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*Synodality: Jointly Responsible*

By Cardinal Blase Cupich, Archbishop of Chicago  
Meeting of the Presidents of the Bishops' Conferences on Safeguarding of Minors  
February 22, 2019

***Introduction: From Collegiality to Synodality***

From what we just heard from Cardinal Gracias, we are to understand our gathering in these days as an exercise in collegiality. We are here, as the universal episcopate in affective and substantive union with the successor of Peter, to discern through spirited dialogue where our ministry as successors of the apostles calls us to confront effectively the scandal of clergy sexual abuse that has wounded so many little ones.

While we share a unique responsibility in this regard as the college of bishops, it is also imperative that we consider the challenge we face in the light of synodality, especially as we explore with the entire Church the structural, legal and institutional aspects of accountability. For synodality represents the participation of all the baptized at every level - in parishes, dioceses, national and regional ecclesial bodies - in a discernment and reform that penetrates throughout the Church. It is precisely such a penetrating discernment, so vital to the Church in this moment, that will give rise to the elements of truth, penitence and renewal of cultures that are essential to fulfilling the mandate of protecting the young within the Church, and in turn within the larger society. A process that merely changes

policies, even if it is the fruit of the finest acts of collegiality, is not enough. It is the conversion of men and women throughout the entire Church — parents and priests, catechists and religious, parish leaders and bishops — and the conversion of ecclesial cultures on every continent that we must seek. Only a synodal vision, rooted in discernment, conversion and reform at every level can bring to the Church the comprehensive action in the defense of the most vulnerable in our midst to which God’s grace is calling us.

### ***A Sacred Bond***

With that in mind, I want to begin with a story. Sixty years ago, this past December, a fire raged through Our Lady of the Angels Catholic elementary school in Chicago, taking the lives of 92 children and three religious sisters. To mark that sad anniversary, I presided at a Memorial Mass, attended by many of the former students who survived the fire and family members of those who had died. One of the persons I greeted before the Mass was a ninety-five-year old mother of one of the children who died in the fire. She was an Italian immigrant, who told me in her native language, but also by the pitiful look in her tearful eyes, that the sting of her loss was still as sharp as the day her nine-year old daughter perished. She showed me the holy card with her daughter’s picture. She clutched it in her hand as something very precious. She had kept this *santino* for six decades since the day of her little girl’s funeral.

This moving story of a grieving mother, a modern-day *Pietà*, who lost her child many years ago puts us in touch on a profoundly human level with the sacred bond a parent has with a child. I believe that this sacred space of family life must be the point of reference and where we find our motivation as we commit ourselves in these days to build a culture of accountability with proper structures to radically alter our approach to child safeguarding. Sadly, many of our people, not just those abused or parents of the abused, but the faithful at large are wondering if

we the leaders of the Church fully understand this reality, particularly when they see little care given to abused children, or even worse, when it is covered up to protect the abuser or the institution. They are asking themselves, “If church leaders could act with so little care in giving pastoral attention in such obvious cases of a child being sexually molested, does that not reveal how detached they are from us as parents who treasure our children as the light of our lives? Can we really expect our leaders to care about us and our children in the ordinary circumstances of life, if they responded so callously in cases that would alarm any reasonable person?” This is the source of the growing mistrust in our leadership, not to mention the outrage of our people.

My point is simple. None of the structural elements we enact as a synodal Church, important as they are, can guide us forward faithfully in Christ unless we anchor all our deliberations in the piercing pain of those who have been abused and of the families who have suffered with them. The Church must become like the grieving mother, whom I encountered in Chicago; the Church must truly be *Pietà*, broken in suffering, consoling in enveloping love, constant in pointing to the divine tenderness of God amidst the pangs of desolation in those who have been crushed by clergy abuse.

#### ***Four Synodal Principles to Focus Structural Legal and Institutional Reform***

For a Church seeking to be a loving mother in the face of clergy sexual abuse, four orientations, rooted in synodality, must shape every structural, legal and institutional reform designed to meet the enormous challenge which the reality of sexual abuse by clergy represents at this moment.

