).

There is a growing body of literature examining how restorative justice can be used in sex offence cases, highlighting both its potentially positive and powerful impacts and the inherent dangers and (potentially unintended) consequences associated with its use. However, less is known about the application of restorative justice to historical child sex offending involving institutions, such as schools, or other organizations, often run by church bodies. This article seeks to address this gap in knowledge by analysing the case of the 'Blackrock Boys' to consider the potential for restorative justice to deliver positive outcomes in these cases. We also consider the counter-risks of delivering little of the empowering potential that restorative justice can offer and the possibility that it might be deployed as an institutional mechanism to, what we term as, 'restorative wash' organizations of their wrongdoing in the public eye. Addressing this gap in knowledge is important given the increasing use of restorative justice to address clerical and institutional child sex abuse ([O'Toole 2024](#)).

The article begins by outlining the events detailed in the 'Blackrock Boys' documentary, the subsequent actions taken by the Spiritans and nature of the restorative justice process offered, before moving on to examine the conditions under which restorative justice is most likely to lead to positive outcomes. Next, we evaluate the restorative justice process offered by the Spiritans and its capacity to contribute to positive outcomes for victims/survivors before considering the risk that restorative justice could be deployed cynically to 'wash' organizations of past wrongdoing, without necessarily improving organizational accountability or victim/survivor outcomes.

## EXPOSING ABUSE

The Spiritans are a religious congregation of the Catholic Church, known for their involvement in education and missionary work, and are responsible for four parishes in the Archdiocese of Dublin ([Spiritans 2025](#)). They established several private, fee-paying schools in Ireland, which boast famous and influential alumni drawn from across all aspects of Irish society, including sports, politics, business, the arts and religion (e.g. [Blackrock College 2025](#); [Rockwell College 2025](#); [St Mary's College Junior School 2025](#); [St Michael's College 2025](#)). These schools were run exclusively by the Spiritan order until 1999 ([Spiritian Education Trust 2025](#)), when the Spiritan Education Trust was established, comprising two bodies: a Board of Directors (who donate their time and expertise on a voluntary basis); and the Members of the Company who consist of the Provincial Council of the Spiritans ([Spiritian Education Trust 2025](#)).

In the 'Blackrock Boys' documentary, brothers Mark and David Ryan recounted how they had been groomed and repeatedly abused by Spiritan priests at Blackrock College during the 1970s and early 1980s ([RTÉ 2022a](#)). They explained they reported their abuse to the police in 2002, but criminal prosecutions were unsuccessful, due partly to the legal tactics employed by the defence ([RTÉ 2022a](#)). These tactics delayed the case for several years, preventing it from being made public and action against the defendant ([RTÉ 2022a](#)). Eventually, in 2007 the

Supreme Court ruled there was no benefit in the case proceeding due to the accused's advanced age (RTÉ 2022a). The Spiritans had funded the accused's legal defence and acknowledged the tactics employed—to avoid responding to allegations and allowing a court to resolve the case—had exacerbated the trauma the brothers had experienced (RTÉ 2022b). Nonetheless, the Spiritans continue to fund the legal fees of clergy accused of criminal activity (RTÉ 2022b).

While awaiting the outcome of the criminal prosecutions, the brothers initiated civil proceedings to seek compensation for their abuse (RTÉ 2022a). In 2005, an agreement was reached whereby they received financial compensation, without any admission of legal liability or apology, on condition they would not make any further claims against the Spiritans, Blackrock College or any lay person connected to the Spiritans, Blackrock College and/or adjoining Spiritan-run Willow Park schools (RTÉ 2022a). Their settlements were co-signed by the most senior Spiritan priest in Ireland and the President of Blackrock College (RTÉ 2022a). The documentary revealed that 233 people had made allegations of abuse involving 77 Spiritans, with 57 people alleging abuse in Blackrock College or Willow Park schools (RTÉ 2022a). The Spiritans confirmed they had settled with 12 people in relation to sexual abuse at Blackrock College and Willow Park schools, paying over €5 million in settlements and support services for child sex abuse claims since 2004 (RTÉ 2022a). Following the documentary, many more allegations of child sex abuse occurring between the 1950s and 1990s were made, with an estimated 400 people alleging they had been abused by 78 Spiritans by January 2023 (McGarry 2023).

