

目錄

2019 No.371

-
- 《教會與性侵醜聞》 ----- 2
 - 《你們是世界的光》 ----- 22
 - The Church and the Scandal of Sexual Abuse ----- 34
 - Apostolic Letter “Vos estis lux mundi” ----- 52

榮休教宗本篤十六世

《教會與性侵醜聞》

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由 2月21 日至24日，在教宗方濟各的邀請下，全球主教會議的主席們聚首於梵蒂岡，商討現在信仰及教會的危機：就是駭人聽聞的神職侵犯未成年事件被揭露後，全世界所經歷到的危機。

這些報導中事情的廣泛程度及嚴重性，深深地困擾著司鐸們以及平信徒，也引起了不少對教會核心信仰的疑問。我們的確有需要傳遞一個強烈的信號，恢復教會作為萬民之光的信譽，讓人再次相信教會是有助於打擊毀滅性勢力的一股力量。

在這危機公開爆發時，以及在其後續的時間，我自己曾經背負著作為教會牧者的責任，因此，我必須反問自己——雖然現在作為榮休教宗，我不再肩負任何直接責任——我能夠為一個新的開始付出甚麼？

因此，在宣布主教會議主席們的會面後，我寫下了一些筆記，我希望能藉這些筆記，在這困難的時間貢獻一兩點的提醒。

在聯絡了國務卿帕羅林樞機以及教宗方濟各後，這

看來也很適宜將這文章刊登在《聖職人員期刊》(Klerusblatt)上¹。

我的這文章分為三部分。

在第一部分，我試圖簡介這個議題的宏觀社會背景，因為缺乏這背景我們是不能理解這個議題的。我嘗試展示在1960年代發生了一件駭人的事情，而這事情的程度是歷史中前所未見的。可以說，由1960年至1980年的這20年間，固有及規範標準的「性」(sexuality)的觀念完全崩潰了。而一個新的常態興起，這就是在持續紛亂中的主角。

在第二部分，我試圖指出這情況如何影響司鐸的培育及司鐸的生活。

最後在第三部分，我希望能夠就教會方面如何恰當地回應，提出一些觀點。

I.

(1) 事情開始於國家給予並支持的針對兒童及青少年的「性」本質的教育。在德國，當時的教育部長Käte Strobel製作了一套電影，以教育作為理由，當中包含了所有從前視為不能公開展示的內容，包括性交。起初這只是被視為年青人的性教育工具，後來這便被廣泛視為一種可行的做法。

奧地利政府推行了「性箱子」(Sexkoffer)，這也

1 CNA 譯註：「Klerusblatt」是在德國巴伐利亞的教區的月刊，目標讀者為聖職人員。

達到了相似的效果²。接著，性意識及色情電影成為尋常事物，甚至在紀錄片電影院 [newsreel theaters, Bahnhofskinos] 中上映。我依然記得有一天我在雷根斯堡市 (Regensburg) 走過，看到一大群人在一間很大的戲院前排隊。在此之前我們只在戰時看過這樣的情形，就是當人們預期有一些特別的電影上映時就會這樣。我還記得當我在 1970 年聖週五來到這城市時，看到廣告牌上都貼了大型的海報，上面印著兩個一絲不掛的人在親密的擁抱著。

在 1968 年革命中所爭取的自由當中，其中就是完全的性自由，即是性不需要跟隨任何規則。

這心理中的崩潰也和暴力傾向有關。這也解釋了飛機上不再容許有性的電影，因為暴力會在這極少數的乘客團體中發生。而當時的衣著也同樣地引起暴力行為，學校校長們開始嘗試引入校服，試圖建立學習氣氛。對很多教會中的年輕人而言，其實也包括其他人，這於很多方面也是很困難的時間。我經常也疑惑年輕人在這些處境中，還受著一切的延伸影響，如何理解並接受司鐸生活。事情發展下來的後果，就是這年代後的那一輩司鐸聖召衰竭，喪失聖職身分的案件數量龐大。

(2) 同一時間，獨立於以上的發展，天主教倫理神學式微，這使得教會無力抵抗社會中的這些轉變。我會嘗試勾劃出這發展的路線。

2 CNA 譯註：這「性箱子」是一個具爭議性的性教育教材，在 1980 年代末於奧地利學校中使用 1968 年革命的重點之一，就是戀童癖得到「認可」甚至獲得正面評價。

一直到梵蒂岡第二次大公會議之前，天主教倫理神學主要都是建基於自然律，而聖經只是用作解釋背景及認可。梵二嘗試建立一個對天主啟示的新的理解方法，自然律的方向基本上被摒棄，倫理神學被要求單純按聖經而成。

我依然記得法蘭克福的耶穌會如何訓練了一個極有天份的年輕神父 Bruno Schüller，希望他建立出一套單純以聖經為根據的倫理觀。以聖經為基礎的倫理觀為目標，Schüller 神父的優秀論文踏出了第一步。Schüller 神父後來被送到美國繼續深造，回來後發現單靠聖經作為根據的倫理觀是不能有系統性地表達出來。後來，他試圖建立一個較為實用主義的倫理神學，然而他卻不能為道德危機提供一個答案。

最後，他提出了一個假設，就是人類行為的道德價值單純只按其目的而判斷。雖然這思想沒有認同「為求目的，不擇手段」（the end justifies the means）這籠統的說法，但這種思考模式卻成了最終的決定。結果就是，沒有事情能被視為絕對的善，也沒有事情能被視為絕對的惡。（可能）只有相對的價值判斷。不再有（絕對的）善，只會在比較中有「較好」，而這會視乎時機及情況而有所不同。

天主教倫理在理據及陳述方面的危機在 1980 年代末及 1990 年代達到誇張的程度。在 1989 年 1 月 5 日，由 15 位天主教神學教授所簽署的《科隆宣言》公布了。它討論了有關主教訓導權和神學研究的關係中的不少危機要點。這文本所引起的迴響，起初和平常的抗議差不多，

但後來很快速地變為一個對教會訓導權的強烈反對，繼而號召了全球各地的力量，抗議教宗若望保祿二世的一份預期會出現的教理文件。（參考：D. Mieth, Kölner Erklärung, LThK, VI3, p. 196）³

若望保祿二世非常明白道德神學的情況，並且一直密切關注。他開展撰寫一份通諭，這通諭將會使事情重上正軌。這通諭頒布於 1993 年 8 月 6 日，名為《真理的光輝》（*Veritatis splendor*），它引起了倫理神學家的強烈反應。在此通諭之前，《天主教教理》已經以一個有系統的方式，有力地陳述了教會所宣告的道德倫理。

我永遠都忘不了當時德國最有影響力的倫理神學家 Franz Böckle，他在退休後已回到他的家鄉瑞士。就《真理的光輝》可能作出的決定，他當時宣告如果這通諭表示有些行為，在任何時候、任何情況，都必然被視為惡的話，他就會以他所有可行方法去挑戰這通諭。

然而，仁慈的天主讓他不需要將這決心化為行動。Böckle 在 1991 年 7 月 8 日去世。而這通諭是在 1993 年 8 月 6 日公布。事實上，這通諭確實表示有些行為是永遠不能是善的。

教宗完全明白這一個決定在那一個時刻是何其重要。在他通諭的這一個部分，他曾再次諮詢沒有參與編輯這通諭的最重要的專家。他知道他必須毫無疑問地表達出，

3 CNA 譯註：LTHK 的全名為「Lexikon für Theologie und Kirche」，德語的意思為《神學及教會辭彙》，編輯者包括拉納（Karl Rahner）以及華爾特·卡斯帕樞機（Walter Cardinal Kasper）。

在計算各樣善的道德判斷中，必須保護最終的那一條界線。有一些善是永不能被妥協換走的。

價值絕不能為更大的觀念而被拋棄，這些價值更超越現世的生命。例如殉道（martyrdom⁴）。天主是超越現世的生存。由拒絕天主而得來的生命，是一個終極上以謊話作為基礎的生命，其實是一個「假生命」（non-life）。

殉道（martyrdom）是由基督徒出現開始就有的一種基本類別。事實上，在Böckle 推廣的理論中，殉道是沒有道德必要的；而同時很多基督信仰的本質也岌岌可危。

同時，在道德神學中有另一個問題也越加迫切，即以下假說：只有在信德相關事情上，而該事情能獲得普遍接受時，教會的訓導權才有最終的不能錯特恩（infallibility）。按這看法，教會訓導權在倫理問題上並不享有不能錯特恩。在這假說中，可能有一些值得詳細探討的地方。但是，道德底線與信仰的基本原則是密不可分的；這道德標準是必須堅守的，這樣信仰才能有實質的生命，否則信仰只會淪為一套理論。

4 中譯註：英文「martyr」意即殉道者，源自拉丁文「martyr」，這是拉丁化的古希臘語「μάρτυρ」，本義為「見證」獨立於這問題之外，在倫理神學的諸多領域中盛行著一個假說，就是教會沒有也不能擁有自身道德訓導的論點。這說法的論據是因為所有道德說法都在不同的宗教有著相似的討論，所以基督信仰從不能獨攬道德。但這種質疑聖經道德觀獨特性的議題，其實不能因為每一句聖經說話都能在其他宗教找到相類似的說話而得以確立。反之，這議題的答案在於其實聖經道德觀的整體是嶄新的，而且和它本身每一個個別部分均有所分別。

這樣，我們就看得出教會的道德權威從基礎上受到質疑。那些否定教會在道德範圍上有最終訓導權的人，就是在強迫她在真理和謊話的界線受到挑戰時保持緘默。

聖經的道德信理有其獨特性，最終是基於它掛勾於天主的肖像、也是基於我們對唯一天主的信仰，這天主以人而活著的耶穌基督身上顯現了自己。十誡就是聖經中對天主的信仰，在人身上實踐出來。天主的肖像和道德觀是同一事情，最終推動基督徒對世界及人類生命的態度。再者，基督信仰由一起初就被形容為「hodós」⁵。

信德是一個旅程及一個生活方式。在教會早期，慕道期的設立就是為了抗衡一個文化愈加道德敗壞的棲息處。在這裡，基督信仰的生活方式中的各項獨特而新穎的方面都要實踐出來，同時也防止被普通的生活方式所影響。我認為就算在今天，一些類似慕道期團體的設立是有必要的，好使基督信仰的生活能以自己的方式展現出來。

II. 教會起初的反應

(1) 一如我剛剛嘗試闡述的，在1960年代出現前所未見的激進主義中，基督信仰的道德觀念也在長時間醞釀及持續進行的過程中瓦解。教會在道德訓導方面的權威在瓦解，自然地影響教會各方面的範圍。單為回應方濟各所邀請各國主教團主席所聚集而進行的會議而言，我們現在集中討論司鐸生活以及修院生活的議題。有關在修院中培育司鐸職育的問題而言，的確出現了一個影響深

