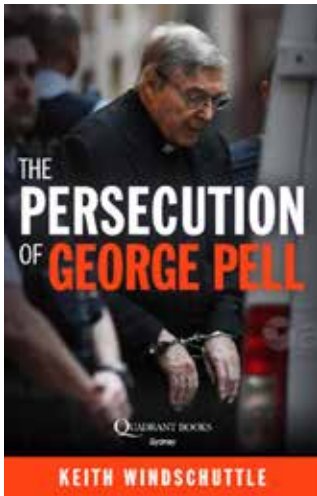


## BOOK REVIEW

### *The Persecution of George Pell*

Author: Keith Windschuttle,  
Publisher: Quadrant Books, 2020, Sydney  
ISBN: 978-0-6489961-1-8  
Paperback, 408 pages  
Price: \$39.95

Reviewed by Damian Grace\*



This remarkable book examines Cardinal Pell's appearances before the Royal Commission and his trials, raising important questions about the climate of prejudice in which both were conducted. Allegations that Pell sexually assaulted two boys in St Patrick's Cathedral were widely believed, and persuaded a jury to convict at his second trial. A Royal Commission made findings against him based on questionable inferences. How was this possible?

Why was Pell a target? These are the questions addressed by Keith Windschuttle in *The Persecution of George Pell*, a work whose title and themes evoke *Marat/Sade*.<sup>1</sup>

Windschuttle's interpretation of the role of social causes, such as sexual liberation, and politicised institutions, such as Victoria Police, lead to plausible but contestable conclusions about the treatment of Pell. His analysis of evidence presented against the Cardinal is, however, accurate, thorough, and forensic. Whether critics engage with it or choose to play the man remains to be seen.

<sup>1</sup> The full title of Peter Weiss's play is *The Persecution and Assassination of Jean-Paul Marat as Performed by the Inmates of the Asylum of Charenton Under the Direction of the Marquis de Sade*.

\* Damian Grace is co-author of *Reckoning: The Catholic Church and child sexual abuse* (2014).

“A wise man proportions his belief to the evidence,” wrote David Hume, and this is exactly what Windschuttle does. The law allows acceptance of guilt on the uncorroborated evidence of one complainant. Nevertheless, the alleged events have to be possible and the allegations plausible, neither of which conditions was satisfied by the evidence against Pell. Witnesses placed him at the front of the cathedral greeting parishioners at the time the complainant said he and his friend were being assaulted. Where were the concelebrating priests if not in the priest’s sacristy at the time the assaults allegedly occurred? Then there is the matter of an Archbishop wearing layer upon layer of vestments and always being accompanied by the Master of Ceremonies or a substitute. These obstacles did not stop Pell’s conviction or a decision by the Court of Appeal to uphold it. Two Appeal justices found Pell’s jury was entitled to discount evidence that would weaken the complainant’s testimony. The High Court did not agree. It held that the Appeal Court should not have found that the jury had assessed the evidence to the required standard, and quashed Pell’s conviction.

The problems of getting reliable testimony from victims of historical child abuse are well known. This partly explains why Victoria Police trawled for evidence against Pell. Evidence, however, must be tested to ensure accused persons are treated justly. The evidence of Pell’s complainant fails this scrutiny. It does not follow that the falsity of his testimony makes him a liar. Nor does it follow that because he was a compelling witness, he should be believed. His evidence changed many times, and this should have weakened the case against Pell. Criticism of his testimony was diffident in the major news outlets, its shortcomings dismissed because the complainant ‘survived’ cross examination by Robert Richter QC. A jury believed him, but that does not mean his evidence was sound.

Could Pell get a fair trial? Don Aitkin described the ‘visceral hatred’ directed at Pell as unprecedented. Windschuttle agrees. The early

chapters of his book examine the creation of a climate of hostility to Pell and the Catholic Church. In this context inconsistent allegations were believed by Victoria Police, whose fumbling investigation was matched by a determination to prosecute a weak case. This climate did not change with Pell's acquittal. Premier Andrews declared that he still believed the complainant. Believing the complainant had become, quite unfairly, the test of whether one took the crime of child abuse seriously. When Catholics, like Fr Frank Brennan, tried sympathetically to introduce rationality into the discussion they were accused of being deniers or worse.

After the High Court's decision, Pell's adversaries still hoped unreleased material in the report of the Royal Commission into Institutional Responses to Child Sexual Abuse would incriminate him. It did not, but it did make findings against him. The ABC website proclaimed, "History will not be kind to George Pell."<sup>2</sup> This shameless attempt at self-vindication shrivels in the light of Windschuttle's arguments. He points to flaws in the Commission's findings that should have been noticed, for example that it was 'inconceivable' that Pell did not know about Gerard Ridsdale's offending. Windschuttle points out that the use of the term, 'inconceivable', violates the Royal Commission's own Briginshaw standard that requires findings to be grounded not only in the 'satisfaction' of the commissioners, but also in the facts. It was the absence of facts that led the Commission to use the persuasive term, 'inconceivable'. The Royal Commission was also inconsistent in its findings. It accepted Father Madden's evidence that he did not know of Ridsdale's offending, but rejected the very same testimony when it supported Pell's denial that he knew about it.

Many matters in the report of the Royal Commission deserve re-examination in the light of Windschuttle's arguments. These arguments rest on evidence and logic, not on the credibility of allegations or witnesses. His method as well as his conclusions challenge the standard versions of Pell's trial and appeals, and the Royal Commission's

<sup>2</sup> Retrieved at <https://www.abc.net.au/news/2020-05-08/george-pell-royal-commission-findings-revealed/12225690>

findings. Those who have read transcripts of these proceedings will find their knowledge enriched by Windschuttle's book. For those who have relied only on the media for information about the saga of Pell, reading this book is a duty.