Such was the widespread public concern about the levels of abuse being disclosed, and the Spiritans' response to these allegations, that the Irish Government came under significant pressure to hold a public inquiry into historical child sex abuse in schools run by religious orders (McGarry 2022a; O'Connell 2022). Of particular concern was the failure by the Spiritans to respond appropriately to allegations of abuse and perceptions they had prioritized protecting their reputation over victim/survivor needs or preventing abuse (e.g. RTÉ 2022a; 2022b; 2022c; McGarry 2023). This public pressure led the Spiritans to hold a press conference on 16 November 2022 in which they issued a public apology, apologizing for the abuse and their failure to act promptly to protect children in their care (Kelly 2022). At the press conference, some past pupils spoke about their experiences of taking part in a pilot 'restorative justice' process addressing their experiences of clerical child sex abuse (Devane 2022). The Spiritans announced that, based on a positive evaluation of the pilot restorative justice process, they would finance and offer a restorative justice process to any past pupils who had experienced clerical child sex abuse in their schools (Spiritans 2022).

Restorative justice is recognized as a potentially powerful and positive process and its benefits for participants who have suffered criminal harms are a strong part of its appeal. Restorative justice, properly delivered, offers 'a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future' (Marshall 1999: 5). The United Nations Handbook on Restorative Justice (2020: 4) describes restorative justice as:

an approach that offers offenders, victims and the community an alternative pathway to justice. It promotes the safe participation of victims in resolving the situation and offers people who accept responsibility for the harm caused by their actions an opportunity to make themselves accountable to those they have harmed. It is based on the recognition that criminal behaviour not only violates the law, but also harms victims and the community.

This move to embrace a restorative justice process was framed as a positive development and highlighted as a new proactive approach by the Spiritans. The process was voluntary, with an independent restorative justice practitioner working with past pupils to address their

experiences of abuse (Spiritans 2022). Potential participants could consult with the restorative practitioner before deciding to participate and participation would not affect access to counselling or other supports provided by the Spiritans (Spiritans 2022). If past pupils decided to participate, the restorative justice practitioner would work with them individually to address their experiences of abuse and help them prepare for a meeting with representatives of the Spiritans and/or school (Spiritans 2022). The stated purpose of the process was to allow people to discuss the harm suffered, and its effect on their lives, enable them to ask questions and make requests which might facilitate their recovery, and provide a sense of justice having been served (Spiritans 2022). Another stated aim was to identify and address systemic aspects of the abuse to avoid it occurring again (Spiritans 2022). Meetings were to be conducted in a suitable, safe space and in a fair, safe, respectful and honest manner, overseen by the independent restorative justice practitioner (Spiritans 2022).

Responses to this initiative were mixed. As the Spiritans sought to demonstrate their commitment to helping victims/survivors, address past failings and protect children (Spiritans 2022), some abused past pupils questioned the merits of engaging with the Spiritans, given previous unsatisfactory communication and a perceived lack of accountability (RTÉ 2022d). Concerns were also raised about the need for the Spiritans to be held accountable as an institution for their failure to respond adequately to disclosures of abuse and protect children from harm (RTÉ 2022d). The conditions under which restorative justice can lead to positive outcomes are reviewed next, to foreground our analysis of the particular risks arising from the use of these processes in child sex abuse cases involving (not only individuals but also) institutions.

## EFFECTIVE RESTORATIVE JUSTICE

Restorative justice is based on the concept of restoration. It is a process whereby the offender seeks to 'make amends' and 'repair harms' to those affected by their actions (O'Mahony and Doak 2017). A central aim of restorative justice is the formation of an agreement on how to move forward from an offence, which usually involves some measure of reparation to the victim/survivor (material or symbolic). The making of reparations is also intended to enable the reintegration of the offender back into the community (O'Mahony and Doak 2017). In some contexts—for example, with less serious offences—reparations and reintegration can be relatively straightforward. However, restorative justice practitioners and theorists have recognized, and grappled with, the difficulties of delivering a process that attempts to 'make amends' for serious violent or sexual offences that carry significant and lasting emotional harm or trauma (see McGlynn *et al.* 2012; Keenan and Zinsstag 2022; Gavin *et al.* 2023). In evaluating when, and how, restorative justice processes can be developed to deliver meaningful outcomes that repair harms and demonstrate transformative and positive restorative impacts, it is important to understand how such a process is delivered and to what ends.

Victims/survivors of crime can be left with physical injury, financial loss, psychological trauma and feelings of powerlessness. Trauma can differ by type of incident and individual, but emotions like shock, fear and anger are common, and trauma associated with violent and sexual crimes can have significant and long-lasting effects (e.g. Jones *et al.* 2001; Ruback and Thompson 2001). Restorative justice can help victims/survivors regain a sense of power and control, recovering some of their lost personal autonomy (Classen 1995; Bazemore and Schiff 2005; Daly 2006; Shapland *et al.* 2011; Zehr 2015). To deliver such outcomes, it is essential that restorative justice is an *empowering* process (Bazemore and Schiff 2005; Daly 2006; Strang *et al.* 2006; O'Mahony and Doak 2017). Studies emphasize that restorative justice interventions need to provide opportunities for victims/survivors to have their voices heard, questions answered, feel less fearful, obtain a better understanding of the offence and

their victimization, and through this process experience personal empowerment (Strang 2002; Campbell *et al.* 2006; Shapland *et al.* 2011). Similarly, offenders can explain their behaviour, understand its impact and are empowered to apologize and seek forgiveness (Sherman *et al.* 2005; Shapland *et al.* 2007; Johnstone 2013; O'Mahony and Doak 2017).