⁵ CNA 譯註：希臘文「道路」的意思。在新約中常常用作形容在過程中前進。

遠的崩潰。

在某些修院內形成了同性戀小圈子，他們或多或少行事開放，這大大影響著修院內的氣氛。在德國南部的一所修院，接受司鐸培育的人和接受牧民工作培育的平信徒[Pastoralreferent]住在一起。在用餐時，修生們和那些牧民工作者一起吃，而那些結了婚的平信徒有時會帶著他們的妻子和孩子，有時也帶著他們的女朋友。這種氣氛並不能協助司鐸聖召的培育。聖座知道這些問題，卻沒有接獲相關的細節。於是首先，聖座便安排了在美國的修院進行「宗座訪問」(Apostolic Visitation)。

在梵蒂岡第二次大公會議之後，挑選及委任主教的條件改變了，因此主教們與他們轄下修院的關係也和以往不一樣。最重要的是，現在挑選主教的條件之一是他們的「會議精神」(conciliarity)，當然這個詞語可出現很不同的理解。

事實上，在教會內的很多地方，會議的精神被解讀為要對針對既有的傳統持有批評或負面的態度。這些傳統必須以新的關係取而代之，也就是向世界徹底敞開的關係。一個曾經擔任修院院長的主教更曾安排修生觀看色情影片，聲稱這樣可以使他們對這些有違信仰的行為發展出抵抗力云云。

這不單侷限於在美國，有好些個別主教，他們全盤否定天主教傳統，並尋求在他們的教區培養出一種煥然一新、現代的『大公性』。以下情況發生在不少修院，也值得一提：學生們如果被發現閱讀我的著作，就會被認

定為不適合做神父。我的著作要被收起來，就像一些低劣作品一樣，成為大家枱底下的讀物。

「宗座訪問」也沒有觀察到甚麼新的事物，明顯地不同的勢力聯合起來要隱瞞真相。聖座便下令作第二次的「宗座訪問」，這就帶出了相對較多的新發現，但整體而言也不能達到具體的結論。即使如此，由1970年代開始，修院的情況大致也有改善。然而，司鐸聖召因整體情況改善而有所增強亦只屬零星的個別例子。

(2) 就我的記憶來說，戀童癖的問題要到1980年代後期才變得棘手。當時這在美國已成為一個公共議題，而身處羅馬的主教便要求協助，因為按新的(1983)《天主教法典》似乎不足以提供足夠的指引。

教廷及教廷的法學家起初面對這些議題時遇到困難；他們當時認為暫停司鐸職務已足以煉淨及釐清事情。美國的主教對此不能接受，因為這些司鐸就仍然保留著在主教旗下服務的名義，因此亦有機會被視為和主教有直接的關聯。後來漸漸地，新法典中那個刻意寫得不太嚴謹的刑事法規才得到更新及深化。

然而，當時還有對於理解刑事法律一個根本的錯誤觀念。就是所謂的「保障主義」(guarantorism)⁶當時仍被視為「會議精神」。意思就是，被告的權益要被格外保障，甚至到達了一個地步要避免任何判罪。被控告的神學家往往都沒有足夠的辯護機會，因此引伸的保護主義卻發展到一個地步，就是幾乎造成無法判罪。

6 CNA 譯註：這是一種以程序主導的保護主義。

容許我先帶出一點。有關於戀童侵犯個案的規模，我們要記起耶穌的一句話：「誰若使這些信者中的一個小子跌倒，倒不如拿一塊驢拉的磨石，套在他的脖子上，投在海裡，為他更好。」（馬爾谷福音 9:42）

在耶穌的語言中，「小子」一詞意指普通的信友，他們會被自以為聰明的高傲知識分子混淆信仰。因此，為了保護信仰的累積，耶穌在這裡以一個強硬的威脅警告那些會傷害信仰的人。

這句聖經的現代用法本身沒有錯誤，但這也不能遮蔽著最原始的意義。在這原始的意義很清晰，相反於「保障主義」，重要而需要保障的不單是被控告者的權益。一些重要的善 / 益處，例如信仰，也是同樣重要。

一個平衡的法典必須對應於耶穌在背後的整個訊息：不單必須為被告作出保證，這本身是一個法理上的善。法典也必須要保障信仰，因為信仰本身也是重要的法律資產。同時必須保護信仰。因此，一個妥當、穩健的《天主教法典》需要包含一個雙向的保證：法律層面上保護被告，亦要保護面臨危機一方的善的一面（即信仰）。如果有人試圖表達出這套清晰的概念，大抵會沒人接受，因為大家會質疑對信仰的保障是否是一個法理中的善。大眾對法律的概念，往往都看不到信仰是一個需要法律保障的善。這是一個令人擔憂的情況，而教會的牧者需要認真考慮這一點。

有關在這危機的公開爆發時期的司鐸培育，我想再添加些許資料，特別是在法典在這方面的發展。

原則上，聖職部（Congregation of the Clergy）專責處理司鐸所犯的罪行。但由於當時「保障主義」盛行，我同意若望保祿二世，就是將處理未成年侵犯案件的職權交給了信理部（Congregation for the Doctrine of the Faith），並將案件列為「*Delicta maiora contra fidem*」⁷。

這個安排容許在法律上處以最高刑罰，就是革除聖職身分。在其他的法律安排並不能處予這刑罰。這不是單純為了給予最高刑罰而這樣做，而是基於教會信德的重要性。事實上，我們必須看到教士們的這般失職最終是會破壞信仰的。

唯有不按信仰行事的人才會犯下這些過犯。

然而，這懲罰的嚴重性也自然要求過犯的明確證據——保障主義的這一方面亦是存在的。

換而言之，為了合法給予這最高刑罰，一個真正的刑事程序是需要的。但個別教區及聖座也被這種要求弄得不知所措。我們於是制定了一套最簡略的刑事程序，而在教區及教省行政未能進行審訊時，聖座則有可能將這案件接收。在每個個案中，審訊會由信理部檢閱，而保障被造的權益。最後，信理部的一個小組 *Feria IV* 當中，我們設立了一套上訴機制以進行上訴。

由於這一切其實都超越了信理部的容納能力，而延誤辦案時機的情況經常發生，而基於這些案件的本質理當加以避免延誤，教宗方濟各採取了進一步的改革。

⁷ 中譯註：違反信仰的重大過犯。

III.

(1) 有甚麼必要的事情要做？可能我們應該創立另一個教會去解決事情？這個實驗已經試過，也已經失敗了。只有真正遵守及愛我們的主耶穌基督，才能為我們指出道路。所以，讓我們首先從內在重新去明白上主一直以來在我們身上渴望甚麼。

首先，我會有以下建議：如果我們真的想非常概括地總結由聖經中所建立的信仰的內容，我們可以說上主開展了一個跟我們的愛的論述，祂想將整個受造界都蘊含在這論述內。邪惡正在威脅我們和整個世界，而一股對抗邪惡的抗衡力量最終只能在我們進入這愛的時候出現。這是真實對抗邪惡的抗衡力量。邪惡的力量來自我們抗拒接受天主。那些將自己託於天主的愛的人就被救贖。我們無法愛天主的後果就是不被救贖。因此，學習去愛天主就是人類獲救贖之路。

現在，讓我們嘗試進一步開啟天主啟示的重要內容。接著，我們可以說信德給我們的第一件最基礎的禮物就是，我們能夠肯定天主存在。

一個沒有天主的世界只會是個沒有意義的世界。一切事物來自哪裡？無論怎樣，它都沒有一個靈性目的。世界就只是碰巧在這裡，沒有任何目標，也沒有意思。接著也沒有分辨善惡標準。弱肉強食。唯一的原則就是力量。真理再也不重要，因為它不存在。唯獨當事物有靈性原因，它們才是刻意被創造——唯獨有一個善的，而且渴望善的造物者天主——這樣人的生命才能有意義。

有一個創造者天主，而身為萬物的標準，祂首先是人最原始的需要。

但一個完全不表達自己的天主是不能被人認識的，這樣的天主只能永遠是一個假設，也不能決定我們生命的形態（Gestalt）。因為天主要真正作為刻意創世的天主，我們必需讓祂以某些形式表現自己。祂的確以很多方式這樣做了，但尤其決定性的方法就是當時祂召叫亞巴朗，為尋找天主的人提供了一個超越眾人所預期的方向：就是天主自己成了受造物，作為「人」跟我們「人」說話。

這樣，「天主就是」（God is）這句說話終極地轉化成為一個真正喜樂的訊息，正正因為祂不單明白「愛」，因為祂創造了——而且本身就是——愛。就是再次令人瞭解到這就是天主委託給我們第一樣且最為重要的工作。

一個沒有天主的社會——一個不認識天主並且視祂不存在的社會——是一個失去自己標準的社會。在我們的日子，「神已死」成了流行語。我們被告知，當天主在社會中死了，這個社會就能自由。現實中，天主在社會中死去卻表示自由也終止了，因為死了的其實是[為社會]提供一個方向的目的。因為教導我們分辨善惡、為我們指示正確方向的指南針消失了。西方社會中，天主從公共領域被挪去，西方社會也不要天主的任何事物。這就解釋了為何西方社會愈加丟失以人為本的準則。在這點，我們突然就很容易明白邪惡及摧毀人的事物會成為理所當然。

戀童癖就是這樣。它被理論化，不久前還才被視為完全正確的事，現在已不斷廣為流傳。而我們現在才驚訝地意識到在我們小孩子及年輕人身上發生的事在威脅，快要摧殘他們。事實是，這在教會中及司鐸間流傳的事實應該尤其使我們感到不安。

為何戀童癖達到這嚴重的比例？最終極的理由就是天主不在了。我們基督徒及司鐸們都寧可不再談及天主，因為這些話都似乎不太實用。在第二次世界大戰之後，我們德國仍然明確地在我們的憲法提到有責任以天主作為指導性原則。半個世紀之後已經不可能在《歐洲議會憲法》中包括以天主作為指導性原則的責任。天主被視為少數人的關注，不可能再成為整個社會的共同指引原則。這決定反映著西方的情況，就是天主成為少數人的私人事務。