##### ***One: Radical Listening***

The first orientation is a perpetual stance of radical listening to comprehend the deadening experience of those who have been sexually abused by clergy. This

is how we are to understand the Holy Father's request that we prepare for this meeting by entering personally into the experiences of survivors by visiting with them. The Church as a loving mother must continually open herself to the heartbreaking reality of children whose wounds will never heal. Such a stance of listening calls us to cast aside the institutional distance and relational blinders that insulate us from coming face to face with the raw destruction of the lives of children and vulnerable people that clergy sexual abuse brings. Our listening cannot be passive, waiting for those who have been abused to find a way to us. Rather, our listening must be active, searching out those who have been wounded, and seeking to minister to them. Our listening must be willing to accept challenge, and confrontation and even condemnation for the Church's past and present failures to keep safe the most precious of the Lord's flock. Our listening must be vigilant, understanding that only by inquiry and perseverance and action in the face of signs of sexual abuse can we fulfill God's mandate. Finally, our listening must bring with it the willingness to confront the past grave and callous errors of some bishops and religious superiors in addressing cases of clergy sexual abuse, and the discernment to understand how to establish just accountability for these massive failures.

***Two: Lay Witness***

The second foundation which must orient every structural reform to address clergy sexual abuse in a synodal Church is the affirmation that every member of the Church has an essential role in helping the Church to eliminate the horrific reality of clergy sexual abuse. In large part it is the witness of the laity, especially mothers and fathers with great love for the Church, who have pointed out movingly and forcefully how gravely incompatible the commission, cover-up and toleration of clergy sexual abuse is with the very meaning and essence of the Church. This witness of faith and justice by the laity represents not a

confrontational challenge to the Church, but an ongoing and grace-filled testimony of faith and action that is essential for the pilgrim people of God to fulfill its salvific mission at this moment in history. Mothers and fathers have called us to account, for they simply cannot comprehend how we as bishops and religious superiors have often been blinded to the scope and damage of sexual abuse of minors. They are witnessing to dual realities that must be pursued in our church today: an unceasing effort to eradicate clergy sexual abuse in the church, and a rejection of the clerical culture which so often bred that abuse.

True synodality in the Church calls us to see this broad lay witness as empowering and accelerating the mission for which we have come together from every nation in pursuit of the safety of God's children. We must unswervingly incorporate broad lay participation into every effort to identify and construct structures of accountability for the prevention of clergy sexual abuse. For the history of the past decades demonstrates that the unique and graced perspective of lay men and women, mothers and fathers, informs our Church in so profound a manner on this tragedy that any pathway forward which excludes or diminishes it will inevitably deform the Church and dishonor our God.

***Three: Collegiality***

The third orientation for our work of reform and renewal was noted by Cardinal Gracias this morning — the stance of sustained collegiality that is necessary for any genuine accountability regarding clergy sexual abuse. I know that at times the issue of sexual abuse can leave each of us feeling isolated or defensive in understanding how we should move forward. It is precisely for that reason that our efforts toward structural and legal reform in the Church must be rooted in a profoundly collegial vision. We are gathered here in this historic moment because the Holy Father has powerfully crystallized the drive for reform in a way that positions the Church to meet its responsibilities in protecting the

young and to exercise its role as *Pietà* in a world which knows all too tragically the reality of sexual abuse.

An approach that is synodal and collegial is marked by the reciprocal exchange of mutual knowledge, in the Roman Curia, episcopal conferences and metropolitans, and among each of them for the purpose of discernment. Rather than operating in isolation, we need to communicate with one another in a spirit of trust, recognizing all the while that we are being faithful to the wishes of Christ who has united us as successors of the apostles in the gift of the same Spirit. This past year has taught us that the systematic failures in holding clerics of all rank responsible are due in large measure to flaws in the way we interact and communicate with each other in the college of bishops in union with the successor of Peter. But they also reveal in too many cases an inadequate understanding and implementation of key theological realities such as the relationship between the pope and the bishops, bishops among themselves, bishops and religious superiors, bishops with their people and the role of bishops' conferences.

Pope Francis reminded us in an address to the Congregation of Bishops: “No one can manage everything; each one in his own way, with humility and honesty, lays his own badge in a mosaic that belongs to God.”<sup>1</sup> In other words, accountability within the college of bishops, marked by synodality, can be shaped in a way that becomes a grounded network of guidance, grace and support which does not leave the individual leader alone in difficult situations nor rely on the false impression that the Holy See must come up with all the answers.