This concept of empowerment can be employed to critique restorative practices and evaluate whether they meet the needs of participants. Choi *et al.* (2012), in a review of research over two decades, found that restorative justice falls short of achieving positive outcomes if it fails to deliver a sense of empowerment. When victims/survivors feel unable to fully participate, are placed in passive roles and do not receive genuine engagement with an offender, they are more likely to be disappointed—or further disempowered—by the process (Choi *et al.* 2012). Conversely, when victims/survivors can share their experiences, ask questions and receive answers from actively engaged offenders, they are more likely to feel empowered and report positive outcomes (Bazemore and Schiff 2005; Umbreit *et al.* 2005; Daly 2006; Strang *et al.* 2006).

Agency and accountability are two further concepts that enhance our theoretical understanding of effective restorative justice practice (Doak and O'Mahony 2019). Agency is the capacity to provide empowering choices and vest decision-making abilities on participants, while accountability refers to how individuals are held accountable and take responsibility for their actions. Research demonstrates the critical roles of agency and accountability in effective restorative justice processes (O'Mahony and Doak 2017). For instance, for victims/survivors, the most important elements of successful restorative justice interventions include the opportunity to meet the offender, have questions answered and better understand why they were victimized (Daly 2002; Hudson 2002; Daly and Curtis-Fawley 2005). Similarly, being able to decide how the harm they experienced could be addressed in a constructive manner with the offender was important (Morris and Gelsthorpe 2000; Morris 2002; Pennell and Burford 2002). For offenders, the process of participation goes beyond simply attending and listening as they need to actively contribute, be held accountable and participate in decision-making (O'Mahony and Doak 2017). There needs to be a clear ownership of the harm caused and a dialogue in which the offender understands the consequences of their actions and seeks to address the harm caused (Hudson 2003; Sherman *et al.* 2005; Shapland *et al.* 2007). Assessing whether restorative justice processes provide an empowering sense of agency and accountability can provide a benchmark for understanding when restorative justice is effective and results in positive outcomes for participants (Braithwaite and Daly 1994; Daly 2002; Hudson 2002; Daly and Curtis-Fawley 2005).

Research further demonstrates that processes are most effective when they involve direct/face-to-face interactions, where offences are personal (as opposed to minor property offences), when outcomes are negotiated and agreed, and there are genuine expressions of remorse (Hayes and Daly 2003; Sherman and Strang 2007; Shapland *et al.* 2008; O'Mahony and Doak 2017). Direct dialogue is most likely to generate the emotionality leading to 'turning points' which contribute to participant empowerment (Rossner 2013). Further, restorative justice is more likely to be effective where offenders want to meet victims/survivors, realize the harms caused, demonstrate remorse and want to make amends (Hayes and Daly 2003; Shapland *et al.* 2008). A sincere apology is vital to successful restorative encounters, with the giving and receiving of an apology playing an important role for victims/survivors and offenders in the dynamics of restorative justice (Bennett 2008; Daly 2008; Shapland *et al.* 2011; Rossner 2013). Tavuchis (1991) contends a genuine apology provides an acknowledgement of the wrongdoing, admission of fault/responsibility and expression of remorse. If it lacks any of these elements, it must be considered incomplete, with the unconditional acceptance of responsibility being a fundamental prerequisite—anything short of this, such as an excuse, explanation or qualification for the behaviour, constitutes an account rather than a sincere and proper apology (Tavuchis 1991;



Moore 1993). Victims/survivors place a high value on receiving an apology and it is often one of the motivating factors when agreeing to participate in restorative justice, as well as helping them move beyond anger and a sense of powerlessness by communicating the offender has a personal desire to make amends (Fercello and Umbreit 1998; Strang 2002; Campbell *et al.* 2006; Shapland *et al.* 2006). As Wood and Suzuki (2016) note, restorative justice offers victims/survivors and offenders more participation, more redress, and more agency than existed prior to the restorative process and more opportunities to make amends in meaningful ways.