在這個道德崩潰的時期，一個艱巨的工作就是需要我們重新再一次開始藉天主、為天主而生活（live by God and unto Him）。最重要的是：我們必定要重新學習承認天主是我們生命的基石，而非將祂當作廢話而置在一旁。我永遠都忘不了偉大神學家 漢斯·烏爾斯·馮·巴爾塔薩（Hans Urs von Balthasar, 1905-88）的有一次在信中寫給我的警告：「不要將聖父、聖子、聖神的三位一體天主視作理所當然，但要將祂展示出來！」

真的，在神學中，天主經常都是被視作理所當然，但實質上人們卻不理會祂。天主這個主題看來太不真實，和我們關注的事項風馬牛不相及。然而，當大家不視天主為理所當然，但實際展示祂時，所有事情都不一樣。不

是將祂放在背景中，而是在我們的思、言、行為中明認祂。

(2) 天主為了我們成了人。作為祂的受造物，人是如此地貼近祂的心，祂甚至將自己和人聯繫起來，以一個很實際的方式進入了人類歷史。祂和我們說話，祂和我們生活，祂和我們受苦，祂為我們接受了死亡。在神學中，我們以學術論述及思想詳細討論了這些事情。但這樣，我們也有危險變成了信仰的專家，而非被信仰更新及指導。

我們先以一個核心問題去想，就是舉行彌撒聖祭。我們看待聖體的方法實在令人憂慮。梵蒂岡第二次大公會議正確地專注於將這聖事——基督聖體聖血的臨在、祂的位格祂的受難死亡復活的臨在——回到基督徒生命的中心以及教會的存在。某程度上，這也真的實現了，我們應該為此感謝天主。

然而有一些別的態度也很普遍。常見的不是對基督死而復活的崇敬，而是一種破壞奧跡的偉大的看待方式。彌撒出席率日漸低落，反映著我們現今基督徒對如何欣賞基督親臨的重大禮物是如何地無知。感恩祭被貶為一個單純的儀式性活動，只是當我們有些家庭聚會要邀請所有人出現，例如婚禮和葬禮，我們理所當然地要禮貌地邀請祂出席。

人們經常理所當然地領受聖體也反映了很多視領聖體是一個儀式性舉動。所以，當想到甚麼行為是最重要且首要，明顯地我們不是需要我們自己設計的另一個教

會。反之，首要而最重要的事情，就是要更新我們對聖體聖事的信仰：在這聖事中，耶穌基督實實在在被交付給了我們。

在與戀童癖受害者的對話中，我深深地意識到這是最先且最重要的條件。一個年輕女士，她曾是個輔祭，她告訴我，她的輔祭會神師每一次侵犯她時都說：「這就是我的身體，將為你而犧牲。」

很明顯，這位女士每次聽到成聖聖體的說話時，都會再次經歷她被侵犯的痛楚。是的，我們必須急切請求上主的寬恕，我們要向祂起誓，及請求祂重新教導我們所有人去理解祂的受苦、祂的祭獻的偉大。另外，我們必須盡我們所能去保護聖體的恩寵不被侵害。

(3) 最後，還有教會的奧秘。差不多100年前，郭蒂尼 (Romano Guardini) 將充滿了他以及其他不少人的喜樂表達出來，很多人還記得他的話：「一件極為重要的事情開始了；教會在靈魂中醒來了。」

他的意思是，教會不再被視為一個進入我們生命的外在系統，是一個權力，反而她開始被視作真正存在於各人心中——不是單純外在的，而是從內在的推動我們。半個世紀之後，我反思這個過程，也觀察著所發生的事項，我卻認為要相反這說話：「教會在靈魂中要死了。」

今天大部分的人把教會當成純粹的政治工具。人們談論她時也只是將她以政治分類，甚至連主教也是這樣做，他們在考慮教會的將來時也只是單單作政治考量。這些

眾多司鐸施加侵犯案的危機促使我們以為，教會竟是如此糟糕，務必果斷地親手重新打造。然而，我們自行塑造的教會不會帶來任何希望。

耶穌自己將教會比作一個漁網，內裡有好的和壞的魚，最終天主會自己將魚分好。[瑪竇福音13:47~50]也有一個比喻將教會比作一塊田地，天主親自撒了好種子，但「仇人」也秘密地撒了莠子的種子。[瑪竇福音13:24~30；36~43]事實上，莠子在天主的田地——即教會，是非常顯眼的，而壞魚也在網裡展示力量。無論如何，田地仍是天主的田地，漁網仍是天主的漁網。在任何時期，不單都有莠子和壞魚，但同時都會有天主的麥子及好魚。強調兩者的出現不是虛假的護教學，卻是在為真理服務。

在這背景下，有需要看看聖若望的默示錄。魔鬼被認作是控告者，日夜在天主面前控告我們弟兄。（默示錄12:10）聖若望默示錄也由約伯傳的一個中心論述中取了一個思想（約伯傳1·2·10；42:7~16）。在約伯傳中，魔鬼試圖在天主面前詆毀約伯的義德，說這只是外在的。這正正就是默示錄要說的：魔鬼希望證明根本就沒有義人；所有義人都只是在外表假扮的。如果能夠夠近距離地看一個人，他公義的外表就自然會剝落。

約伯傳的敘述由天主和魔鬼的一次爭執開始，天主說約伯是一個真正正義的人。約伯便成了一個例子去證明誰是正確。魔鬼說：打擊他所有的一切，你就不會再看到他還剩下甚麼虔敬。天主允許魔鬼的意圖，而約伯的反應也是很正面。現在魔鬼再進一步說：「那只不過是以

皮換皮罷了！人都肯捨棄所有，去保全自己的性命。但是，你若伸手打擊他的骨和肉，他必定當面詛咒你。」
(約伯傳2:4以下)

天主給了魔鬼第二次機會。魔鬼可以害他的身體，唯獨不可以取他的性命。基督徒很清楚，約伯作為人類的代表站在天主面前，其實是指耶穌基督。人性的戲碼在聖若望默示錄中完全給我們展露出來。

造物者天主受到魔鬼的挑釁，他一直對著人類以及整個受造物說盡壞話。不但對著天主，魔鬼也對所有人說：看這個天主做了甚麼？一個應該是善的創造，但在現實卻滿是悲傷及污穢。貶低受造物其實是為了貶低天主。它想證明天主自己並不是美善的，要將我們帶離天主。

默示錄所講論的實在很合時宜。今天，對天主的控告，最明顯就是將祂的教會說成完全是惡劣的，並以此要人遠離她。由我們自己創造一個更好的教會，這本身就是魔鬼的建議；透過這建議，魔鬼以一個令我們容易相信的虛假的邏輯，領我們離開生活的天主。不，即使到了今天，教會也不是單單由壞魚及莠子所組成。天主的教會今天仍然存在，即使在今天，教會仍是天主用以拯救我們的工具。

以完整的真理去對抗魔鬼的謊話及半真話是十分重要的：是的，在教會內有罪惡及邪惡。但即使到了今天，神聖的教會仍在，她不會被毀滅。今天有很多人謙遜地相信、受苦，及愛，真正的、愛的天主藉這些人將自己顯露給我們。今天，天主在世上仍有祂的見證人

(martyres)⁸。我們只需要留心就能看到和聽到他們。

Martyr ——見證——這個字本身來自程序法。在與魔鬼對抗的審判中，耶穌基督就是天主第一個且實在的見證人，第一個殉道者，之後就跟著無數的其他見證人。

今天的教會比以往更加是一個「殉道者的教會」，因此也是生活天主的見證。如果我們四處觀看，以一顆留神的心細聽，我們可以在四周找到見證人，尤其在普通人當中；但也能在教會高層中找到，他們以自己的生命及受苦去為了天主站出來。我們心中的惰性使我們不想去認出他們。我們福傳的一個重要的大工程就是，要盡我們所能，去建立信德的居所，並且去找到和明認他們。

我住在一所小屋，住在一個小團體中。這小團體的人在每天的生活中都不斷地發現著生活天主的見證人，他們喜樂地為我指出來。看到和尋找生活的教會是一個美妙的工作，這樣加強我們，使我們在我們的信德中不斷喜樂。

在我反省的最後，我希望感謝教宗方濟各為我們所做的一切，他不斷地為我們展示了天主的光，這光即使在今天也沒有消失。教宗，感謝你。

本篤十六世

8 中譯註：與殉道者是同一個字。

《樂山樂水》譯自 Catholic News Agency (CAN) 的英文翻譯：<https://www.catholicnewsagency.com/news/full-text-of-benedict-xvi-the-church-and-the-scandal-of-sexual-abuse-59639>

參考了梵蒂岡新聞在 4 月 11 日的一篇新聞稿，以及號角報的一篇報導：

<https://www.vaticannews.va/zht/vatican-city/news/2019-04/pope-emeritus-benedict-xvi-abuse-minor-church.html>

<https://www.oclarim.com.mo/zh/2019/04/11/article-of-benedict-xvi-on-sexual-abuse/>



教宗方濟各

《你們是世界的光》

手諭

「你們是世界的光；建在山上的城，是不能隱藏的」（瑪五14）。我們的主耶穌基督召叫每位信徒都要成為美德、正直與聖德的光輝榜樣。事實上，我們都蒙召在我們的生活中，特別是在我們與近人的關係中，為基督的信仰做具體的見證。

性侵罪行冒犯我們的主，對受害者造成身體、心理和精神上的傷害，並給信友團體帶來損害。為了使這些現象不再以任何形式發生，則需要內心深刻而不斷的皈依，且由教會中所有人投入的具體和有效的行為證實，如此以來，個人的聖德和倫理操行便有助於和促進福音宣講的完全可信性及教會使命的效率。只有仰賴聖神在人心內所賦予的聖寵，這一點才有可能。我們應始終銘記耶穌的話：「離了我，你們什麼也不能做」（若十五5）。雖然已做了不少的事情，但我們應不斷地汲取過去的慘痛教訓，並懷著希望注視未來。

首先，這一責任便落在——由天主選派為其子民的牧者——宗徒們的繼承人身上，並要求他們緊緊跟隨神聖導師的腳步履行職責。職是之故，他們「以善言、善勸及

善表，而且也用權力和神權，以基督代表的資格，管理託付給他們的地方個別教會，他們知道，為長者應當像是幼小的，為首領的應當像是服務的，用權力只是為了在真理及聖德上策勵其羊群」（《教會憲章》，27）。凡是以較為嚴格的方式屬於宗徒繼承人職權內的事務，也同樣落在那些以不同方式在教會內擔任職務、奉行福音勸諭或被召服務基督子民的人身上。