#### ***Four: Accountability***

The final orienting principle essential to effective structures of accountability for clergy sexual abuse is the call to accompaniment. If the Church is truly to embrace victim/survivors of clerical abuse in her arms as a loving mother, then

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<sup>1</sup> Pope Francis, Address to the Congregation of Bishops, February 27, 2014.

every structure of accountability must include outreach and accompaniment that is truly compassionate. Accompaniment entails genuinely attempting to understand the experience and spiritual journey of the other. Thus, the structures of reporting, investigation and the evaluation of claims of abuse must always be designed and evaluated with an understanding of what survivors undergo as they approach the Church and seek justice. Each instance of a survivor approaching the Church, whether he or she is seeking solace or justice, retribution or peace, is an invitation for the Church to genuinely be *Pietà*, marked with tenderness and empathy.

Such structures of accountability must also be just and sure, producing sanctions to protect the vulnerable when the accused is guilty, and declarations of innocence when the accused is blameless. The call of the Church to accompany victims demands a mindset that categorically rejects cover-ups or the counsel to distance ourselves from survivors of abuse for legal reasons or out of a fear of scandal which blocks true accompaniment with those who have been victimized. It also demands that we erect structures and legal provisions that manifestly enshrine the duty to protect the young and the vulnerable as their first and overarching principle. Perhaps most importantly, the call to accompaniment demands that bishops and religious superiors reject a clerical worldview that sees charges of clergy sexual abuse cast against a backdrop of status and immunities for those in the clerical state. Authentic Christ-like accompaniment sees all as equal in the Lord, and structures rooted in accompaniment make all feel and appear equal in the Lord.

These four synodal principals of listening, lay witness, collegiality and accompaniment are constitutive of the Holy Father's call to us to prepare for and open our hearts to the immensity and the importance of the task we undertake in these days.

### ***Institutional and Legal Structures for Accountability: A Framework***

The task before us is to focus these principles upon the design of specific institutional and legal structures for the purpose of creating genuine accountability in cases related to the misconduct of bishops and religious superiors, and their mishandling of cases of child abuse. But, this will demand that we call each other to an evangelical accountability, anchored in justice and in the sensitivity which Jesus showed when being “deeply moved by the sufferings of others, how much his heart was open to others.”<sup>2</sup> With all of that in mind we now turn to what the specific application of accountability through institutional and legal structures might look like in cases involving the misconduct of bishops and their mishandling of cases of child abuse.

### ***Come Una Madre Amorevole***

We already, of course, have a guide in the Apostolic Letter *Come una madre amorevole*<sup>3</sup>, which sets forth procedures that address, among other things, bishops who mishandle abuse cases. Briefly stated, a bishop, eparch or major superior of religious institutes and societies of apostolic life of pontifical right can be removed if his lack of diligence in this regard is grave, even if there is no serious intentional fault on his part. The competent Rome congregation opens an inquiry in accord with Church law to determine if there is foundational proof. The accused will be informed and given the possibility of defending himself. Other bishops or eparchs of the respective bishops’ conference or synod may be consulted before the congregation takes a decision. If removal is the judgment, it is submitted to the Holy Father for approval, and if upheld, the congregation can issue a decree or ask the bishop to resign within fifteen days. Otherwise, the congregation can proceed with removal.<sup>4</sup> We need to read and re-read this letter.

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<sup>2</sup> Pope Francis, *Amoris Laetitia*, 144.

<sup>3</sup> Pope Francis, Apostolic Letter *Come una madre*, 2018.

<sup>4</sup> In addition, presently, an effort is underway to guarantee that the procedures are standardized among the congregations, but the law is already applicable and in force, as is evidenced in recent cases.

### ***The Task Ahead***

What remains to be enacted are clear procedures in cases which for “grave reasons” could justify the removal from office of a bishop, eparch or religious superior as defined in the motu proprio *Sacramentorum sanctitatis tutela*<sup>5</sup> and the motu proprio, *Come una madre amorevole*.