There is a growing literature on the use of restorative justice in cases of sexual offending (Daly 2012; McGlynn *et al.* 2012; Marsh and Wager 2015; Keenan and Zinsstag 2022; Gavin *et al.* 2023). This literature reflects the broader literature outlined above but emphasizes the importance of ensuring restorative processes are positive, enabling and avoid further damaging consequences. Restorative justice can give victims/survivors of sexual offending the opportunity to be heard, tell their story and share the harms they have experienced. By confronting the offender and participating in decision-making, the victim/survivor can be empowered by the process: their account of what happened can be validated in a way not always possible in conventional adversarial justice processes and they can be supported to recognize they were not to blame (Daly 2012; McGlynn *et al.* 2012; Marsh and Wager 2015). Moreover, by giving victims/survivors a voice, restorative justice can grant a measure of control over the treatment of their complaint, helping ensure their experience is honoured, treated seriously and with respect, facilitating some sense of justice (McGlynn *et al.* 2012). Research indicates that for restorative justice to be effective in cases of sexual offending, it should strive to provide face-to-face encounters between victims/survivors and offenders (McGlynn *et al.* 2012; Keenan and Griffith 2019). Participants should be empowered to give voice to the harms caused in a way that allows for psychological repair, reducing damaging impacts and post-traumatic stress (Koss 2014; Keenan and Griffith 2019). Central to this is speaking directly to offenders to receive answers to unanswered questions and having an input into the outcome of their case by helping to construct an agreement to govern outcomes from the process. Similarly, offenders benefit from the restorative justice process because it deepens their sense of responsibility for their actions and awareness of the harm caused (Koss 2014; Mercer 2020). It can also enable offenders to show remorse and help with their own rehabilitation (Doak and O'Mahony 2006; Shapland *et al.* 2007).

There are, however, risks. It has been argued that using restorative justice in cases of sexual offending can trivialize sexual violence by diverting cases away from the courts, as well as re-victimizing and/or endangering victims/survivors (Lewis *et al.* 2001; Marsh and Wager 2015; Mercer *et al.* 2015). The Restorative Justice Council recommended specific safeguarding procedures for cases of sexual offending, highlighting the additional skills and knowledge required to facilitate such cases, the need for extensive preparation and planning, support for victims/survivors and being vigilant to prevent further harm from occurring.

## EMPOWERING VICTIMS/SURVIVORS AND HOLDING OFFENDERS TO ACCOUNT?

This section considers important features of the restorative justice process deployed to address clerical child abuse by the Spiritans and examines the risks to the potential for this process to be empowering and deliver positive outcomes for participants. The first and most obvious risk is the lack of involvement of perpetrators. There are no face-to-face meetings between victims/survivors and perpetrators. Rather the process is intended for cases in which the perpetrator is deceased. The independent restorative justice practitioner is required (under contract with the Spiritans) to notify the Spiritans if allegations of abuse are disclosed involving perpetrators who

are alive, with the Spiritans expected to notify relevant criminal justice and child protection agencies (RTÉ 2022e). The restorative justice process would then be paused while any legal investigation was ongoing (RTÉ 2022e).

The fact that many perpetrators are deceased needs to be understood in the wider context of the Spiritans and Catholic Church's failings over decades to adequately deal with clerical child sex abuse. These failings include not reporting abuse to criminal justice authorities, marginalizing victims/survivors and funding the legal fees of alleged abusers, contributing to lengthy delays and frustrating efforts to prosecute perpetrators (Commission of Investigation 2009; NBSCCCI 2012; RTÉ 2022a). O'Toole (2024) estimates that about 50 per cent of alleged abusers are now deceased. Spiritan 'restorative meetings' are conducted between the restorative justice practitioner and victims/survivors, focussing on articulating the harms suffered, impact of the harms and offering opportunities for victims/survivors to request information/ask questions (Spiritans 2022). Where group meetings occur, they involve the restorative justice practitioner, victim/survivor and representatives from the Spiritans and/or school, with an added focus on preventing such abuse from occurring again (Spiritans 2022).

The exclusion of perpetrators from the Spiritan restorative justice process has important implications, as it impacts on the nature of the dialogue that can take place. The group meetings must necessarily orient away from focussing on the interaction between victims/survivors and perpetrators, as perpetrators are absent. It is unable to facilitate discussions in which perpetrators hear the consequences of their actions, answer questions, show remorse and make amends. This contrasts with the definition of restorative processes under most theoretical, empirical and practice-oriented literature, which posit offender accountability as a primary goal of restorative justice (Wood and Suzuiki 2024). Offender accountability is a dialog-driven process between perpetrators, victims/survivors and other relevant parties. Indeed, it is this focus on offender accountability that differentiates restorative justice from other forms of justice. For restorative justice to be effective and transformative, it needs to empower victims/survivors and enable perpetrators to understand the impact of their actions and make amends (O'Mahony and Doak 2017). As Choi *et al.* (2012) highlight, this is a core tenet of restorative justice because it allows victims/survivors to ask questions of perpetrators, to better understand why they were harmed and begin to regain a sense of empowerment, improving their wellbeing. This is compromised in the restorative justice process offered by the Spiritans through the absence of perpetrators. Rather, the restorative group meetings adopt a more *institutional* focus: centring, for example, on ways the school or church may better protect children from abuse. This form of interaction limits the potential of the Spiritan restorative process to help victims/survivors achieve a better understanding of their experiences and obtain some form of psychological restoration, lessening the possible positive outcomes that may be achieved.