希望這項工作完全以教會的方式得到落實，並通過相互聆聽和向所有在這皈依之路上密切相關的人所作的貢獻開放，成為共融的表達，正是共融將我們凝聚在一起。

故此，現規定：

第一題

總則

第一節 適用範圍

第1條：凡獲悉相關聖職人員、獻身生活會或使徒生活團成員與下列罪行有關時，便可實施本法規：

1° 違犯天主十誡第六誡之罪行，即：

- 1) 以暴力、威脅或藉濫用權力，迫使他人完成或承受性行為者；
- 2) 與未成年人或脆弱成年人完成性行為者；
- 3) 製作、展示、擁有或傳播——包括經由遠端傳送資訊途徑——兒童色情資料，以及徵召或引誘未成年

或脆弱成年人參與色情展示（或表演）者；

2° 由第六節所述之主體完成之行為，即：干涉或逃避針對聖職人員或修會會士所犯由本條1° 所規定之罪行的調查，或予以忽略，無論是國法調查還是教會法調查，行政調查抑或刑事調查。

第2條：至論本法規之效力：

1° 「未成年人」意指：凡年齡未滿十八周歲者，或依法與之等同者；

2° 「脆弱者」意指：凡處於病態、身體上或心理上有缺陷、或缺乏個人自由者，此等自由之缺乏也包括偶爾限制其理解或意願之能力，或在任何情況下反抗侵犯之能力。

3° 「兒童色情資料」意指：無論運用何種途徑，任何描述（或表現）未成年人參與明確、真實或偽裝色情活動之內容者，以及任何以色情為主要目的而描述未成年人之性器官之內容者。

第二節 資訊之獲悉與資料之保護

第1條：鑒於由相關主教團、宗主教區與總主教區主教會議、或由自治教省主教參議會、教區或東方禮教區，無論是以個別的形式，或是集體的形式，臨時作出的指示，應於本法規生效起一年內，設立一個或多個固定且便於公眾舉報的機制，也可通過所設立的專門教會職務呈報。教區或東方禮教區應將本條所指之體制的設立彙報給教宗代表。

第2條：本節所論及之資訊均得受到保護，並得以根據《天主教法典》第471條2°和《東方教會法典》第244條2項2°之規定，確保安全、完整及保密的形式處理之。

第3條：教長於接獲舉報後應立即將其轉呈給事發地之教區教長，及被舉報之人的教長，教區教長及相應教長根據法律為特殊案件所作之規定進行審理，惟第三節第3條之規定保持不變。

第4條：至論本題之效力，東方禮教區等同於教區，東方禮主教等同於教長。

第三節 舉報

第1條：除《天主教法典》第1548條2項和《東方教會法典》第1229條2項之規定外，凡聖職人員、獻身生活會或使徒生活團成員獲悉或有依據之理由認為犯有第一節所列罪行之一者，有義務及時將事實呈報給事發地之教區教長或《天主教法典》134條與《東方教會法典》984條所列教長之1項，惟本節第3條之規定保持不變。

第2條：任何人皆得以上一條規定之方式，或以任何其他適當方式，就第一節所列之行為進行舉報。

第3條：凡呈報內容涉及到第六節所列之人者，舉報應呈遞給由第八、九節所規定之教會當局。舉報可直接向聖座為之，亦可經由教宗代表為之。

第4條：舉報內容應包括盡可能詳細的要素，指出時間、事發地點、涉案人或知情者，以及其他一切有利於確保對真相嚴格審核的情況。

第5條：亦可依職務獲取資訊。

第四節 對舉報人之保護

第1條：依第三節之規定所為舉報之事實並不違犯保密之責。

第2條：除《天主教法典》1390條和《東方教會法典》1452條與145條4之規定外，禁止因所為舉報之事而予以成見、報復或歧視，否則，亦可觸犯第一節第1條2°之規定。

第3條：不得強制欲作舉報之人對舉報之內容保持緘默。

第五節 對人之關懷

第1條：教會當局應確保使凡明言受到侵犯者，連同其家庭，得到重視和尊重，尤其應為其提供：

1° 接待、聆聽和陪伴，亦可通過特別服務為之；

2° 靈修輔導；

3° 依案件之特殊情況，提供醫療、臨床和心理輔導。

第2條：應保護涉案人員的肖像和私人生活，以及對個人資料予以保密。

第二題

有關主教和東方禮主教之規定

第六節 實施主體

本題所涉及之訴訟條款關係到由如下之人所行第一節所規定的行為：

- 1° 樞機主教、宗主教、主教和教宗特使；
- 2° 擔任或曾經擔任個別教會或與之類似團體——無論是拉丁教會，還是東方禮教會，包括屬人教長團——牧靈管理職務，在其任職期間犯有罪行之聖職人員；
- 3° 擔任或曾經擔任屬人監督團牧靈管理職務，在其任職期間犯有罪行之聖職人員；
- 4° 擔任或曾經擔任宗座直轄獻身生活會或使徒生活團總會會長職務，以及自治隱修院高級院長職務，在其任職期間犯有罪行者。

第七節 主管部會

第1條：至論本題規定之效力：「主管部會」意指宗座信理部，針對依現行法律保留於其的罪行；而其他案件，則根據羅馬教廷之本有條例與之相應職權為：

- 東方教會部；
- 主教部；
- 萬民福音部；
- 聖職部；
- 獻身生活與使徒生活部

第2條：為了確保更好的協作，主管部會應將舉報內容

與調查成果呈遞給國務院和其他直接相關部會。

第3條：本題所涉教省總主教與聖座之間的資訊來往應經由教宗代表為之。

第八節 舉報所涉為拉丁教會主教之案件可實施之程式

第1條：接獲舉報之當局應將其呈遞至聖座和被舉報人之住所所在教省之總主教。

第2條：凡舉報涉及教省總主教，或教省總主教職出缺者，應將舉報內容呈遞至聖座和較資深之省屬主教。

第3條：凡舉報涉及教宗特使者，應將舉報內容直接呈遞至國務院。

第九節 針對東方禮教會主教可實施之程式

第1條：凡舉報涉及宗主教區或總主教區主教，或自治教省之主教者，將將舉報內容呈遞至相關宗主教、總主教或自治教省之總主教。

第2條：凡舉報涉及宗主教區之總主教或總主教區之總主教，且仍在其教區內履行職務者，應將舉報內容呈遞至相關宗主教或總主教。

第3條：在上述案件中，當局在接獲舉報後，亦應將舉報內容呈遞至聖座。

第4條：凡被舉報人身為在宗主教區之外履行職務之主教或教省總主教、總主教或自治教省之總主教者，舉報內容應呈遞至聖座。

第5條：凡舉報涉及宗主教、總主教、自治教省之教省總主教或其他東方禮自治教會的主教者，舉報內容應呈遞至聖座。

第6條：以下有關教省總主教之規定，亦適用於根據本節規定接獲舉報之教會當局。

第十節 教省總主教之初始義務

第1條：除非舉報明顯毫無依據，教省總主教應及時申請主管部會授權啟動調查。凡教省總主教認為舉報明顯無依據者，應將其告知教宗代表。

第2條：主管部會應毫不遲延地，在接獲由教宗代表呈遞之首次舉報，或由教省總主教呈遞之授權申請後30日內採取措施，並針對在具體案件中如何進行給予適當指令。

第十一節 將案情調查委託於教省總主教以外的人

第1條：凡主管部會認為宜將案情調查委託於教省總主教以外之人者，應通知教省總主教。教省總主教應將所有資料及重要文書交于由部會所委託之人。

第2條：在上一條規定之情況下，以下有關教省總主教之規定亦適用於受命進行調查工作之人。

第十二節 調查之進行

第1條：在得到主管部會的授權後，依照所收到之指令，教省總主教親自或藉由一位或多位有資格者：

1° 搜集有關案情之重要資料；

2° 為了案情之調查，查閱保存於教會辦公室檔案內之必要資料與文書；

3° 如有必要，得獲取其他教長或主教之協助；

4° 向凡是能夠為調查提供有用材料的人及機構，包括民事機構，索取資訊。

第2條：凡有必要聽取未成年人或脆弱者之時，教省總主教應採取適當方式，且要考慮其狀況。

第3條：凡存在有依據之理由認為與調查相關之資料或文書可能會遭到竊取或毀壞者，教省總主教應採取必要措施對其進行保存。

第4條：凡啟用他人時，教省總主教仍需負責指導和調查之進行，以及適時地依照上述第十節第2條所言之指令行事。

第5條：教省總主教應由根據《天主教法典》483條2項和《東方教會法典》253條2項之規定自由選擇之公證員協助。

第6條：教省總主教應行事公正，且無利益衝突。凡認為身陷利益衝突之中，或不能維持必要之公正，以確保調查之完整性者，有義務放棄調查工作，並向主管部會彙報實情。

第7條：受查者享有無罪推定原則。

第8條：凡主管部會要求者，教省總主教應將相關調查

告知當事人，聽取其對事實之意見，並邀請其呈遞辯護備忘錄。在此等情況下，受查人得啟用代理人。

第9條：每30日教省總主教應向主管部會彙報案情調查情況。

第十三節 有資格之人的參與

第1條：根據主教團、主教會議或主教參議會針對在案情調查中協助教省總主教的方式，相關教省的主教們可個別地或一起制定有資格之人名單，教省總主教，根據案情需要，可在其中選擇較為合適之人員協助其調查，特別要考慮到，根據《天主教法典》228條和《東方教會法典》404條之規定，此等協助可由平信徒為之。

第2條：教省總主教始終可自由選擇其他同樣有資格者。

第3條：在案情調查中協助教省總主教者，應行事公正，且無利益衝突。凡認為身陷利益衝突之中，或不能維持必要之公正，以確保調查之完整性者，有義務放棄調查工作，並向教省總主教彙報實情。

第4條：凡協助教省總主教者，應宣誓盡忠職守。

第十四節 調查之時限

第1條：調查應在90日之內，或在上述第十節第2條所言之指令指定期限內完成。

第2條：凡有正當理由者，教省總主教可要求主管部會延長期限。

第十五節 預防措施

凡案情或形勢需要，教省總主教應向主管部會提議對受查者作出規定或採取適當預防措施。

第十六節 設立基金

第1條：教省、主教團、主教會議或主教參議會可依照《天主教法典》116條和1303條1項1°與《東方教會法典》1047條之規定設立基金，以維持調查案情之費用，並根據教會法之規定對其進行管理。

第2條：基金管理者，因受委託之教省總主教的要求，應將調查案情所需之基金交由其支配，然教省總主教于調查結束後，有義務向基金管理者呈報賬目清單。

第十七節 案卷及意見書的呈遞

第1條：調查完成後，教省總主教應將案卷，連同其調查結果意見書，以及對第十節第2條所言之指令可能提出之疑問的答復，一併呈遞至主管部會。

第2條：除非主管部會有後續指令，調查一旦完成，教省總主教之權力隨即終止。

第3條：在遵守主管部會指令之前提下，教省總主教，因其要求，應將調查結果告知明言自己受到侵犯者或其合法代表。

第十八節 後續措施

主管部會，除非決定開展補充性調查，應根據法律為特殊案件所作之規定進行審理。

第十九節 遵守國家法律

本法規應在無損於國家法律所規定之權利和義務的前提下得以執行，特別是有關向地方主管當局舉報之可能義務。

本法規已獲批准試行三年。

現敕令本《手諭》藉由《羅馬觀察報》之公佈而予以頒佈，並於2019年6月1日開始生效，之後將載于《宗座公報》。

方濟各

2019年5月7日，在任第七年，於羅馬聖伯多祿大殿。

(臺灣地區主教團秘書處 恭譯)



The Church and the Scandal of Sexual Abuse

Pope Emeritus Benedict XVI

10 April, 2019

On February 21 to 24, at the invitation of Pope Francis, the presidents of the world's bishops' conferences gathered at the Vatican to discuss the current crisis of the faith and of the Church; a crisis experienced throughout the world after shocking revelations of clerical abuse perpetrated against minors.

