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## IMPLEMENTING AND IMPROVING *VOS ESTIS LUX MUNDI*

Three years ago, on May 7th, 2019, three months after the Vatican summit on sexual abuse in the Church, Pope Francis signed the *motu proprio VOS ESTIS LUX MUNDI*, which entered into force on June 1st. It was one of the steps which many Catholics and the public opinion in general awaited from the Holy See.

But the impression that the VELM with its novelty came quickly and was based on its own ecclesial discernment during the Vatican summit, is apparent. If this had been the case, we would not have received a legal act *ad experimentum* for 3 years, which was followed in the same year by two *ex audientia* rescripts, dated respectively December 3rd and 6th. Particularly important is the rescript of December the 6th, promulgating the Instruction *On the Confidentiality of Legal Proceedings* abolishing the pontifical secret and clarifying the meaning of office confidentiality in canonical proceedings concerning allegations of sexual abuse of minors and vulnerable people by clergy. The same Instruction prohibits the imposition of any obligation of silence on the person who files the report, on the victim and on witnesses with regard to matters involving the case. With this legislative act, the accountability of church superiors - bishops and major religious superiors – as well as the transparency of canonical proceedings, seemed assured.

But in order for us to appreciate the importance of this legislation, as well as the courage and determination of Pope Francis, we must also look back and recognise that the path to VELM, to the abolition of pontifical secret in sexual abuse cases and the prohibition of imposing an “obligation of silence with regard to matters involving the case” on persons who file the report, victims and witnesses was by no means straightforward. From what I am observing from the perspective of Poland, it is quite clear that the reason was, on the one hand, local clerical, and lay clericalism and, on the other hand, the passive policy of the Holy See, which did not favour transparency and holding to account those guilty of failure to act. The Holy See seemed to prefer avoiding publicity and scandal, as if they wanted, by the natural replacement of pastors through their retirement that the elders are spared the shame, and local Catholic communities avoid disappointment and scandal. This policy had the opposite effect, as neither the media nor some of the people and communities hurt by the crime intended to follow it. After the provisions contained in the VELM came into force, it became apparent that the document failed to address the responsibility of officials at various levels of the Church administration who were involved in covering-up for criminals, not just bishops. It seems that in the practice of applying the VELM, the only ones who were called to account and held accountable were bishops.

The above-mentioned additions to the VELM brought by the *ex audientia* rescript, and, as the practice showed, the lack of consideration of the co-responsibility of curial officials for gross negligence are perhaps indicative of the haste in the preparation of this *motu proprio*. Such remark being not a criticism but rather a credit to the Pope who seized the momentum to make an acceleration. Indeed, it is hard to say when another momentum like the one that providentially happened in 2018, to make another step forward in the purification and regaining initiative, will come.

What do I mean? Let us briefly recall some of the events of 2018.

Let us start in August with the Pennsylvania Grand Jury report. This report exposed the mechanism of the cover-up of sexual abuse of minors in six dioceses of this state over a period of 70 years, with the knowledge of the bishops of these dioceses and with the complicity of curial officials. The echo of this report in the US and internationally was all the greater because in January of the same year, 2018, the Australian Royal Commission into Institutional Responses to Child Sexual Abuse, including the Catholic Church released its final report. The Australian report, however, did not generate much of an impact. Instead, the scandal surrounding Pope Francis' visit to Chile in January 2018 did not leave the front pages of the media for several months. The apostolic visit to Chile ended in a climate of scandal due to the fact that the Chilean episcopate - to put it bluntly - had deceived the Holy Father, who had become heavily involved in the defence of the bishop of the Osorno diocese, who was accused by wronged people of covering up the sexual offences of Father Fernando Karadima. And the Bishop of Osorno was not the only one to conceal the crime. On his return from Chile, Francis decided to have his envoys investigate into the matter. Upon their return and having read the report of the hearings of the 64 witnesses and the legal and pastoral conclusions, he wrote to the Chilean bishops on April 8: *Now, after a careful reading of the proceedings of this "special mission", I believe I can affirm that the collected testimonies speak in a stark way, without additives or sweeteners, of many crucified lives and I confess to you that that causes me pain and shame.* He also invited the entire Chilean episcopate to Rome and himself apologised for his own error in judgement: *As for my own responsibility, I acknowledge, and I want you to faithfully convey it that way, that I have made serious mistakes in the assessment and perception of the situation, especially because of the lack of truthful and balanced information. Right now I ask forgiveness from all those I offended (...).* As we remember, at the end of Pope's meeting with the bishops, the entire episcopate offered their resignation. As far as I know, Francis accepted the resignation of 6 bishops and removed 2 from the clerical state. On 31 May he wrote a letter to the People of God in Chile.

In this climate triggered by the Chilean affair, therefore, the August Grand Jury's report received a great deal of attention, all the more so because in July, after a detailed publication by The New York Times describing the sexual abuse of seminarians and young boys, Cardinal McCarrick, who was also expelled from the clerical state a few months later after a canonical trial, renounced his cardinal dignity. Francis responded to this sequence of events by issuing a *Letter to the People of God* and convening all the presidents of episcopal conferences from around the world to the Vatican for February 2019. After the Pennsylvania report, after the Chilean crisis, it became clear that the crisis in the Church entered a second and very distressful stage, which could be compared to that triggered in January 2002 by a series of publications by the Boston Globe. Enough was simply enough. Whitewashing crimes and covering-up for criminals, relativising their wrongdoing, is tantamount to complicity. In his *Letter to the People of God*, the Pope points out that both the crimes by some clergy themselves and their concealment and relativisation by superiors, which is an abuse of power and conscience, have their roots in clericalism, which makes the clerical state a caste, shielding its own members. Clericalism is an attitude not only of the clergy, but also of the laity. It underlies many degenerations that are hurting the body of Christ, which is the Church, hurting those with whom

Jesus identified himself: “Whatever you did... you did for me.” And here, in my opinion, is the profound reason for which the Pope is addressing the whole People of God, and not just the bishops, to make us all aware that the pain of the victims “which cries out to heaven, was long ignored, kept quiet or silenced”. This pain, all the greater because concealed, and now made public, is for the Pope a sign that God has heard the cries of the wronged and has claimed them as his own, according to his promise.