A second risk evident in the Spiritan restorative justice process is that it does not involve formally accepting responsibility or admitting guilt, either as an individual or institutionally. The Spiritans contend the process is instead focussed on listening to the harms caused, attempting to aid recovery by answering questions and addressing systemic failings to prevent future abuse (Spiritans 2022). Yet, this failure to accept responsibility runs counter to the United Nations (2020: 4) guidance which states that restorative justice 'offers people who accept responsibility for the harm caused by their actions an opportunity to make themselves accountable to those they have harmed'. Not accepting responsibility, or admitting guilt, runs counter to the fundamental principles of restorative justice which require the admission of guilt and acceptance of responsibility as a threshold requirement (Braithwaite 2002; McCold and Wachtel 2002; Zehr 2015). The acceptance of responsibility is especially relevant for child sex offences given their lasting harms. It is therefore vital that victims/survivors' accounts of what happened are validated by the acceptance of responsibility and victims/survivors are supported to recognize they

were not to blame (Daly 2012; McGlynn *et al.* 2012; Marsh and Wager 2015). Accordingly, it is questionable whether a restorative justice process that does not involve accepting responsibility or admitting guilt can provide the empowering sense of agency and accountability required for restorative justice to be effective and produce positive outcomes.

A third risk potentially impacting on the effectiveness of the Spiritan restorative justice process is the bureaucratic focus of group meetings. As group meetings omit perpetrators, they tend to focus on preventing future abuse by listening to victims/survivors' experiences (Spirans 2022). This risks bureaucratizing restorative aims, as the meetings focus on administrative and organizational issues, rather than restorative goals of empowering participants and providing agency and accountability. Whilst some victims/survivors may welcome the opportunity to participate in a process intended to prevent future abuse, victims/survivors do not appear to have an agentic role in deciding the actions taken or holding the Spiritans to account, but are expected to share their stories from which the Spiritans might obtain insights to inform their efforts to prevent abuse (Spirans 2022). This approach limits the ability to foster feelings of empowerment, agency and accountability, which are needed to promote positive outcomes and recovery (Doak and O'Mahony 2006; Shapland *et al.* 2007; Koss 2014; Mercer 2020).

While the absence of perpetrators and bureaucratic focus of the Spiritan restorative process highlights the institutional focus of the meetings, it is important to recognize the potential validity of addressing institutional wrongdoing through a restorative framework in cases where victims and institutional representatives are present, but not perpetrators. For example, elements of South Africa's Truth and Reconciliation Commission (TRC), set up after the first democratic elections in 1994 as part of a broader strategy for dealing with the past, were designed to take a restorative approach to wrongdoing during the apartheid period, focussing on healing, moral learning, apologies and forgiveness (Allais 2011). Its chair, Archbishop Desmond Tutu helped to champion its restorative ethos, arguing it reflected traditional African values of justice by emphasizing the human qualities of healing, redressing imbalances and restoring broken relationships through reconciliation (Tutu 1999).

Importantly, the TRC allowed victims/survivors to speak out about their experiences, while formally acknowledged the guilt and liability of the former apartheid regime (Skelton and Batley 2008; Allais 2011). The victim committee meetings allowed victims to publicly tell their stories and articulate the wrongs that had been committed against them. It sought to address and recognize these wrongs in a restorative manner, seeking to heal wounds. Significantly, the process was also designed to inform fundamental institutional and state reform, and the resulting South African constitution of 1996 makes direct reference to the injustices of the past, honouring those victims/survivors who suffered for justice and freedom in its preamble (The Constitution of the Republic of South Africa 1996).

While institutionally focussed restorative practices can deliver useful elements of restorative justice, they are limited in their potential to deliver a process of empowerment through direct dialogue with perpetrators, limiting emotionality, empathy and genuine remorse associated with successful interactions (Hayes and Daly 2003; Shapland *et al.* 2008; Rossner 2013). Addressing institutional wrongdoing through a restorative process requires adherence to its basic underlining principles. To achieve genuine apologies, forgiveness, moral learning and healing, it is firstly necessary to accept responsibility and acknowledge institutional guilt for the wrongdoing (like the TRC). The institution must also be committed to organizational accountability, transparency and fundamental reform, informed by victims/survivors' experiences of wrongdoing and the resulting harms, to ensure such violations do not happen again. The Spiritan process undermined its potential to successfully address institutional wrongdoing and provide organizational accountability by not formally accepting responsibility or admitting guilt, either individually or institutionally.