The extent and gravity of the reported incidents has deeply distressed priests as well as laity, and has caused more than a few to call into question the very Faith of the Church. It was necessary to send out a strong message, and seek out a new beginning, so to make the Church again truly credible as a light among peoples and as a force in service against the powers of destruction.

Since I myself had served in a position of responsibility as shepherd of the Church at the time of the public outbreak of the crisis, and during the run-up to it, I had to ask myself- even though, as emeritus, I am no longer directly responsible - what I could contribute to a new beginning.

Thus, after the meeting of the presidents of the bishops' conferences was announced, I compiled some notes by which I might contribute one or two remarks to assist in this difficult hour.

Having contacted the Secretary of State, Cardinal [Pietro] Parolin and the Holy Father [Pope Francis] himself, it seemed appropriate to publish this text in the Klerusblatt [a monthly periodical for clergy in mostly Bavarian dioceses].

My work is divided into three parts.

In the first part, I aim to present briefly the wider social context of the question, without which the problem cannot be understood. I try to show that in the 1960s an egregious event occurred, on a scale unprecedented in history. It could be said that in the 20 years from 1960 to 1980, the previously normative standards regarding sexuality collapsed entirely, and a new normalcy arose that has by now been the subject of laborious attempts at disruption.

In the second part, I aim to point out the effects of this situation on the formation of priests and on the lives of priests.

Finally, in the third part, I would like to develop some perspectives for a proper response on the part of the Church.

I.

(1) The matter begins with the state-prescribed and supported introduction of children and youths into the nature of sexuality. In Germany, the then-Minister of Health, Ms. (Käte) Stobel, had a film made in which everything that had previously not been allowed to be shown publicly, including sexual intercourse, was now shown for the purpose of education. What at first was only intended for the sexual education of young people consequently was widely accepted as a feasible option.

Similar effects were achieved by the "Sexkoffer" published by the Austrian government [A controversial 'suitcase' of sex education materials used in Austrian schools in the late 1980s]. Sexual and pornographic movies then became a common occurrence, to the point that they were screened at newsreel theaters [*Bahnhofskinos*]. I still remember seeing, as I was walking through the city of Regensburg one day, crowds of people lining up in front of a large cinema, something we had previously only seen in times of war, when some special allocation was to be hoped for. I also remember arriving in the city on Good Friday in the year 1970 and

seeing all the billboards plastered up with a large poster of two completely naked people in a close embrace.

Among the freedoms that the Revolution of 1968 sought to fight for was this all-out sexual freedom, one which no longer conceded any norms.

The mental collapse was also linked to a propensity for violence. That is why sex films were no longer allowed on airplanes because violence would break out among the small community of passengers. And since the clothing of that time equally provoked aggression, school principals also made attempts at introducing school uniforms with a view to facilitating a climate of learning.

Part of the physiognomy of the Revolution of '68 was that pedophilia was then also diagnosed as allowed and appropriate.

For the young people in the Church, but not only for them, this was in many ways a very difficult time. I have always wondered how young people in this situation could approach the priesthood and accept it, with all its ramifications. The extensive collapse of the next generation of priests in those years and the very high number of laicizations were a consequence of all these developments.

(2) At the same time, independently of this development, Catholic moral theology suffered a collapse that rendered the Church defenseless against these changes in society. I will try to outline briefly the trajectory of this development.

Until the Second Vatican Council, Catholic moral theology was largely founded on natural law, while Sacred Scripture was only cited for background or substantiation. In the Council's struggle for a new understanding of Revelation, the natural law option was largely abandoned, and a moral theology based entirely on the Bible was demanded.

I still remember how the Jesuit faculty in Frankfurt trained a highly gifted young Father (Bruno Schüller) with the purpose of developing a morality based entirely on Scripture. Father Schüller's beautiful dissertation shows a first step towards building a morality based on Scripture. Father Schüller was then sent to America for further studies and came back with the realization that from the Bible alone morality could not be expressed systematically. He then attempted a more pragmatic moral theology, without being able to provide an answer to the crisis of morality.

In the end, it was chiefly the hypothesis that morality was to be exclusively determined by the purposes of human action that prevailed. While the old phrase "the end justifies the means" was not confirmed in this crude form, its way of thinking had become definitive. Consequently, there could no longer be anything that constituted an absolute good, any more than anything fundamentally evil; (there could be) only relative value judgments. There no longer was the (absolute) good, but only the relatively better, contingent on the moment and on circumstances.

The crisis of the justification and presentation of Catholic morality reached dramatic proportions in the late '80s and '90s. On January 5, 1989, the "Cologne Declaration", signed by 15 Catholic professors of theology, was published. It focused on various crisis points in the relationship between the episcopal magisterium and the task of theology. (Reactions to) this text, which at first did not extend beyond the usual level of protests, very rapidly grew into an outcry against the Magisterium of the Church and mustered, audibly and visibly, the global protest potential against the expected doctrinal texts of John Paul II (cf. D. Mieth, *Kölner Erklärung*, LThK, VI/3, p. 196) [LTHK is the *Lexikon für Theologie und Kirche*, a German-language "Lexicon of Theology and the Church", whose editors included Karl Rahner and Cardinal Walter Kasper.]

Pope John Paul II, who knew very well the situation of moral theology and followed it closely, commissioned work on an encyclical that would

set these things right again. It was published under the title *Veritatis splendor* on August 6, 1993, and it triggered vehement backlashes on the part of moral theologians. Before it, the "Catechism of the Catholic Church" already had persuasively presented, in a systematic fashion, morality as proclaimed by the Church.

I shall never forget how then-leading German moral theologian Franz Böckle, who, having returned to his native Switzerland after his retirement, announced in view of the possible decisions of the encyclical *Veritatis splendor* that if the encyclical should determine that there were actions which were always and under all circumstances to be classified as evil, he would challenge it with all the resources at his disposal.

It was God, the Merciful, that spared him from having to put his resolution into practice; Böckle died on July 8, 1991. The encyclical was published on August 6, 1993 and did indeed include the determination that there were actions that can never become good.

The pope was fully aware of the importance of this decision at that moment and for this part of his text, he had once again consulted leading specialists who did not take part in the editing of the encyclical. He knew that he must leave no doubt about the fact that the moral calculus involved in balancing goods must respect a final limit. There are goods that are never subject to trade-offs.

There are values which must never be abandoned for a greater value and even surpass the preservation of physical life. There is martyrdom. God is (about) more than mere physical survival. A life that would be bought by the denial of God, a life that is based on a final lie, is a non-life.

Martyrdom is a basic category of Christian existence. The fact that martyrdom is no longer morally necessary in the theory advocated by Böckle and many others shows that the very essence of Christianity is at stake here.

In moral theology, however, another question had meanwhile become pressing: The hypothesis that the Magisterium of the Church should have final competence [*infallibility*] only in matters concerning the faith itself gained widespread acceptance; (in this view) questions concerning morality should not fall within the scope of infallible decisions of the Magisterium of the Church. There is probably something right about this hypothesis that warrants further discussion. But there is a minimum set of morals which is indissolubly linked to the foundational principle of faith and which must be defended if faith is not to be reduced to a theory but rather to be recognized in its claim to concrete life.

All this makes apparent just how fundamentally the authority of the Church in matters of morality is called into question. Those who deny the Church a final teaching competence in this area force her to remain silent precisely where the boundary between truth and lies is at stake.

Independently of this question, in many circles of moral theology the hypothesis was expounded that the Church does not and cannot have her own morality. The argument being that all moral hypotheses would also know parallels in other religions and therefore a Christian property of morality could not exist. But the question of the unique nature of a biblical morality is not answered by the fact that for every single sentence somewhere, a parallel can also be found in other religions. Rather, it is about the whole of biblical morality, which as such is new and different from its individual parts.

The moral doctrine of Holy Scripture has its uniqueness ultimately predicated in its cleaving to the image of God, in faith in the one God who showed himself in Jesus Christ and who lived as a human being. The Decalogue is an application of the biblical faith in God to human life. The image of God and morality belong together and thus result in the particular change of the Christian attitude towards the world and human life. Moreover, Christianity has been described from the beginning with

the word *hodós* [Greek for a road, in the New Testament often used in the sense of a path of progress].

Faith is a journey and a way of life. In the old Church, the catechumenate was created as a habitat against an increasingly demoralized culture, in which the distinctive and fresh aspects of the Christian way of life were practiced and at the same time protected from the common way of life. I think that even today something like catechumenal communities are necessary so that Christian life can assert itself in its own way.

II.

Initial Ecclesial Reactions

(1) The long-prepared and ongoing process of dissolution of the Christian concept of morality was, as I have tried to show, marked by an unprecedented radicalism in the 1960s. This dissolution of the moral teaching authority of the Church necessarily had to have an effect on the diverse areas of the Church. In the context of the meeting of the presidents of the episcopal conferences from all over the world with Pope Francis, the question of priestly life, as well as that of seminaries, is of particular interest. As regards the problem of preparation for priestly ministry in seminaries, there is in fact a far-reaching breakdown of the previous form of this preparation.

In various seminaries homosexual cliques were established, which acted more or less openly and significantly changed the climate in the seminaries. In one seminary in southern Germany, candidates for the priesthood and candidates for the lay ministry of the pastoral specialist [*Pastoralreferent*] lived together. At the common meals, seminarians and pastoral specialists ate together, the married among the laymen sometimes accompanied by their wives and children, and on occasion by their girlfriends. The climate in this seminary could not provide support for preparation to the priestly vocation. The Holy See knew of such problems, without being informed precisely. As a first step, an Apostolic Visitation

was arranged of seminaries in the United States.

