



INCONTRO "LA PROTEZIONE DEI MINORI NELLA CHIESA"

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2nd Presentation

Transparency as a Community of Believers

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Holy Father,
your Eminences, your Excellencies, dear sisters and brothers,

When we look on the dynamics of this congress, I would have preferred, perhaps, to change the text, but the text is prepared so I follow the prepared text titled about this issue: "Transparency as a community of believers".

When I speak to you today about transparency, then I do this under two conditions. Firstly, on condition of a specific understanding of the concept of transparency. I understand this not as the greatest possible mass of diverse, uncoordinated information disclosed. For me, transparency means that actions, decisions, processes, procedures, etc. are understandable and traceable. I believe that traceability and transparency are inextricably linked.

Secondly, I speak to you about transparency in relation to traceability as a cardinal who is German and I know some ideas in your head when you think about Germans: "all these documents, regulations and bureaucracy". So perhaps some of you will now immediately think: typical, actually one cannot expect anything else. Us Germans are known for a certain tendency towards administration, which includes these already-mentioned aspects of traceability and transparency. Files, documents, forms, guidelines, paragraphs, lists, procedural rules and the like - these seem to be handed down to Germans from birth, and anyone who somehow has to do with us also seems in some way to be confronted with all these things I have just mentioned. Some people may consider this as a certain quirkiness, and not pay further attention to it. Others - perhaps even the majority - may be opposed to all of this. They ask themselves seriously: Is this administration not contrary to the dynamics of life? Is it not clear to them, that administration puts files in focus, instead of people and their needs? Is it not true that administration only creates additional work, and distracts from the real tasks?

I would like to address these questions with you. And don't worry - this is not a problem just for Germans, Swiss or Americans. It is a fundamental problem, which we all have to face together as a Church, especially and specifically regarding appropriate handling of the topic of abuse. It is important to clarify how much administration the Church needs. And at first glance, it seems rather that less is required.

This assumption can be based on numerous aspects. Faith cannot be administered. The Spirit of God cannot possibly be captured in a file or folder. God's love is reflected in specific acts of caring for the people, rather than in administrative documents. Prayer is much stronger than any number of administrative procedures. The sacraments convey true mercy, while administration remains part of the *mutuae* of this world. One could enumerate further arguments to show: administration doesn't actually fit so well in the Church, and can more or less be neglected. But is that really true? Let us attempt to clarify this, by going through the following thought processes together, and becoming conscious of: what constitutes the Church; what role should administration play; how does administration fulfil its purpose; what must be attended to, so that the required prerequisites are in place, and what are the resulting tasks?

Even here, however, I cannot conceal what I am firmly convinced of, and what I think is essential: administration within the area of responsibility of the Church is not only a technical, specialist or functional issue. Such administration within the Church is closely related to theological fundamentals, is theologically and spiritually motivated, and closely linked with the specific actions of the Church. A fully-functional Church administration is an important building block in the fight against abuse, and in dealing with abuse. Why this is so, in my opinion, will be shown in the following sections.

The Church's understanding of itself

The Church has a mission in this world. As the Dogmatic Constitution on the Church "Lumen Gentium" says right at the beginning: "the Church is in Christ like a sacrament or as a sign and instrument both of a very closely knit union with God and of the unity of the whole human race, the human family" (LG 1). This mission is fulfilled by specific people in specific locations under very specific conditions, which also requires appropriate, tangible worldly means. Therefore, it is for good reason that a little further in the text of *Lumen Gentium* it states: "Christ, the one Mediator, established and continually sustains here on earth His holy Church, the community of faith, hope and charity, as an entity with visible delineation (...). But, the society structured with hierarchical organs and the Mystical Body of Christ, are not to be considered as two realities, nor are the visible assembly and the spiritual community, nor the earthly Church and the Church enriched with heavenly things; rather they form one complex reality which coalesces from a divine and a human element." (LG 8). I like the sentence of the famous cardinal Robert Bellarmine: "The Church is visible like the Republic of Venice". And it then goes on - on the *Lumen Gentium*, the famous article 8 - to say: "For this reason, by no weak analogy, it [the church; RM] is compared to the mystery of the incarnate Word. As the assumed nature inseparably united to Him, serves the divine Word as a living organ of salvation, so, in a similar way, does the visible social structure of the Church serve the Spirit of Christ, who vivifies it, in the building up of the body (...)." End of quotation.

Briefly summarised, this means: the actions of the Church in this world cannot be strictly and solely spiritual. Neglecting the worldly aspects of the Church and its own laws, does not do justice to the reality of the Church. In an analogous way, the body of Christ and the human organisation of the church must be seen "without separation and without intermingling". So to speculate of the Mystery of the Church, we do not say: "The Misery is above the reality of the Church" but "It is in the reality of the Church", that is together. Therefore, all the basic principles for a good society and a people-serving organisation in the life of the Church cannot be ignored. And the social principles of the social doctrine of the Church are also fitting for the Church, that is subsidiarity, solidarity.