These three risks of not involving perpetrators, not accepting responsibility or admitting guilt, and the bureaucratic focus of group meetings have a cumulative impact on the ability of the Spiritan restorative justice process to deliver meaningful outcomes for dealing with institutional wrongs and the individual wrongs of perpetrators. Restorative justice rightly requires those responsible for wrongdoing to accept responsibility for their actions, explain actions, express remorse and make amends (O'Mahony and Doak 2017). These restrictions in the design of the Spiritan restorative justice process hinder its ability to deliver core restorative objectives, which is particularly concerning given the often traumatic and long-lasting impacts of childhood sexual abuse on victims/survivors. Nevertheless, and notwithstanding these risks, victims/survivors may still obtain some benefits by being able to recount their abuse and its consequences, despite the limited restorative potential of the process.

## THE POTENTIAL FOR RESTORATIVE WASHING

Given the potential limitations associated with the effectiveness of the Spiritan restorative justice process and its ability to achieve positive restorative outcomes, it is important to consider if there is a risk that restorative justice may be used to 'wash' the organization of past wrongdoing, without improving organizational accountability or victim/survivor outcomes. The public outcry associated with clerical child sex abuse can often result in feelings of betrayal, distrust, a demand for decisive action and reform, public disapproval, less use of religious services and a reduction in financial donations (Guzik 2020; Mancini 2022). Guzik (2020) argues that if trust is to be restored and religious organizations are to recover from such scandals, they need to assess the transgression, accept responsibility, provide compensation and retribution, undertake real reforms and ensure transparent communications. Responses to scandals that deny responsibility, communicate badly with those harmed, accuse a third party, fail to reform or do not offer restitution can further damage relationships and contribute to organizational distrust (Bottom *et al.* 2002; Gillespie and Dietz 2009). Responses to a scandal therefore matter as not only do they influence whether an organization is perceived as legitimate and trustworthy, but if stakeholders withdraw their support and resources, the ability of the organization to survive and succeed may be at risk (Elsbach 2003; Gillespie *et al.* 2014). This is especially true for non-profit organizations, such as religious institutions, as research indicates that 'people have higher expectations of organizations with strong moral credentials [...], and these higher expectations can be violated more profoundly by bad behaviour' (Chapman *et al.* 2022: 1259).

To repair trust and rebuild relationships, it is necessary for the negative affect people feel to be reduced and for the public to believe the organization is sincere in making amends and undertaking reforms (Bottom *et al.* 2002; Ren and Gray 2009; Sharma *et al.* 2023). Research indicates that fulsome, sincere apologies, when combined with other actions, can help repair trust and rebuild relationships (Sharma *et al.* 2023). Unfortunately, when some Catholic institutions have offered apologies for past abuses, concerns about legal/financial liability and a desire to protect the organization's reputation, have resulted in apologies not being perceived as sincere or fulsome (e.g. Bavelas 2004; Barth 2010; McAlinden 2022). As a result, apologies offered by religious institutions in Ireland have often been insufficient to meet the needs of victims/survivors, repair trust or rebuild relationships (McAlinden 2022). For these reasons, the public apology offered by the Spiritans was unlikely to repair trust and rebuild relationships if it was not accompanied by other reparative acts.

Research has highlighted how organizations can attempt to 'wash' away scandals, repair trust and rebuild relationships by seeking to link themselves to social movements, align with trusted third-parties and/or participate in independently run processes (Gillespie and Dietz 2009; Gillespie *et al.* 2021; Sharma *et al.* 2023). For instance, some organizations have sought to

link themselves to social movements, such as being environmentally friendly, raising money for breast cancer or promoting equal rights, to enhance relationships with stakeholders, improve their financial position and/or deflect attention from past transgressions (Lubitow and Davis, 2011; Champlin and Li 2020; de Freitas Netto *et al.* 2020). For instance, ‘greenwashing’ has been defined as ‘the act of misleading consumers regarding the environmental practices of a company (firm-level greenwashing) or the environmental benefits of a product or service (product-level greenwashing)’ (Delmas and Burbano 2011: 66). There are growing concerns that some organizations engage in ‘greenwashing’ to promote a positive impression, deflect attention away from less savoury activities, promote financial returns and hide the gap between symbolic and substantive action to address environmental issues (Delmas and Burbano 2011; de Freitas Netto *et al.* 2020; Lee and Raschke 2023).

Similarly, some organizations have faced allegations of ‘pinkwashing’, whereby they use the colour pink and pink ribbons to indicate support for finding a cure for breast cancer, and breast cancer treatment, while engaging in practices that may cause cancer (Lubitow and Davis 2011). Lubitow and Davis (2011) argue that ‘pinkwashing’ can marginalize research and discussions about environmental causes of breast cancer, which may focus attention on the organization’s activities, to instead favour finding a cure for breast cancer or improving breast cancer treatments. Some organizations have also engaged in ‘rainbow washing’ to improve public perceptions of their organization, and promote financial returns, by using LGBTQ symbols to indicate their support for the LGBTQ community, without engaging in any substantive action to support this community or their rights (Champlin and Li 2020). As such, organizations may be tempted to improve public perceptions, repair trust and rebuild relationships by ‘washing away’, or deflecting negative reactions to a scandal, through their association with a positive social movement, a trusted third-party endorsement and/or participating in an independently run process (Gillespie *et al.* 2021; Sharma *et al.* 2023).