As the criteria for the selection and appointment of bishops had also been changed after the Second Vatican Council, the relationship of bishops to their seminaries was very different, too. Above all, a criterion for the appointment of new bishops was now their "conciliarity," which of course could be understood to mean rather different things.

Indeed, in many parts of the Church, conciliar attitudes were understood to mean having a critical or negative attitude towards the hitherto existing tradition, which was now to be replaced by a new, radically open relationship with the world. One bishop, who had previously been seminary rector, had arranged for the seminarians to be shown pornographic films, allegedly with the intention of thus making them resistant to behavior contrary to the faith.

There were — not only in the United States of America — individual bishops who rejected the Catholic tradition as a whole and sought to bring about a kind of new, modern "Catholicity" in their dioceses. Perhaps it is worth mentioning that in not a few seminaries, students caught reading my books were considered unsuitable for the priesthood. My books were hidden away, like bad literature, and only read under the desk.

The Visitation that now took place brought no new insights, apparently because various powers had joined forces to conceal the true situation. A second Visitation was ordered and brought considerably more insights, but on the whole failed to achieve any outcomes. Nonetheless, since the 1970s the situation in seminaries has generally improved. And yet, only isolated cases of a new strengthening of priestly vocations came about as the overall situation had taken a different turn.

(2) The question of pedophilia, as I recall, did not become acute until the second half of the 1980s. In the meantime, it had already become a public issue in the U.S., such that the bishops in Rome sought help, since canon

law, as it is written in the new (1983) Code, did not seem sufficient for taking the necessary measures.

Rome and the Roman canonists at first had difficulty with these concerns; in their opinion the temporary suspension from priestly office had to be sufficient to bring about purification and clarification. This could not be accepted by the American bishops, because the priests thus remained in the service of the bishop, and thereby could be taken to be [still] directly associated with him. Only slowly, a renewal and deepening of the deliberately loosely constructed criminal law of the new Code began to take shape.

In addition, however, there was a fundamental problem in the perception of criminal law. Only so-called guarantorism, [a kind of procedural protectionism], was still regarded as "conciliar." This means that above all the rights of the accused had to be guaranteed, to an extent that factually excluded any conviction at all. As a counterweight against the often-inadequate defense options available to accused theologians, their right to defense by way of guarantorism was extended to such an extent that convictions were hardly possible.

Allow me a brief excursus at this point. In light of the scale of pedophilic misconduct, a word of Jesus has again come to attention which says: "Whoever causes one of these little ones who believe in me to sin, it would be better for him if a great millstone were hung round his neck and he were thrown into the sea" (Mark 9:42).

The phrase "the little ones" in the language of Jesus means the common believers who can be confounded in their faith by the intellectual arrogance of those who think they are clever. So here Jesus protects the deposit of the faith with an emphatic threat of punishment to those who do it harm.

The modern use of the sentence is not in itself wrong, but it must not

obscure the original meaning. In that meaning, it becomes clear, contrary to any guarantorism, that it is not only the right of the accused that is important and requires a guarantee. Great goods such as the Faith are equally important.

A balanced canon law that corresponds to the whole of Jesus' message must therefore not only provide a guarantee for the accused, the respect for whom is a legal good. It must also protect the Faith, which is also an important legal asset. A properly formed canon law must therefore contain a double guarantee — legal protection of the accused, legal protection of the good at stake. If today one puts forward this inherently clear conception, one generally falls on deaf ears when it comes to the question of the protection of the Faith as a legal good. In the general awareness of the law, the Faith no longer appears to have the rank of a good requiring protection. This is an alarming situation which must be considered and taken seriously by the pastors of the Church.

I would now like to add, to the brief notes on the situation of priestly formation at the time of the public outbreak of the crisis, a few remarks regarding the development of canon law in this matter.

In principle, the Congregation of the Clergy is responsible for dealing with crimes committed by priests. But since guarantorism dominated the situation to a large extent at the time, I agreed with Pope John Paul II that it was appropriate to assign the competence for these offences to the Congregation for the Doctrine of the Faith, under the title *Delicta maiora contra fidem*.

This arrangement also made it possible to impose the maximum penalty, i.e., expulsion from the clergy, which could not have been imposed under other legal provisions. This was not a trick to be able to impose the maximum penalty, but is a consequence of the importance of the Faith for the Church. In fact, it is important to see that such misconduct by clerics ultimately damages the Faith.

Only where faith no longer determines the actions of man are such offenses possible.

The severity of the punishment, however, also presupposes a clear proof of the offense — this aspect of guarantorism remains in force. In other words, in order to impose the maximum penalty lawfully, a genuine criminal process is required. But both the dioceses and the Holy See were overwhelmed by such a requirement. We therefore formulated a minimum level of criminal proceedings and left open the possibility that the Holy See itself would take over the trial where the diocese or the metropolitan administration is unable to do so. In each case, the trial would have to be reviewed by the Congregation for the Doctrine of the Faith in order to guarantee the rights of the accused. Finally, in the FERIA IV (i.e., the assembly of the members of the Congregation), we established an appeal instance in order to provide for the possibility of an appeal.

Because all of this actually went beyond the capacities of the Congregation for the Doctrine of the Faith, and because delays arose which had to be prevented owing to the nature of the matter, Pope Francis has undertaken further reforms.

III.

(1) What must be done? Perhaps we should create another Church for things to work out? Well, that experiment has already been undertaken and has already failed. Only obedience and love for our Lord Jesus Christ can point the way. So let us first try to understand anew and from within [ourselves] what the Lord wants, and has wanted with us.

First, I would suggest the following: If we really wanted to summarize very briefly the content of the Faith as laid down in the Bible, we might do so by saying that the Lord has initiated a narrative of love with us and wants to subsume all creation in it. The counterforce against evil, which threatens us and the whole world, can ultimately only consist in our

entering into this love. It is the real counterforce against evil. The power of evil arises from our refusal to love God. He who entrusts himself to the love of God is redeemed. Our being not redeemed is a consequence of our inability to love God. Learning to love God is therefore the path of human redemption.

Let us now try to unpack this essential content of God's revelation a little more. We might then say that the first fundamental gift that Faith offers us is the certainty that God exists.

A world without God can only be a world without meaning. For where, then, does everything that is come from? In any case, it has no spiritual purpose. It is somehow simply there and has neither any goal nor any sense. Then there are no standards of good or evil. Then only what is stronger than the other can assert itself. Power is then the only principle. Truth does not count, it actually does not exist. Only if things have a spiritual reason, are intended and conceived — only if there is a Creator God who is good and wants the good — can the life of man also have meaning.

That there is God as creator and as the measure of all things is first and foremost a primordial need.

But a God who would not express Himself at all, who would not make Himself known, would remain a presumption and could thus not determine the form [Gestalt] of our life. For God to be really God in this deliberate creation, we must look to Him to express Himself in some way. He has done so in many ways, but decisively in the call that went to Abraham and gave people in search of God the orientation that leads beyond all expectation: God Himself becomes creature, speaks as man with us human beings.

In this way the sentence "God is" ultimately turns into a truly joyous message, precisely because He is more than understanding, because He

creates - and is - love. To once more make people aware of this is the first and fundamental task entrusted to us by the Lord.

A society without God — a society that does not know Him and treats Him as non-existent — is a society that loses its measure. In our day, the catchphrase of God's death was coined. When God does die in a society, it becomes free, we were assured. In reality, the death of God in a society also means the end of freedom, because what dies is the purpose that provides orientation. And because the compass disappears that points us in the right direction by teaching us to distinguish good from evil. Western society is a society in which God is absent in the public sphere and has nothing left to offer it. And that is why it is a society in which the measure of humanity is increasingly lost. At individual points it becomes suddenly apparent that what is evil and destroys man has become a matter of course.

That is the case with pedophilia. It was theorized only a short time ago as quite legitimate, but it has spread further and further. And now we realize with shock that things are happening to our children and young people that threaten to destroy them. The fact that this could also spread in the Church and among priests ought to disturb us in particular.

Why did pedophilia reach such proportions? Ultimately, the reason is the absence of God. We Christians and priests also prefer not to talk about God, because this speech does not seem to be practical. After the upheaval of the Second World War, we in Germany had still expressly placed our Constitution under the responsibility to God as a guiding principle. Half a century later, it was no longer possible to include responsibility to God as a guiding principle in the European constitution. God is regarded as the party concern of a small group and can no longer stand as the guiding principle for the community as a whole. This decision reflects the situation in the West, where God has become the private affair of a minority.

A paramount task, which must result from the moral upheavals of our

time, is that we ourselves once again begin to live by God and unto Him. Above all, we ourselves must learn again to recognize God as the foundation of our life instead of leaving Him aside as a somehow ineffective phrase. I will never forget the warning that the great theologian Hans Urs von Balthasar once wrote to me on one of his letter cards. "Do not presuppose the triune God, Father, Son and Holy Spirit, but present them!"

Indeed, in theology God is often taken for granted as a matter of course, but concretely one does not deal with Him. The theme of God seems so unreal, so far removed from the things that concern us. And yet everything becomes different if one does not presuppose but present God. Not somehow leaving Him in the background, but recognizing Him as the center of our thoughts, words and actions.

(2) God became man for us. Man as His creature is so close to His heart that He has united himself with him and has thus entered human history in a very practical way. He speaks with us, He lives with us, He suffers with us and He took death upon Himself for us. We talk about this in detail in theology, with learned words and thoughts. But it is precisely in this way that we run the risk of becoming masters of faith instead of being renewed and mastered by the Faith.

Let us consider this with regard to a central issue, the celebration of the Holy Eucharist. Our handling of the Eucharist can only arouse concern. The Second Vatican Council was rightly focused on returning this sacrament of the Presence of the Body and Blood of Christ, of the Presence of His Person, of His Passion, Death and Resurrection, to the center of Christian life and the very existence of the Church. In part, this really has come about, and we should be most grateful to the Lord for it.

And yet a rather different attitude is prevalent. What predominates is not a new reverence for the presence of Christ's death and resurrection, but a way of dealing with Him that destroys the greatness of the Mystery. The

declining participation in the Sunday Eucharistic celebration shows how little we Christians of today still know about appreciating the greatness of the gift that consists in His Real Presence. The Eucharist is devalued into a mere ceremonial gesture when it is taken for granted that courtesy requires Him to be offered at family celebrations or on occasions such as weddings and funerals to all those invited for family reasons.