I would like to draw your attention to one more thing. Only with the *motu proprio Vos estis lux mundi* the Church received an instrument which, although it needs some improvement, represents the first effective response to the diagnosis of the crisis formulated by John Paul II in his speech of April 23 2002 to the US cardinals summoned to Rome: *Because of the great harm done by some priests and religious [to the young], the Church herself is viewed with distrust, and many are offended at the way in which the Church's leaders are perceived to have acted in this matter.*

It is worth asking and seeking an answer to the question of why it took as long as seventeen years for the Holy See to begin to seriously address the responsibility of bishops for increasing the suffering and harm to victims by church superiors who failed to act. After all, disciplining and punishing bishops is the competence of the Holy See.

Well, perhaps the diagnosis of John Paul II that I just quoted, is not correct? I am not aware of any critical publications that reject it or at least seriously challenge it. Moreover, it was confirmed by the words of the successor of John Paul II on the See of Peter - Benedict XVI. Or, perhaps, the situation is the result of the efforts of people like former Cardinal McCarrick, who was in Rome in April 2002 and listened to John Paul II's speech and his diagnosis? I believe the reason is mainly the ubiquitous fear of admitting the truth about gross negligence and other errors. This fear, the fruit of the weak faith, has deceived good people who want to serve God and has upset their scale of values. Pope Francis wanted to facilitate the path towards truth when he promulgated the *motu proprio Come una madre amorevole [As a loving mother]* in 2016. It does not seem that this apostolic letter, apart from the hope that the Church will finally begin to purify itself by its own choice motivated by faith and conversion of heart, has had any tangible effect. So, the progress made by the publication and entry into force of the VELM must not subdue to little faith and passivity.

So, what can be done? Let us listen to the remedy John Paul II proposed after giving the diagnosis we quoted before:

*It must be absolutely clear to the Catholic faithful, and to the wider community, that Bishops and superiors are concerned, above all else, with the spiritual good of souls. People need to know that there is no place in the priesthood and religious life for those who would harm the young.*

The expectation of the People of God, which speaks for the VELM, and to which John Paul II gave voice in 2002, is the expectation of holiness from their pastors. It is also the desire of many survivors. Indeed, the purification of the Church represents a great challenge for those who have been wronged. Pastors by their holiness are an effective help in the healing of survivors.

*So much pain, so much sorrow must lead to a holier priesthood, a holier episcopate, and a holier Church.*

These and other words of John Paul II and his successors are essentially the criteria that should guide the revision of the VELM after the time given *ad experimentum* has elapsed.

I would like to confront two of these criteria with the practice of implementation of VELM. The first is the “spiritual good of souls”, which is the highest criterion that bishops should follow, and in such a way that the faithful and the public have no doubt that this is so, that the “spiritual good of souls” comes first. Therefore, the second criterion follows directly from the first one - *people need to know ...*

How does the practice of VELM implementation compare to these criteria? I can only refer to cases reported from Poland, which have been completed and made public.

Is it *absolutely clear* to me and to the public at large, through the VELM proceedings, that the accused bishops, even if they made mistakes, were still guided by the “spiritual good of the faithful”, when they took decisions on crimes reported to them or when they were found guilty of negligence? Since little was known about the proceedings and accusations as such, with two exceptions in which some details were revealed thanks to the media, it was difficult to form an opinion basing on scarcely informative communications issued by the nunciature. Of the two accused pastors, one behaved with dignity. He reported himself to the Metropolitan, apologised publicly without trying to justify himself and announced material compensation for the sake of prevention in the diocese, where he had made a serious error of judgement in the case reported to him, thus opening the way for the perpetrator to harm more children.

In the second case, which was the subject of a Sekielski Brothers documentary, a bishop was held to accountability for his negligence under the VELM procedure, following the documentary, on charges brought by another bishop, namely by the delegate of the Polish Bishops' Conference for the Protection of Minors. I will spare you the details of the reaction of the accused bishop, for, as far as I know, he has not shown even a shadow of regret. Judging by the general announcements made by the nunciature after some other cases were closed, it is obvious that it did not even occur to those who drafted these announcements that *people need to know...* that people have the right to know. I know of at least one case in which a person wronged by a clergyman, was treated with due seriousness when complained about the bishop who had protected the abuser. But the public knows nothing about this case - neither about the complaint nor the reasons for which the bishop had to say goodbye to his office shortly before his retirement. This way of communicating with the faithful gives a very bad testimony to the Holy See. Such way of communicating with the People of God contradicts everything that the faithful have heard over the years, i.e., that *people need to know...*

I am not saying that cases as such are being dealt with improperly. I am only claiming that the Holy See's information policy gives a very opaque message that opens space for speculation. In my opinion, it is also a manifestation of the clerical culture that Pope Francis has officially and clearly dismissed. Transparency, as declared, is not optional. It is a necessary requirement on which depends, for many, whether they will remain in the community of faith or not.