Interestingly, by offering access to restorative justice as part of their public apology, the Spiritans seemed to adopt all three tactics. By offering their restorative justice process, which was run independently by a trusted expert in the field, the Spiritans associated themselves with the restorative justice movement, a trusted third party and participated in an independently run process. In commentary about the process, the expert’s credentials were frequently highlighted (e.g. McGarry 2022c), as well as how the restorative justice process had ‘followed discussions and meetings with a group of past pupils of Blackrock College’ (Spiritans 2022: 1). Some past pupils who had been abused were present at the press conference, within which the public apology was issued and restorative justice process announced, to discuss their experiences of participating in a pilot restorative process (Devane 2022). These victims/survivors stated that the restorative process ‘is about being heard, about being believed and about a recognition that the wrongs that were done are addressed in a fundamental manner’ (Spiritans 2022: 2). Yet, given the absence of many core elements that make restorative justice effective, it could be suggested that the restorative justice process offered by the Spiritans risks ‘restorative washing’, whereby the negative public reactions towards the organization can be deflected without actually providing a truly empowering scheme which maximizes the potential positive outcomes for participants.

In considering the potential for ‘restorative washing’, it is important to pay attention to past institutional behaviour to see how the organization has interacted with victims/survivors and sought to hold alleged offenders to account. For the Spiritans, there is documented evidence of failing to protect children, not listening to victims/survivors and funding the legal defence of accused clerics, which contributed to lengthy court delays, worsened victims/survivors’ trauma and facilitated continued abuse (Commission of Investigation 2009; NBSCCCI 2012). In 2012, the National Board for Safeguarding Children in the Catholic

Church in Ireland (NBSCCCI) raised significant concerns about the Spiritans' past handling of allegations of clerical child sex abuse. The NBSCCCI (2012) concluded there was evidence that serial child sex abusers worked in Spiritan schools during the 1960s, 1970s and 1980s and the Spiritans had failed to take appropriate action when allegations of abuse were made, continuing to maintain abusers in the organization which facilitated their abuse. The report concluded 'There are, without doubt, victims whose abuse would have been preventable' (NBSCCCI 2012: 14). Moreover, there is evidence that the Spiritans were aware of child abuse allegations as far back as the 1950s (Commission of Investigation 2009; O'Brien 2022). The Commission of Investigation (2009: 10) concluded that, when handling cases of clerical sex abuse from the 1950s onwards, Catholic Church officials (including the Spiritans) sought to 'ensure that as few people as possible knew of the individual priest's problem. There was little or no concern for the welfare of the abused child or for the welfare of other children who might come into contact with the priest'.

Further, concerns about how the Spiritans responded to victims/survivors were raised in 2012, with 'a tension between legal advice and providing a pastoral response to the complainant' being evident and legal responses often taking precedent over providing a pastoral response (NBSCCCI 2012: 14). The NBSCCCI (2012) recommended the Spiritans reassess its interactions with victims/survivors and actively reach out publicly to encourage further disclosures of abuse, given it was likely others had been abused but had not yet disclosed their abuse. In 2012, victims/survivors also described a lack of accountability within the Spiritans and justice system due to the dearth of criminal prosecutions and absence of the Spiritans taking any internal disciplinary action towards alleged abusers, which further compounded their hurt (NBSCCCI 2012). It was recommended that the Spiritans consult directly with victims/survivors (and their families) to discuss how best their needs could be met and develop a plan to engage with victims/survivors to hear their stories (NBSCCCI 2012). However, in the years following these recommendations, victims/survivors continued to report experiencing a dissatisfactory response by the Spiritans to disclosures of abuse (McGarry 2023). Accounts of the Spiritans continuing to challenge clerical child sex abuse cases in the courts, deny legal liability, delay legal cases and warn victims/survivors they would seek legal costs if cases were brought to court continued in the intervening years (BBC 2012; Healy 2015; McGarry 2022b, 2023; RTÉ 2022d).