The way people often simply receive the Holy Sacrament in communion as a matter of course shows that many see communion as a purely ceremonial gesture. Therefore, when thinking about what action is required first and foremost, it is rather obvious that we do not need another Church of our own design. Rather, what is required first and foremost is the renewal of the Faith in the Reality of Jesus Christ given to us in the Blessed Sacrament.

In conversations with victims of pedophilia, I have been made acutely aware of this first and foremost requirement. A young woman who was a [former] altar server told me that the chaplain, her superior as an altar server, always introduced the sexual abuse he was committing against her with the words: "This is my body which will be given up for you."

It is obvious that this woman can no longer hear the very words of consecration without experiencing again all the horrific distress of her abuse. Yes, we must urgently implore the Lord for forgiveness, and first and foremost we must swear by Him and ask Him to teach us all anew to understand the greatness of His suffering, His sacrifice. And we must do all we can to protect the gift of the Holy Eucharist from abuse.

(3) And finally, there is the Mystery of the Church. The sentence with which Romano Guardini, almost 100 years ago, expressed the joyful hope that was instilled in him and many others, remains unforgotten: "An event of incalculable importance has begun; the Church is awakening in souls."

He meant to say that no longer was the Church experienced and perceived

as merely an external system entering our lives, as a kind of authority, but rather it began to be perceived as being present within people's hearts — as something not merely external, but internally moving us. About half a century later, in reconsidering this process and looking at what had been happening, I felt tempted to reverse the sentence: "The Church is dying in souls."

Indeed, the Church today is widely regarded as just some kind of political apparatus. One speaks of it almost exclusively in political categories, and this applies even to bishops, who formulate their conception of the church of tomorrow almost exclusively in political terms. The crisis, caused by the many cases of clerical abuse, urges us to regard the Church as something almost unacceptable, which we must now take into our own hands and redesign. But a self-made Church cannot constitute hope.

Jesus Himself compared the Church to a fishing net in which good and bad fish are ultimately separated by God Himself. There is also the parable of the Church as a field on which the good grain that God Himself has sown grows, but also the weeds that "an enemy" secretly sown onto it. Indeed, the weeds in God's field, the Church, are excessively visible, and the evil fish in the net also show their strength. Nevertheless, the field is still God's field and the net is God's fishing net. And at all times, there are not only the weeds and the evil fish, but also the crops of God and the good fish. To proclaim both with emphasis is not a false form of apologetics, but a necessary service to the Truth.

In this context it is necessary to refer to an important text in the Revelation of St. John. The devil is identified as the accuser who accuses our brothers before God day and night (Revelation 12:10). St. John's Apocalypse thus takes up a thought from the center of the framing narrative in the Book of Job (Job 1 and 2, 10; 42:7-16). In that book, the devil sought to talk down the righteousness of Job before God as being merely external. And exactly this is what the Apocalypse has to say: The devil wants to prove that there

are no righteous people; that all righteousness of people is only displayed on the outside. If one could hew closer to a person, then the appearance of his justice would quickly fall away.

The narrative in Job begins with a dispute between God and the devil, in which God had referred to Job as a truly righteous man. He is now to be used as an example to test who is right. Take away his possessions and you will see that nothing remains of his piety, the devil argues. God allows him this attempt, from which Job emerges positively. Now the devil pushes on and he says: "Skin for skin! All that a man has he will give for his life. But put forth thy hand now, and touch his bone and his flesh, and he will curse thee to thy face." (Job 2:4f)

God grants the devil a second turn. He may also touch the skin of Job. Only killing Job is denied to him. For Christians it is clear that this Job, who stands before God as an example for all mankind, is Jesus Christ. In St. John's Apocalypse the drama of humanity is presented to us in all its breadth.

The Creator God is confronted with the devil who speaks ill of all mankind and all creation. He says, not only to God but above all to people: Look at what this God has done. Supposedly a good creation, but in reality full of misery and disgust. That disparagement of creation is really a disparagement of God. It wants to prove that God Himself is not good, and thus to turn us away from Him.

The timeliness of what the Apocalypse is telling us here is obvious. Today, the accusation against God is, above all, about characterizing His Church as entirely bad, and thus dissuading us from it. The idea of a better Church, created by ourselves, is in fact a proposal of the devil, with which he wants to lead us away from the living God, through a deceitful logic by which we are too easily duped. No, even today the Church is not just made up of bad fish and weeds. The Church of God also exists today, and today it is the very instrument through which God saves us.

It is very important to oppose the lies and half-truths of the devil with the whole truth: Yes, there is sin in the Church and evil. But even today there is the Holy Church, which is indestructible. Today there are many people who humbly believe, suffer and love, in whom the real God, the loving God, shows Himself to us. Today God also has His witnesses (*martyres*) in the world. We just have to be vigilant in order to see and hear them.

The word martyr is taken from procedural law. In the trial against the devil, Jesus Christ is the first and actual witness for God, the first martyr, who has since been followed by countless others.

Today's Church is more than ever a "Church of the Martyrs" and thus a witness to the living God. If we look around and listen with an attentive heart, we can find witnesses everywhere today, especially among ordinary people, but also in the high ranks of the Church, who stand up for God with their life and suffering. It is an inertia of the heart that leads us to not wish to recognize them. One of the great and essential tasks of our evangelization is, as far as we can, to establish habitats of Faith and, above all, to find and recognize them.

I live in a house, in a small community of people who discover such witnesses of the living God again and again in everyday life and who joyfully point this out to me as well. To see and find the living Church is a wonderful task which strengthens us and makes us joyful in our Faith time and again.

At the end of my reflections I would like to thank Pope Francis for everything he does to show us, again and again, the light of God, which has not disappeared, even today. Thank you, Holy Father!

--*Benedict XVI*

Translated by Anian Christoph Wimmer.

Quotes from Scripture use Revised Standard Version Catholic Edition (RSVCE).

**Apostolic Letter
Issued Motu Proprio
by the Supreme Pontiff
FRANCIS
“VOS ESTIS LUX MUNDI”**

“You are the light of the world. A city set on a hill cannot be hidden” (Mt 5:14). Our Lord Jesus Christ calls every believer to be a shining example of virtue, integrity and holiness. All of us, in fact, are called to give concrete witness of faith in Christ in our lives and, in particular, in our relationship with others.

The crimes of sexual abuse offend Our Lord, cause physical, psychological and spiritual damage to the victims and harm the community of the faithful. In order that these phenomena, in all their forms, never happen again, a continuous and profound conversion of hearts is needed, attested by concrete and effective actions that involve everyone in the Church, so that personal sanctity and moral commitment can contribute to promoting the full credibility of the Gospel message and the effectiveness of the Church’s mission. This becomes possible only with the grace of the Holy Spirit poured into our hearts, as we must always keep in mind the words of Jesus: *“Apart from me you can do nothing” (Jn 15:5)*. Even if so much has already been accomplished, we must continue to learn from the bitter lessons of the past, looking with hope towards the future.

This responsibility falls, above all, on the successors of the Apostles, chosen by God to be pastoral leaders of his People, and demands from them a commitment to follow closely the path of the Divine Master. Because of their ministry, in fact, Bishops, *“as vicars and legates of*

Christ, govern the particular churches entrusted to them by their counsel, exhortations, example, and even by their authority and sacred power, which indeed they use only for the edification of their flock in truth and holiness, remembering that he who is greater should become as the lesser and he who is the chief become as the servant” (Second Vatican Council, Dogmatic Constitution *Lumen Gentium*, 27). What more closely concerns the successors of the Apostles concerns all those who, in various ways, assume ministries in the Church, or profess the evangelical counsels, or are called to serve the Christian People. Therefore, it is good that procedures be universally adopted to prevent and combat these crimes that betray the trust of the faithful.

I desire that this commitment be implemented in a fully ecclesial manner, so that it may express the communion that keeps us united, in mutual listening and open to the contributions of those who care deeply about this process of conversion.

Therefore, I decree:

TITLE I

GENERAL PROVISIONS

Art. 1 – Scope of application

§1. These norms apply to reports regarding clerics or members of Institutes of Consecrated Life or Societies of Apostolic Life and concerning:

- a) delicts against the sixth commandment of the Decalogue consisting of:
 - i. forcing someone, by violence or threat or through abuse of authority, to perform or submit to sexual acts;
 - ii. performing sexual acts with a minor or a vulnerable person;
 - iii. the production, exhibition, possession or distribution, including

by electronic means, of child pornography, as well as by the recruitment of or inducement of a minor or a vulnerable person to participate in pornographic exhibitions;

b) conduct carried out by the subjects referred to in article 6, consisting of actions or omissions intended to interfere with or avoid civil investigations or canonical investigations, whether administrative or penal, against a cleric or a religious regarding the delicts referred to in letter a) of this paragraph.

§2. For the purposes of these norms,

a) “*minor*” means: any person under the age of eighteen, or who is considered by law to be the equivalent of a minor;

b) “*vulnerable person*” means: any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offence;

c) “*child pornography*” means: any representation of a minor, regardless of the means used, involved in explicit sexual activities, whether real or simulated, and any representation of sexual organs of minors for primarily sexual purposes.

Art. 2 – Reception of reports and data protection

§1. Taking into account the provisions that may be adopted by the respective Episcopal Conferences, by the Synods of the Bishops of the Patriarchal Churches and the Major Archiepiscopal Churches, or by the Councils of Hierarchs of the Metropolitan Churches *sui iuris*, the Dioceses or the Eparchies, individually or together, must establish within a year from the entry into force of these norms, one or more public, stable and easily accessible systems for submission of reports, even through the institution of a specific ecclesiastical office. The Dioceses and the

Eparchies shall inform the Pontifical Representative of the establishment of the systems referred to in this paragraph.

§2. The information referred to in this article is protected and treated in such a way as to guarantee its safety, integrity and confidentiality pursuant to canons 471, 2° CIC and 244 §2, 2° CCEO.

§3. Except as provided for by article 3 §3, the Ordinary who received the report shall transmit it without delay to the Ordinary of the place where the events are said to have occurred, as well as to the Ordinary of the person reported, who proceed according to the law provided for the specific case.

§4. For the purposes of this title, Eparchies are equated with Dioceses and the Hierarchy is equated with the Ordinary.

Art. 3 – Reporting

§1. Except as provided for by canons 1548 §2 CIC and 1229 §2 CCEO, whenever a cleric or a member of an Institute of Consecrated Life or of a Society of Apostolic Life has notice of, or well-founded motives to believe that, one of the facts referred to in article 1 has been committed, that person is obliged to report promptly the fact to the local Ordinary where the events are said to have occurred or to another Ordinary among those referred to in canons 134 CIC and 984 CCEO, except for what is established by §3 of the present article.