What is the purpose of administration?

The worldly aspects of the Church fundamentally include that many different people work together for the fulfilment of the Church's mission, and also require the appropriate material resources for their respective activities. Salaries must be paid, Church buildings maintained, parish halls constructed, cooperation coordinated, contracts fulfilled, catechetical material printed - the list goes on and on. But at the end of the day, all of these examples relate to one insight: In order to fulfil all of these tasks which arise from the mission of the Church - and thereby also the mission of the Church itself - there is a need for a good and fully-functional administration, which must be oriented towards the goal of the Church, and based on the principle of justice.

Administration standardises procedures and processes, so that it is not necessary to seek, ask and try out how something works every day, even though the same things need to be done repeatedly. This conserves resources, and uses them sparingly and efficiently for the mission. Administration documents what has been discussed, agreed and achieved; it prevents forgetfulness, and preserves matters beyond the moment, so that reliability and fidelity to one's own word are possible. Administration objectifies, by creating and enforcing rules and laws, and thus helps prevent arbitrariness. This is an active contribution to justice, since binding rules and laws ensure that decisions and judgements are not merely based on the whims of those carrying them out, or of superiors. Administration also orientates and sorts, by maintaining an overview of what happens, thereby recording it and making it available. Thus, it creates order, in which the individual can find their way, and understand or review the *rationale* of their own actions. Administration regulates, and sanctions infringements against the common interest, rules and laws, and thus acts as a counterweight to what can be commonly described as the sinfulness of humanity. Taken overall, administration stabilises cooperation between different people in institutions.

All that has been mentioned so far, including standardising, documenting, objectifying, orientating and sorting - as well as regulating - is of decisive importance for the success of joint actions, including also those of the Church.

What are the difficulties and problems

On the basis of all this that administration accomplishes, it is powerful and that it is clear. What it does or doesn't do, has a significant impact on what can be achieved through joint actions - or not. This power of administration can also be misused. This is the case, for example, if administration forgets its function of serving the different people living together and cooperating to achieve higher goals; if the administration is only preoccupied with itself; if rules and regulations are only used to sustain the administration itself or the power of persons. This is abuse of power by the administration. What this can mean is clearly apparent at this time.

The sexual abuse of children and youths is in no small measure due to the abuse of power in the area of administration. In this regard, administration has not contributed to fulfilling the mission of the Church, but on the contrary, has obscured, discredited and made it impossible. Files that could have documented the terrible deeds and named those responsible were destroyed, or not even created. Instead of the perpetrators, the victims were regulated and silence imposed on them. The stipulated procedures and processes for the prosecution of offences were deliberately not complied with, but instead cancelled or overridden. The rights of victims were effectively trampled underfoot, and left to the whims of individuals. These are all events that sharply contradict what the Church should stand for. The way in which Church administration was structured and carried out, did not contribute to unifying the whole human race, and bringing mankind closer to God, but on the contrary, violated these aims.

Now, at the very latest, this highlights a difficult dilemma: on the one hand, administration is required to fulfil the mission of the Church, and on the other hand, it can directly oppose this mission. How should this be dealt with? What do we need to change, or pay more attention to?

Necessity of traceability and transparency

We urgently need an administration which not only contributes to fulfilling the mission of the Church, but to some extent even embodies what should be achieved with this mission. It must - just like the Church as a whole - not only be a tool but also a symbol for the unification of humanity, and the unity of mankind with God. It is not only about the functioning of administration for any purpose, but rather that administration should take place in such a way that people feel accepted in administrative procedures, that they feel appreciated, that they can trust the system of administration, that they feel secure and fairly treated, that they are listened to and their legitimate criticism is accepted. This would go a long way towards achieving what it really means to bring people together, and ultimately also to bring mankind closer to God - and that is, so to speak, the theological mission of Church administration.

How important it is that Church administration functions in this way, is clearly shown by the negative experiences in connection with the cases of abuse and I got the letters from victims still today, how they are used, how the administration of the Church is dealing them. The thoughts of some abuse victims can be summarised as follows: If the Church claims to act in the name of Jesus, yet I am treated so badly by the Church or its administration, then I would also like to have nothing to do with this Jesus.

In order for administration to act in accordance with the Church's mission, and with the nature of the Church as a "symbol and instrument", there needs to be transparency and traceability of administrative procedures. Administrative procedures become transparent, if it is understandable and traceable who has done what, when, why and what for, and what has been decided, rejected or assigned. Thus, people who experience transparent administration can uncover errors and mistakes in the administrative actions, and defend themselves against such actions. They can share their perspective in a binding way, and have it taken into account. The people encountering the administration are not faced with an anonymous, incomprehensible power structure, but can exercise self-determined control over administrative procedures. They are not mere objects of administration, but can perceive themselves instead as subjects. That is why - for example - the introduction of administrative jurisdiction in the Church is very appropriate and necessary and we have to speak about this.