What I offer here are relevant factors that must be considered as each episcopal conference adopts procedures that equips a synodal church to hold bishops involved in misconduct and mishandling accountable. My aim is to offer a framework that is in keeping with our ecclesiological and canonical traditions in order to spark conversation among ourselves, knowing that there are differences in culture, civil and canonical laws and other factors that need to be considered, and yet aware of the urgency that we take decisive action without delay.

I will group my remarks under three headings: 1. Setting Standards for Investigation of Bishops, 2. Reporting Allegations and 3. Concrete Procedural Steps.

#### **1. Setting Standards**

As episcopal conferences, provinces or dioceses collegially establish standards for conducting the investigations of bishops, they should involve and consult lay experts in accord with Canon Law and explore the use of the Metropolitan, given his traditional role in ordering ecclesial life. All of this should be done without prejudice to the authority of the Holy See.

#### **2. Reporting Allegations**

All mechanisms for reporting allegations of abuse or mishandling of abuse cases against a bishop should be transparent and well known to the faithful. Attention should be given to establishing independent reporting mechanisms in the form of a dedicated telephone line and/or web portal service to receive and transmit the allegations directly to the Apostolic Nuncio, the

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<sup>5</sup> See Norms on *delicta graviora*, arts. 1-6

Metropolitan<sup>6</sup> of the accused bishop, or as needed his alternate and any lay experts provided for in norms established by the episcopal conferences. The involvement of lay experts to assist from this point forward is for the good of the process and the value of transparency. Other requirements and procedures for reporting to appropriate ecclesiastical authorities by members of the clergy with knowledge of a bishop's misconduct should also be established.

### 3. Concrete Procedural Steps

In my view, it will be useful to adopt clear procedural steps that are both rooted in the traditions and structures of the Church, but at the same time fulfill modern needs to identify and investigate potentially illicit conduct by bishops. While universal laws may be issued by the Holy See with regard to this issue – and the Motu Proprio *Come una madre amorevole* is the perfect example – Episcopal Conferences, after appropriate consultations, should consider adopting special norms to address the particular needs of each Conference. I believe our Church is best served if the following principles find their way into any proposed legislation in this area:

- a. Victims and their families, as well as persons who report the allegation, need to be treated with dignity and respect, and should receive appropriate pastoral care. Efforts should be made to ensure that victims receive psychological counseling and other support, which I believe should be funded by the diocese of the accused bishop.
- b. The reporting of an offense should not be impeded by the official secret or confidentiality rules.

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<sup>6</sup> Alternatives to the Metropolitan should be established if he is the accused or if the Metropolitan See is vacant. The alternate could be the nearest Metropolitan within the same episcopal conference, or one from a list created *a priori* by each episcopal conference. Otherwise, the allegation could be forwarded to the senior suffragan bishop of the Province, who assumes the role of the Metropolitan in these cases. In the case of an allegation against a bishop of an Eastern Catholic Church, it could be forwarded to the Patriarch, the Major Archbishop, or the Metropolitan of the Metropolitan Churches *sui iuris*, depending on the structure of the Eastern Catholic Church, unless another provision is made by the Holy See.

- c. No person should be discriminated against, or retaliated against, based upon the reporting of an allegation against a bishop to ecclesiastical authorities.
- d. Due attention should be given to including competent lay women and men with expertise in the process from beginning to end, out of respect for the principles of accountability and transparency that I have noted above.<sup>7</sup>
- e. Whenever warranted, and at any time during the investigation, the Metropolitan should be able to recommend to the competent Roman congregation that appropriate precautionary measures, including temporary and public withdrawal of the accused from his office, be adopted.
- f. If the allegation has even the semblance of truth, which the Metropolitan should be free to determine with the help of lay experts, the Metropolitan can request from the Holy See authorization to investigate. The exact nature of the investigation – whether penal or administrative – would depend on the allegations.<sup>8</sup> This request is to be forwarded without delay and the congregation should respond without delay.
- g. After the Metropolitan receives authorization he should gather all relevant information expeditiously, in collaboration with lay experts to ensure the professional and rapid execution of the investigation and conclude the investigation promptly.
- h. Any investigation should be conducted with due respect for the privacy and good name of all persons involved. This does not preclude, however, episcopal conference adopting norms for informing the faithful of the allegation against the bishop at any stage of the process. At the same