§2. Any person can submit a report concerning the conduct referred to in article 1, using the methods referred to in the preceding article, or by any other appropriate means.

§3. When the report concerns one of the persons indicated in article 6, it is to be addressed to the Authority identified based upon articles 8 and 9. The report can always be sent to the Holy See directly or through the Pontifical Representative.

§4. The report shall include as many particulars as possible, such as indications of time and place of the facts, of the persons involved or informed, as well as any other circumstance that may be useful in order to ensure an accurate assessment of the facts.

§5. Information can also be acquired *ex officio*.

Art. 4 – Protection of the person submitting the report

§1. Making a report pursuant to article 3 shall not constitute a violation of office confidentiality.

§2. Except as provided for by canons 1390 CIC and 1452 and 1454 CCEO, prejudice, retaliation or discrimination as a consequence of having submitted a report is prohibited and may constitute the conduct referred to in article 1 §1, letter b).

§3. An obligation to keep silent may not be imposed on any person with regard to the contents of his or her report.

Art. 5 – Care for persons

§1. The ecclesiastical Authorities shall commit themselves to ensuring that those who state that they have been harmed, together with their families, are to be treated with dignity and respect, and, in particular, are to be:

- a) welcomed, listened to and supported, including through provision of specific services;
- b) offered spiritual assistance;
- c) offered medical assistance, including therapeutic and psychological assistance, as required by the specific case.

§2. The good name and the privacy of the persons involved, as well as the confidentiality of their personal data, shall be protected.

TITLE II
PROVISIONS CONCERNING BISHOPS
AND THEIR EQUIVALENTS

Art. 6 – Subjective scope of application

The procedural norms referred to in this title concern the conduct referred to in article 1, carried out by:

- a) Cardinals, Patriarchs, Bishops and Legates of the Roman Pontiff;
- b) clerics who are, or who have been, the pastoral heads of a particular Church or of an entity assimilated to it, Latin or Oriental, including the Personal Ordinariates, for the acts committed *durante munere*;
- c) clerics who are or who have been in the past leaders of a Personal Prelature, for the acts committed *durante munere*;
- d) those who are, or who have been, supreme moderators of Institutes of Consecrated Life or of Societies of Apostolic Life of Pontifical right, as well as of monasteries *sui iuris*, with respect to the acts committed *durante munere*.

Art. 7 – Competent Dicastery

§1. For the purposes of this title, “competent Dicastery” means the Congregation for the Doctrine of the Faith, regarding the delicts reserved to it by the norms in force, as well as, in all other cases and as far as their respective jurisdiction is concerned, based on the proper law of the Roman Curia:

- the Congregation for the Oriental Churches;
- the Congregation for Bishops;
- the Congregation for the Evangelization of Peoples;
- the Congregation for the Clergy;

- the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life.

§2. In order to ensure the best coordination, the competent Dicastery informs the Secretariat of State, and the other Dicasteries directly concerned, of the report and the outcome of the investigation.

§3. The communications referred to in this title between the Metropolitan and the Holy See take place through the Pontifical Representative.

Art. 8 – Procedure applicable in the event of a report concerning a Bishop of the Latin Church

§1. The Authority that receives a report transmits it both to the Holy See and to the Metropolitan of the Ecclesiastical Province where the person reported is domiciled.

§2. If the report concerns the Metropolitan, or the Metropolitan See is vacant, it shall be forwarded to the Holy See, as well as to the senior suffragan Bishop by promotion, to whom, if such is the case, the following provisions regarding the Metropolitan apply.

§3. In the event that the report concerns a Papal Legate, it shall be transmitted directly to the Secretariat of State.

Art. 9 – Procedure applicable to Bishops of Eastern Catholic Churches

§1. Reports concerning a Bishop of a Patriarchal, Major Archiepiscopal or Metropolitan Church *sui iuris* shall be forwarded to the respective Patriarch, Major Archbishop or Metropolitan of the Church *sui iuris*.

§2. If the report concerns a Metropolitan of a Patriarchal or Major Archiepiscopal Church, who exercises his office within the territory of these Churches, it is forwarded to the respective Patriarch or Major Archbishop.

§3. In the preceding cases, the Authority who receives the report shall also forward it to the Holy See.

§4. If the person reported is a Bishop or a Metropolitan outside the territory of the Patriarchal, the Major Archiepiscopal or the Metropolitan Church *sui iuris*, the report shall be forwarded to the Holy See.

§5. In the event that the report concerns a Patriarch, a Major Archbishop, a Metropolitan of a Church *sui iuris* or a Bishop of the other Eastern Catholic Churches *sui iuris*, it shall be forwarded to the Holy See.

§ 6. The following provisions relating to the Metropolitan apply to the ecclesiastical Authority to which the report is to be forwarded based on this article.

Art. 10 – Initial duties of the Metropolitan

§1. Unless the report is manifestly unfounded, the Metropolitan immediately requests, from the competent Dicastery, that he be assigned to commence the investigation. If the Metropolitan considers the report manifestly unfounded, he shall so inform the Pontifical Representative.

§2. The Dicastery shall proceed without delay, and in any case within thirty days from the receipt of the first report by the Pontifical Representative or the request for the assignment by the Metropolitan, providing the appropriate instructions on how to proceed in the specific case.

Art. 11 – Entrusting the investigation to a person other than the Metropolitan

§1. If the competent Dicastery considers it appropriate to entrust the investigation to a person other than the Metropolitan, the Metropolitan is so informed. The Metropolitan delivers all relevant information and documents to the person appointed by the Dicastery.

§2. In the case referred to in the previous paragraph, the following

provisions relating to the Metropolitan apply to the person charged with conducting the investigation.

Art. 12 – Carrying out the investigation

§1. Once he has been appointed by the competent Dicastery and acting in compliance with the instructions received, the Metropolitan, either personally or through one or more suitable persons:

- a) collects relevant information regarding the facts;
- b) accesses the information and documents necessary for the purpose of the investigation kept in the archives of ecclesiastical offices;
- c) obtains the cooperation of other Ordinaries or Hierarchs whenever necessary;
- d) requests information from individuals and institutions, including civil institutions, that are able to provide useful elements for the investigation.

§2. If it is necessary to hear from a minor or a vulnerable person, the Metropolitan shall adopt appropriate procedures, which take into account their status.

§3. In the event that there are well-founded motives to conclude that information or documents concerning the investigation are at risk of being removed or destroyed, the Metropolitan shall take the necessary measures for their preservation.

§4. Even when making use of other persons, the Metropolitan nevertheless remains responsible for the direction and conduct of the investigation, as well as for the timely execution of the instructions referred to in article 10 §2.

§5. The Metropolitan shall be assisted by a notary freely appointed pursuant to canons 483 §2 CIC and 253 §2 CCEO.

§6. The Metropolitan is required to act impartially and free of conflicts of

interest. If he considers himself to be in a conflict of interest or is unable to maintain the necessary impartiality to guarantee the integrity of the investigation, he is obliged to recuse himself and report the circumstance to the competent Dicastery.

§7. The person under investigation enjoys the presumption of innocence.

§ 8. The Metropolitan, if requested by the competent Dicastery, informs the person of the investigation concerning him/her, hears his/her account of the facts and invites him/her to present a brief in defence. In such cases, the investigated person may be assisted by legal counsel.

§9. Every thirty days, the Metropolitan sends a status report on the state of the investigation to the competent Dicastery.

Art. 13 – Involvement of qualified persons

§1. In accordance with any eventual directives of the Episcopal Conference, of the Synod of Bishops or of the Council of Hierarchs regarding how to assist the Metropolitan in conducting the investigation, the Bishops of the respective Province, individually or together, may establish lists of qualified persons from which the Metropolitan may choose those most suitable to assist in the investigation, according to the needs of the individual case and, in particular, taking into account the cooperation that can be offered by the lay faithful pursuant to canons 228 CIC and 408 CCEO.

§2. The Metropolitan, however, is free to choose other equally qualified persons.

§3. Any person assisting the Metropolitan in the investigation is required to act impartially and must be free of conflicts of interest. If he considers himself to be in a conflict of interest or be unable to maintain the necessary impartiality required to guarantee the integrity of the investigation, he is obliged to recuse himself and report the circumstances

to the Metropolitan.

§4. The persons assisting the Metropolitan shall take an oath to fulfil their charge properly.

Art. 14 – Duration of the investigation

§1. The investigation is to be completed within the term of ninety days or within a term otherwise provided for by the instructions referred to in article 10 §2.

§2. Where there are just reasons, the Metropolitan may request that the competent Dicastery extend the term.

Art. 15 - Precautionary measures

Should the facts or circumstances require it, the Metropolitan shall propose to the competent Dicastery the adoption of provisions or appropriate precautionary measures with regard to the person under investigation.

Art. 16 – Establishment of a fund

§1. Ecclesiastical Provinces, Episcopal Conferences, Synods of Bishops and Councils of Hierarchs may create a fund, to be established according to the norms of canons 116 and 1303 §1, 1° CIC and 1047 CCEO and administered according to the norms of canon law, whose purpose is to sustain the costs of the investigations.

§2. At the request of the appointed Metropolitan, the funds necessary for the purpose of the investigation are made available to him by the administrator of the fund; the Metropolitan remain duty-bound to present an account to the administrator at the conclusion of the investigation.

Art. 17 – Transmission of the documents and the *votum*

§1. Having completed the investigation, the Metropolitan shall transmit the acts to the competent Dicastery, together with his *votum* regarding the

results of the investigation and in response to any queries contained in the instructions issued under article 10 §2.

§2. Unless there are further instructions from the competent Dicastery, the faculties of the Metropolitan cease once the investigation is completed.

§3. In compliance with the instructions of the competent Dicastery, the Metropolitan, upon request, shall inform the person who has alleged an offence, or his/her legal representatives, of the outcome of the investigation.

Art. 18 – Subsequent measures

Unless it decides to provide for a supplementary investigation, the competent Dicastery proceeds in accordance with the law provided for the specific case.

Art. 19 – Compliance with state laws

These norms apply without prejudice to the rights and obligations established in each place by state laws, particularly those concerning any reporting obligations to the competent civil authorities.

The present norms are approved ad experimentum for three years.

I establish that the present Apostolic Letter in the form of Motu Proprio be promulgated by means of publication in the Osservatore Romano, entering into force on 1 June 2019, and then published in the Acta Apostolicae Sedis.

Given in Rome, at Saint Peter's, on 7 May 2019, the seventh year of my Pontificate.

FRANCIS

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