Objections and fears

There are no alternatives to traceability and transparency, I think. However, there are objections which should be considered. They are mainly directed against violations of pontifical secrecy, as well as ruining the reputation of innocent priests or of the priesthood and the Church as a whole through false accusations, if these are spread. These objections to traceability and transparency are not particularly forceful, I think. Every objection based on pontifical secrecy would only be relevant if compelling reasons could be shown why pontifical secrecy should apply to the prosecution of criminal offences concerning the abuse of minors. As things stand, I know of no such reasons.

The principles of the presumption of innocence and the protection of personal rights, and the need for transparency, are not mutually exclusive. The opposite is the case. On the one hand, a transparent, clearly-regulated and defined procedure ensures that the correct steps must be taken, before those who should pass judgement actually do so. This is the best safety mechanism against prejudices or false judgements in the matter. On the other hand, a clearly-defined and public procedure establishes a degree of credibility, which enables restoring the reputation of a wrongly-acused person, who would otherwise be subjected to rumours, if the investigation is not appropriate, transparent or conclusive.

Transparency does not mean the uncritical acceptance and undisputed dissemination of abuse allegations and has to respect that protection, that is clear. The goal is a transparent process, which clarifies and specifies the allegations, and follows generally accepted standards regarding when and how the public, the authorities and the Roman Curia should be informed. Such standard practices will make it clear that it is not transparency which damages the Church, but rather the acts of abuse committed, the lack of transparency, or the ensuing cover-up.

Tasks and challenges

Traceability and transparency do not simply appear out of the blue. They are a constant task, whose fulfilment can also be aided by support from relevant experts from outside the Church. What is decisive is always the personal attitude of those who work in administration, and those responsible for it. In essence, it is about the question of how far one is willing to justify one's own actions to others, and to some extent also be checked by others, that is the problem. Developing such a positive attitude, and bringing it to bear in an appropriate manner, requires time and space for discussion, differentiation and clarification, practice and learning. However, in view of the urgency of the topic - also for others, we spoke about other difficulties in the Church, not only the sexual abuse - the most important measures should be initiated immediately. These may include the following:

1. Definition of the goal and the limits of pontifical secrecy:

The social changes of our time are increasingly characterised by changing communication patterns. In the age of social media, in which each and every one of us can almost immediately establish contact and exchange information via Facebook, Twitter, etc., it is necessary to redefine confidentiality and secrecy, and to distinguish them from data protection. If we do not succeed, we either squander the chance to maintain a level of self-determination regarding information, or we expose ourselves to the suspicion of covering up.

2. Transparent procedural norms and rules for ecclesiastical processes: Court proceedings as legal remedies are meaningless without adequate legal and procedural rules, as this would be tantamount to arbitrariness when it comes to passing judgements. This would represent a lack of transparency in relation to the specific actions. Establishing transparent procedural norms and rules for ecclesiastical processes is essential. Yesterday, in our group a bishop said - not from Europe - about that their civil law administration was better than others; it could be. The Church must not operate below the quality standards of public administration of justice, if it doesn't want to face criticism that it has an inferior legal system, which is harmful to people.

3. Public announcement of statistics on the number of cases, and details thereof, as far as possible, and according also to the laws of the State:

Institutional mistrust leads to conspiracy theories regarding an organisation, and the formation of myths about an organisation. This can be avoided if the facts are set out transparently. We have to look on the legal framework on the data protection that is clear, but when you give the impression "we hide something", in our culture that will not be successful at the end.

4. Publication of judicial proceedings:

Proper legal proceedings serve to establish the truth, and form the basis for imposing a punishment which is appropriate for the relevant offence. People in the Church have also to see how this judge comes to the sentence and what is the sentence; nearly all are secret, we can not see this. I think that in our situation it is not good. In addition, they establish trust in the organisation and its leadership. Lingering doubts about the proper conduct of court proceedings only harm the reputation and the functioning of an institution. This principle also applies to the Church.

And I end. If one takes a look at the other issues to be dealt with at our meeting, it is clear that traceability and transparency are only one topic among many - we have spoken about other things, but this is also an important aspect when we will regain credibility, traceability and transparency - to be taken into consideration in connection with abuse prevention and dealing with abuse.

Nevertheless, one should always be aware that traceability and transparency are also extremely important beyond the context of abuse - we have heard it today also - for example in the area of finances, another problem where scandals are in the Church. They are also a decisive factor in the trustworthiness and credibility of the Church. I think from this congress we have to learn what our responsibilities are in the dioceses, in the conferences of bishops, also in the Holy See. We have to look at what can we do to regain credibility also we look on a better form of transparency and traceability. That might be a task case also for other points. Let us take a courageous step in this direction. I hope this meeting will be such a step in a courageous future of the Church. Thank you very much.