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<sup>7</sup> It is recognized that lay professionals with specialized knowledge may be duly authorized to carry out an investigation, but all investigations must remain under the appropriate ecclesiastical authority. See *e.g.*, CIC, c. 274 §1 (“Only clerics can obtain offices the exercise of which requires the power of order or the power of ecclesiastical governance.”); *see also* CIC, cc. 1405, 1717. This, however, does not impede the rights and duties of the laity in making their opinion known to the pastors and the rest of the Christian faithful on matters which pertain to the good of the Church, cf., CIC, c. 212 §3.

<sup>8</sup> This would not always be a *penal* preliminary investigation under the Canon Law, since *As a Loving Mother* also covers non-penal misconduct (such as negligence).

time, it is important that the accused be accorded the presumption of innocence during the investigation.<sup>9</sup>

- i. Upon completion of the investigation the Metropolitan would forward the *acta*, including all information gathered with the help of lay experts, along with his *votum*, if requested, to the Holy See.
- j. A common fund may be established at the national, regional or provincial level to cover the costs of the investigations of bishops,<sup>10</sup> with due regard to the norms of canon law for its administration.<sup>11</sup>
- k. The competence of the Metropolitan would normally cease once the investigation is completed,<sup>12</sup> but could be extended to assure continuing pastoral care, or for other specific reasons. The processing of the case of a bishop proceeds from this point according to the norms of universal law.<sup>13</sup> In accordance with canon law, the Holy See will either take the case of a bishop to itself for purposes of resolution by an administrative or penal process or other disposition, or the Holy See may return the case to the Metropolitan with further directions as to how to proceed.<sup>14</sup>
- l. Of course, unless otherwise established by special law, it pertains to the Roman Pontiff to make a final decision.<sup>15</sup>

### ***Concluding Remarks***

What I present here is a framework for constructing new legal structures of accountability in the Church. This effort will require steadfast trust and openness

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<sup>9</sup> All appropriate steps shall be taken to protect the exercise of the rights afforded under canon law. CIC, c. 221; *see also As a Loving Mother*, art. 2 § 2.

<sup>10</sup> See CIC, c. 1274 §§ 3-5.

<sup>11</sup> See CIC, c. 1275. Lay people can be selected to administer funds. See, CIC, c., 1279. If funds are not available for the investigation, the Metropolitan shall make an immediate request for funding to the competent Roman congregation.

<sup>12</sup> See CIC, c. 142 §1 See CIC, c. 142 §1

<sup>13</sup> See, *Come una madre*, arts. 2-5.

<sup>14</sup> See, CIC, c. 1718; See, *Come una madre*, arts. 2-5.

<sup>15</sup> See, CIC, c. 1405; See *Come una madre*, art. 5.

in identifying with the aid of everyone in the Church, and with due regard for the diverse cultures and the universality of our Church, the legal and institutional pathways to safeguard young people in a just, compassionate and robust manner.

Saint John Paul II spoke to this reality in his groundbreaking Apostolic Letter *Novo Millennio Ineunte*, when he observed that we need the wisdom of the law to provide precise rules to guarantee the participation of all the baptized, that rejects any arbitrariness and is in keeping with our tradition of ordering Church life. At the same time, he emphasized, there is a correlative spirituality of communion that “supplies institutional reality with a soul.”

We must move to establish robust laws and structures regarding the accountability of bishops precisely to supply with a new soul the institutional reality of the Church’s discipline on sexual abuse.

In closing, I want to bring you back to that Memorial Mass that I celebrated in Chicago for the children and religious who had died in the fire at Our Lady of the Angels school. During the recessional hymn the elderly immigrant mother who had spoken to me earlier, still holding firmly the *santino* in her hand, stopped me to tell me how comforted she was by the celebration, consoled that the church had not forgotten her child. Then she did something quite extraordinary. She placed the *santino* in my hands, entrusting her child to the church whom she recognized as *Pietà*, a loving mother. Sisters and brothers, we must work tirelessly in these days to justify that trust and honor such great faith.

Thank you for listening.