Accordingly, the Spiritans had consistently failed to appropriately interact with victims/survivors or hold alleged perpetrators to account, even when inspections raised concerns about their practices with them (Commission of Investigation 2009; NBSCCCI 2012). Consequently, while the restorative justice process may help address the institutional guilt the Spiritans may feel in response to this scandal, by providing an opportunity for victims/survivors to be heard and prevent future abuses, the ability of this process to hold the Spiritans to account is questionable and its ability to promote positive outcomes for participants limited. At best, the Spiritans may intend the process to assist victims/survivors by providing them with an opportunity to have their experiences heard and believed, while also using the insights gained to inform efforts to prevent future abuses. However, the ability of victims/survivors to be able to play a role in deciding what actions are taken or hold the Spiritans to account is restricted. At worst, it may be questioned whether the Spiritans offered the restorative justice process, alongside the public apology, as a way of 'restorative washing' their organization of its wrongdoing in the eyes of the public. Offering the restorative justice process to past pupils who had been abused portrays the organization as taking positive steps by wrapping their limited actions in a veneer of victim empowerment to the wider public. Of course, it is also possible that they hope to both help victims/survivors and prevent future abuses, while trying to repair trust and rebuild relationships with the wider community.

## CONCLUSION

Following the public outcry surrounding the clerical child sex abuse scandal exposed by the 'Blackrock Boys' documentary, the Irish government's scoping inquiry into the extent of clerical sexual abuse in schools run by religious orders found evidence for over 2,000 allegations of child sex abuse in 308 schools run by religious orders involving over 800 alleged abusers (O'Toole 2024). Despite the scale of the abuse uncovered to date, it is believed that further cases may still emerge as victims/survivors become more willing to come forward, with existing evidence indicating many other religious organizations in Ireland were embroiled in similar practices (Murphy *et al.* 2005; Commission to Inquire into Child Abuse 2009; Historical Institutional Abuse Inquiry 2017; McGarry 2021). Internationally, similar scandals involving the sexual abuse of children in institutions and schools, often run by church bodies, are being revealed in other countries including Australia, New Zealand, Canada, United States, Chile, Mexico and across Europe (Reuters 2024), demonstrating the international relevance of the issues raised in this article.

This article extends the theoretical framework of restorative justice by analysing whether, and if so how, restorative justice is possible in processes that do not involve an offender, or an institution, taking responsibility and accepting accountability for the harm caused. Delivering a process that lacks core elements associated with effective restorative justice practice, due to limitations in its ability to facilitate empowering encounters that foster agency and accountability, is questionable given it is unlikely to result in harm being repaired, amends being made or justice being delivered. Indeed, victims/survivors may realize little of the potentially powerful benefits of restorative justice if they are drawn into a process that becomes bureaucratically focussed on administrative or organizational issues, particularly when they have little or no say in how these will be addressed. Insights gained from the use of a restorative approach involving church representatives to address clerical child sex abuse indicate that while it can help victims/survivors to feel heard, enable victims/survivors to challenge the organization's official account of events and prompt accountability, such encounters can be retraumatising with victims/survivors having limited input into decision-making or what actions are taken going forward (O'Connell and Walshe 2023). Moreover, some victims/survivors 'felt it was an exercise to get "off the hook" and were sceptical about the authenticity' of the response of the religious organization (O'Connell and Walshe 2023: 70).

The arguments put forward in this article are based on a case study of a particular restorative justice process employed by a clerical body in response to the child sex abuse exposed by a documentary. As such, caution may be required when trying to generalize from this case study to other cases. In addition, further research is required to assess whether the fears and concerns expressed in this article are supported, by assessing if participants of the restorative justice process perceived it to be effective and whether it delivered positive restorative outcomes. Yet despite these limitations, this article raises important questions about the appropriate use of restorative justice in response to institutional sex abuse cases. Given a growing movement encouraging the use of restorative approaches as a way of responding to crime, this article urges more caution in considering when to employ restorative justice and in labelling and promoting activities as restorative, particularly if they lack core elements that make restorative justice effective. Moreover, this article warns of the potential for restorative justice to be used to 'restorative wash' organizations of their transgressions rather than deliver meaningful, effective and empowering restorative benefits to victims/survivors and ensure accountability. Raising these questions is important given the growing international tendency for restorative justice approaches to be employed to deal with clerical sex abuse scandals internationally, with church representatives often being used rather than offenders (Geske 2007; Rosenblatt 2008;

Gavrielides 2012; Gleeson 2015; O'Connell and Walshe 2023; Stockman 2023; Jones *et al.* 2024; O'Toole 2024; Surk 2024). Using a representative of an organization in cases of sexual violence may help to promote cultural change, if sufficient personnel from senior positions participate and use their experience to inform future practices (Defence Abuse Response Taskforce 2016). This cultural change could benefit the organization but the absence of the offender, and lack of acceptance of responsibility by the organization, can hinder the elements of restorative justice which are known to be effective and transformational. Furthermore, it is important to recognize that the potential to try to use restorative justice to 'restorative wash' organizations to improve their public perception, repair trust and rebuild relationships may render ineffective attempts counter-productive both for the organization and the participants.

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